



Town of Mooresville, North Carolina

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Zoning Ordinance

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CHAPTER 1: GENERAL PROVISIONS

1.1 OFFICIAL TITLE

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

1.2 EFFECTIVE DATE

The effective date of this Ordinance is March 4, 2008 as adopted by the Mooresville Town Board of Commissioners. Development applications submitted prior to the effective date of this Ordinance may be subject to the regulations in the Previous Ordinance adopted October 6, 1986 and subsequently amended.

1.3 AUTHORITY

1.3.1. General Authority

This Ordinance consolidates the Town's zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes and is adopted pursuant to:

- (1) The authority granted to the Town of Mooresville by the General Assembly of the State of North Carolina;
- (2) The Town Charter;
- (3) The North Carolina General Statutes Chapter 160A, Article 19 Parts I and II (Planning and Regulation of Development);
- (4) All other relevant laws of the State of North Carolina; and
- (5) Any special legislation enacted for the Town.

1.3.2. References to North Carolina General Statutes

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.4 GENERAL PURPOSE AND INTENT

The purpose of this Ordinance is to protect the public health, safety, and general welfare of the citizens and landowners of Mooresville, and to implement the policies and objectives of the Comprehensive Land Use Plan. The intent of this Ordinance is more specifically to:

CHAPTER 1: GENERAL PROVISIONS

1.5 APPLICABILITY AND JURISDICTION

1.5.1 General Applicability

- (1) Foster convenient, compatible, and efficient relationships among land uses;
- (2) Lessen congestion in the streets;
- (3) Ensure the provision of adequate open space between uses for light, air, and fire safety;
- (A) Prevent the overcrowding of land and avoid undue concentrations of population;
- (4) Preserve the character and quality of residential neighborhoods while providing increased housing choices;
- (5) Facilitate the adequate provision of transportation, utilities, parks, recreation, and other public facilities;
- (6) Maintain and enhance the character of various districts within the Town through an emphasis on design quality;
- (7) Maintain and protect high quality aesthetic standards for development;
- (8) Conserve the value of buildings and land;
- (9) Conserve the natural resources and environmental quality of the Town and its environs; and
- (10) Protect development and residents from flooding and other natural hazards.

1.5 APPLICABILITY AND JURISDICTION

1.5.1. General Applicability

The provisions of this Ordinance shall apply to the development of all land within the corporate limits and the Extra-Territorial Jurisdiction (ETJ) of the Town of Mooresville, unless it is expressly exempted by a specific section or subsection of this Ordinance.

1.5.2. Application to Governmental Units

Except as stated herein, the provisions of this Ordinance 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 North Carolina General Statutes Section 160A-392; 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.

1.5.3. No Development until Compliance with this Ordinance

No structure or land shall be used and no structure or part thereof shall be located, erected, moved, reconstructed, extended, converted, demolished or structurally altered, without full compliance with the provisions of this Ordinance and all other applicable Town, State, and Federal regulations.

1.6 CONFORMANCE WITH ADOPTED PLANS

1.6.1. Comprehensive Land Use Plan

(1) The Comprehensive Land Use Plan for the Town of Mooresville shall serve as the basic policy guide for the administration of this Ordinance. The Comprehensive Land Use Plan serves as the statement of goals, recommendations, and policies guiding the development of the physical environment of the Town, its Extra-Territorial Jurisdiction, and any other geographic areas specifically addressed by the Comprehensive Land Use Plan. The goals, vision, recommendations, and policies of the Comprehensive Land Use Plan may be amended from time to time to meet the changing requirements of the Town and any other geographic areas addressed by the Comprehensive Land Use Plan.

(2) All development and redevelopment within the Town and its Extra-Territorial Jurisdiction shall be in accordance with the applicable provisions of the Comprehensive Land Use Plan, as adopted or amended by the Town Board of Commissioners. Amendments to the text of this Ordinance or rezoning of land (see Section 2.3.1) may be required in order to ensure compliance with this section.

1.6.2. Small Area Plans

In addition to the Comprehensive Land Use Plan, all development applications should be in conformance with any applicable small area plans adopted by the Town Board of Commissioners.

1.6.3. Parks and Recreation Master Plan

Where the designation of certain significant public recreation facilities is shown on the Town of Mooresville Parks and Recreation Master Plan or similarly adopted plan, all new development involving the subdivision of land (see Section 2.3.10) shall make every effort to conform to the Plan. The reservation of designated open space areas shall be credited towards the open space set-aside requirements in Section 7.3 of this Ordinance.

CHAPTER 1: GENERAL PROVISIONS

1.6 CONFORMANCE WITH ADOPTED PLANS

1.6.4 Comprehensive Transportation Plan

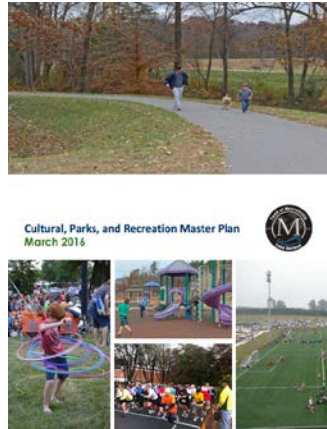


Figure 1.6.3: Parks and Recreation Master Plan Document.

1.6.4. Comprehensive Transportation Plan

- (1)** Pursuant to North Carolina General Statutes Section 136-66.10, where a proposed development application 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.), right-of-way shall be set aside in the location and configuration shown on the appropriate plan or document. In addition to providing land for designated transportation system improvements, an applicant or developer shall also construct the transportation system improvement within the borders of their development in accordance with the adopted standards or plans for such construction.

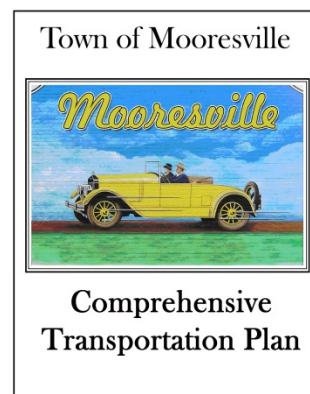


Figure 1.6.4: Comprehensive Transportation Plan.

1.7 RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DEED RESTRICTIONS

1.7.1. Conflicts with Other Town Codes or Laws

If the provisions of this Ordinance are inconsistent with one another or if the provisions of this Ordinance 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.

1.7.2. Conflicts with Private Agreements

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

1.7.3. Conflicts with State or Federal Law

If the provisions of this Ordinance 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.

1.7.4. Existing Agreements or Vested Rights

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

1.8 OFFICAL ZONING DISTRICT MAP

1.8.1. Generally

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 Ordinance. The Official Zoning District Map shall be kept on file in the Planning Department and is available for public inspection during normal business hours. The original official version of the map shall be certified by the Town Clerk, and shall bear the seal of the Town. It may be kept in either hardcopy or digital form. It 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 Ordinance.

1.8.2. Incorporated by Reference

The Official Zoning District Map, all the notations thereon, and the Official Watershed Protection Map are hereby incorporated by reference and made part of this Ordinance.

1.8.3. Designation of Zoning Classification

CHAPTER 1: GENERAL PROVISIONS

1.8 OFFICIAL ZONING DISTRICT MAP

1.8.4 Interpretation of Official Map Boundaries

(1) Board of Commissioners Determination

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

- (A)** The land's designation on the Comprehensive Land Use Plan;
- (B)** The land's current land use;
- (C)** The existence of a previously-approved site or subdivision plan;
- (D)** The character of adjacent lands;
- (E)** Current county zoning designations;
- (F)** Landowner requests; and
- (G)** Other factors considered relevant at the time of the annexation or boundary change.

(2) Landowner Request

Any landowner within an area to be added to the Town's jurisdiction through extra-territorial boundary changes or annexation may submit a petition requesting a specific zoning 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 base zoning district (see Section 2.3.1, Official Zoning District Map Amendment) may be held concurrently with any public hearing required for the annexation.

1.8.4. Interpretation of Official Map Boundaries

The Planning Director shall be responsible for interpretations of the Official Zoning District Map in accordance with the standards in Section 2.3.13, Interpretation, and the following standards:

- (1)** Boundaries delineated by the centerline of streets, highways, or alleys shall follow such centerlines.
- (2)** Boundaries delineated by lot lines shall follow such lot lines.
- (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 subsection shall be interpreted as such. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.

CHAPTER 1: GENERAL PROVISIONS

1.8 OFFICAL ZONING DISTRICT MAP

1.8.5 Changes to Official Zoning District Map

- (5) 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 (see Section 2.3.13, Interpretation). Appeals of the Planning Director's decision shall be reviewed by the Board of Adjustment in accordance with Section 2.3.14, Appeal of Administrative Decision.

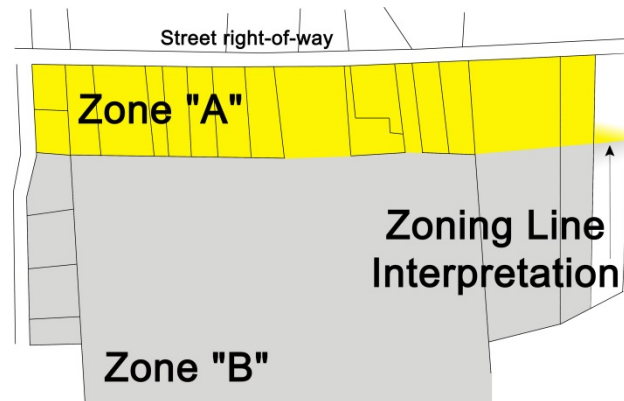


Figure 1.8.4: Zoning Line Interpretation. This diagram depicts how existing zoning would be applied to newly annexing land based on the extension of existing features or zoning classifications.

1.8.5. Changes to Official Zoning District Map

Changes made in zoning district boundaries or other matters portrayed on the Official Zoning District Map shall be made in accordance with the provisions of this Ordinance (Section 2.3.1, Official Zoning District Map Amendment). Changes shall be entered on the Official Zoning District Map by the Planning Department promptly after the amendment has been approved by the Town Board of Commissioners.

1.8.6. Transition to New Zone Districts

After the effective date of this Ordinance, land that is zoned with a zoning district classification from the previous Zoning Ordinance shall be re-classified or translated to one of the zoning district classifications in this Ordinance as set forth in Chapter 3: Base Zoning Districts. Table 1.7.6, Transition to New Zoning Districts, summarizes the translation or re-classification of the base zoning districts in the previous Zoning Ordinance to the zoning districts used in this Ordinance. (For example, Table 1.7.6 shows all lands classified as R-20 in the previous Zoning Ordinance (under the column titled "Former Zoning Districts") are classified R-2 in this Ordinance.)

CHAPTER 1: GENERAL PROVISIONS

1.8 OFFICIAL ZONING DISTRICT MAP

1.8.6 Transition to New Zone Districts

TABLE 1.8.6: TRANSITION TO NEW ZONING DISTRICTS	
FORMER ZONING DISTRICTS	NEW ZONING DISTRICTS
RESIDENTIAL DISTRICTS	
R-20 Suburban Residential (R-20)	Single-Family Residential-2 (R-2)
R-20A Suburban Residential (R-20A)	
R-15 Residential Low Density (R-15)	Single-Family Residential-3 (R-3)
GR General Residential (GR)	
R-8 Residential Medium Density (R-8)	Single-Family Residential-5 (R-5)
NR Neighborhood Residential (NR)	Residential Mixed-Use (RMX)
R-MF Residential Multi-Family (R-MF)	
R-6 Residential High Density (R-6)	
R-6MH Residential High Density (R-6MH)	Residential Mixed-Use-Manufactured Home (RMX-MH)
	Traditional Neighborhood Development (TND-C)
BUSINESS DISTRICTS [3]	
Office-Institutional (O-I)	Neighborhood Mixed-Use (NMX)
Neighborhood Business (N-B)	
Neighborhood Center (NC)	
Mixed-Use (M-U)	Corridor Mixed-Use (CMX)
General Business (G-B)	
Hospital District (HD)	
Village Center (VC)	Village Center (VC)
Town Center (TC) [2]	Town Center (TC)
Highway Business (HB)	Highway Business (HB)
General Industrial (G-I)	General Industrial (GI)
Exclusive Industrial (EX-I)	Exclusive Industrial (EI)
Planned Campus District (PCD)	Planned Campus District (PC-C)
PLANNED DEVELOPMENT DISTRICTS	
Planned Unit Development (PUD)	(Deleted)
Planned Residential Community (PRC)	(Deleted)
OVERLAY DISTRICTS	
Mixed-Use Overlay (MX-O)	Mixed-Use Overlay (MXO)
Highway Corridor Overlay (HC-O)	(Deleted)
Single-Family Overlay (SF-O)	(Deleted)
	Watershed Protection Overlay (WPO)
	Neighborhood Conservation Overlay (NCO)
	Historic Preservation Overlay (HPO)
	Corridor Overlay (CCO)
	Transit Station Overlay (TSO)
NOTES:	
[1] Lands designated under "Former Zoning Districts" as depicted in the left column of the table are translated or re-classified to the corresponding "New Zoning Districts" in this Ordinance as	

TABLE 1.8.6: TRANSITION TO NEW ZONING DISTRICTS	
FORMER ZONING DISTRICTS	NEW ZONING DISTRICTS
<p>depicted in the right column of the table. This re-classification occurs on the effective date of this Ordinance.</p> <p>Lands subject to Conditional Use Permits associated with a conditional use zoning district classification adopted prior to the effective date of this Ordinance may receive a new zoning district designation upon the effective date of this Ordinance, but shall continue to be subject to an applicable Conditional Use Permit.</p> <p>[2] This district may only be established through the Conditional Zoning District Classification procedure (see Section 2.3.2).</p> <p>[3] Lands associated with conditional use districts established prior to the adoption of this ordinance shall remain subject to any approved master plans and associated conditions.</p>	

1.9 TRANSITIONAL PROVISIONS

1.9.1. Effective Date

This Ordinance shall become effective on the effective date of this Ordinance, and shall repeal and replace the Mooresville Zoning Ordinance, as amended, adopted on October 6, 1986.

1.9.2. Violations Continue

Any violation of the previous Zoning Ordinance shall continue to be a violation under this Ordinance and any other applicable ordinances, laws, or statutes. Violations of this Ordinance shall be subject to the penalties set forth in Chapter 12: Enforcement and Remedies, and any other applicable ordinances, laws, or statutes, unless the use, development, construction, or other activity complies with the express terms of this Ordinance.

1.9.3. Complete Applications

- (1) All pending development for which a complete application was submitted and accepted by the Town prior to the adoption of this Ordinance, shall be subject to the standards in place at the time the application was accepted.
- (2) Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the Ordinance in place 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 Ordinance.
- (3) Applicants with an application accepted prior to the adoption of this Ordinance who wish to proceed under the standards of this Ordinance shall withdraw their application and resubmit a new application in accordance with the standards in this Ordinance.

CHAPTER 1: GENERAL PROVISIONS

1.10 VESTED RIGHTS

1.9.4 Approved Applications

1.9.4. Approved Applications

Any development approvals granted prior to the adoption of this Ordinance 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 approval is valid and has not lapsed. Any re-application for an expired approval shall meet the standards of this Ordinance.

1.9.5. Approved Conditional Use Permits

Lands subject to a Conditional Use Permit (whether associated with a conditional use zoning classification or otherwise) that is approved prior to the effective date of this Ordinance shall continue to be subject to the Conditional 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 Ordinance.

1.9.6. Nonconformities

(1) Nonconformities under Prior Ordinance

Any nonconformity under the previous Zoning Ordinance will also be a nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous Ordinance continues to exist.

(2) Uses and Structures Rendered Nonconforming

- (A) When a lot is used for a purpose that was a lawful use before the effective date of this Ordinance, and this Ordinance results in the use becoming nonconforming, such use shall be considered nonconforming and shall be controlled by the provisions of Chapter 11: Nonconformities.
- (B) Where any building, structure, or lot that legally existed on the effective date of this Ordinance does not meet all standards set forth in this Ordinance, such building, structure, or lot shall be considered nonconforming and shall be controlled by the provisions of Chapter 11: Nonconformities.

1.10 VESTED RIGHTS

1.10.1. Statutory Vesting

Pursuant to North Carolina General Statutes Section 160A-385.1 and notwithstanding any other provision of this Ordinance, a landowner may apply for a Vested Rights Determination that shall entitle the landowner to develop land in accordance with an approved Site-Specific Development Plan in accordance with Section 2.3.15, Vested Rights Determination.

1.10.2. Common Law Vesting

A common law vested right applies to a development that is under construction prior to an ordinance change that adversely effects the development. A common law vested right is established only when each of the following four tests is met:

- (1)** The owner has made 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.

When a phased development is involved, the common law vesting only applies to that phase of the project in which development has started at the time of the ordinance change, unless the expenditures cannot be allocated by phases. The remaining phases not under construction may have to apply for statutory vesting.

1.11 TRAFFIC IMPACT ANALYSIS

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. Minimum thresholds requiring a transportation impact analysis (TIA) and guidelines for the content and methodologies included in a TIA report are presented in the Town of Mooresville Transportation Impact Analysis Procedures Manual, incorporated herein by reference. A copy of this document is available from the Town of Mooresville.

The Town Engineer, or his designee, will approve the TIA if he concludes that the recommendations from the report will maintain the integrity of the transportation system. If mitigation is part of an approved transportation impact analysis, all approved improvements for the entire site shall be implemented prior to issuance of a Zoning Permit (see Section 2.3.11) unless otherwise provided for in a phasing plan that is included in the approved Transportation Impact Analysis (TIA).

1.12 TRANSPORTATION PLANS

Where a proposed development abuts a transportation infrastructure project, which has been designated as such upon any officially adopted transportation plan, including, but not limited to, the Comprehensive Transportation Plan, Comprehensive Pedestrian Plan, or any future adopted Transportation Plan, such part of the transportation infrastructure improvement shall be platted by the applicant in the location shown on the plan. Furthermore, the developer will be required to design and construct any transportation infrastructure specified in such plan adjacent to, or abutting the property.

CHAPTER 1: GENERAL PROVISIONS

1.13 SEVERABILITY

1.10.2 Common Law Vesting

1.13 SEVERABILITY

It is the legislative intent of the Town Board of Commissioners in adopting this Ordinance that all provisions shall regulate development in accordance with the existing and future needs of the Town as established in this Ordinance and to promote the public health, safety, and general welfare of the land owners and residents of the Town. If any section, subsection, sentence, boundary, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Board of Commissioners hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase, thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases be declared invalid.

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CHAPTER 2: ADMINISTRATION

2.1 REVIEW AND DECISION-MAKING BODIES

2.1.1. Review and Decision-Making Bodies Generally

The following bodies and Town staff have powers and responsibilities in administering and reviewing applications for development approval under this Ordinance:

- (1)** Board of Commissioners;
- (2)** Planning Board;
- (3)** Board of Adjustment;
- (4)** Historic Preservation Commission; and
- (5)** Planning Director.

2.1.2. Summary Table of Permit Review Procedures

Table 2.1.5, Permit Review Procedures, summarizes the review and decision-making bodies that have specific permit review roles under this Ordinance, and their responsibilities. Additional information on review procedures is contained in the Town's Administrative Manual, which is available in the Planning and Community Development Department.

CHAPTER 2: ADMINISTRATION

2.1 REVIEW AND DECISION-MAKING BODIES

2.1.2 Summary Table of Permit Review Procedures

TABLE 2.1.2: PERMIT REVIEW PROCEDURES

R = REVIEW AND ADVISE

D = FINAL DECISION

A = APPEAL

PROCESS	REVIEW / DECISION-MAKING BODY				
	PLANNING DIRECTOR	HISTORIC PRESERVATION COMMISSION	PLANNING BOARD	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
Official Zoning District Map or Text Amendment (Section 2.3.4)	R	R(4)	R	D	
Conditional Zoning District Classification (Section 2.3.5)	R	R(4)	R	D	
Conditional Use Permit (Section 2.3.6)	R	R(4)		D	
Variance (Section 2.3.7)	R	R(4)			D(2)
Watershed Variance (Section 2.3.8)	R				D
Modification of Architectural Standard (Section 2.3.9)	D				A
Sketch Plan (Section 2.3.10)	D				
Concept Plan (Section 2.3.11)	D(5)	R(4)	R(3)	D(3)	
Site Plan (Section 2.3.12)	D	R(4)			A
Subdivision Preliminary Plat (Section 2.3.13(4))	D				A
Subdivision Final Plat (Section 2.3.13(5))	D				A
Minor Subdivision (Section 2.3.13(7))	D				A
Recombination Plat (Section 2.3.13(8))	D				A
Zoning Permit (Section 2.3.14)	D				A
Tree Removal Permit (Section 2.3.15)	D				A
Interpretation (Section 2.3.16)	D				A
Appeal of Administrative Decisions (Section 2.3.17)					D
Vested Rights Determination (Section 2.3.18)	R		R	D	
Certificate of Appropriateness (2.3.19)	R	D			A
Comprehensive Plan Amendment/ Future Land Use Map Amendment/ Small Area Study (2.3.20)	R		R	D	
Performance Guarantees (2.3.21)	D				
Watershed Density Averaging Certificate	R				D

TABLE 2.1.2: PERMIT REVIEW PROCEDURES

R = REVIEW AND ADVISE

D = FINAL DECISION

A = APPEAL

PROCESS	REVIEW / DECISION-MAKING BODY				
	PLANNING DIRECTOR	HISTORIC PRESERVATION COMMISSION	PLANNING BOARD	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
<p>NOTES:</p> <p>[1] Appeals of the Town Board of Commissioner's or Board of Adjustment's decisions are made to the Iredell County Superior Court in accordance with applicable state law.</p> <p>[2] Applications seeking to vary the Watershed Protection Overlay District standards beyond those authorized for consideration by the Board of Adjustment shall be decided by the North Carolina Environmental Management Commission.</p> <p>(3) Planning Board and Town Board reviews and/or approves only when a Concept Plan is part of a Conditional Zoning or Conditional Use Permit.</p> <p>(4) For any property that is classified as a local historic landmark designation, located in a local historic district, listed on the National Register of Historic Places, located in an area designated as a National Register District, or located in a Neighborhood Conservation Overlay.</p> <p>(5) Planning Director provides a Preliminary Decision of a Concept Plan when it is part of a Conditional Zoning or Conditional Use Permit and provides a Final Decision when it is not part of a Conditional Zoning or Conditional Use Permit.</p>					

2.1.3. Board of Commissioners

In order to exercise the authority granted the Board of Commissioners by state law, the Town Board of Commissioners shall have the following powers and duties under this Ordinance:

(1) Application Review

To initiate, review, and decide applications as identified in Table 2.1.2: Permit Review Procedures.

(2) Schedule of Fees

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

(3) Board Appointments

To appoint members to serve on the Planning Board, Board of Adjustments, and Historic Preservation Commission, except for the extra-territorial members appointed by the Iredell County Board of Commissioners that serve on the Planning Board and Board of Adjustments.

(4) Other Actions

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 Ordinance.

2.1.4. Planning Board

The Planning Board is hereby established in accordance with North Carolina General Statutes Sections 160A-361 and 160A-387.

(1) Powers and Duties

The Planning Board shall review and make recommendations to the Town Board of Commissioners for the applications identified in Table 2.1.2: Permit Review Procedures.

(2) Other Powers and Duties

- (A)** Five members of the Planning Board shall be designated by the Town Board of Commissioners and shall serve as the Board of Adjustment in accordance with Section 2.1.5.
- (B)** As otherwise authorized by this Ordinance, the Planning Board is authorized 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.

(3) Membership and Terms of Office

- (A)** The Planning Board shall consist of a total of nine members with at least one member residing in the Extra-Territorial Jurisdiction.
- (B)** In accordance with North Carolina General Statutes Section 160A-362, the total membership of the Planning Board shall be proportional to the population of residents of the Town and residents in the Extra-Territorial Jurisdiction area.
- (C)** Representatives from within the corporate limits shall be appointed by the Town Board of Commissioners. Representatives from the Extra-Territorial Jurisdiction shall be appointed by the Iredell County Board of Commissioners.
- (D)** The term of office shall be three years, staggered. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

(4) Staff

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

(5) Meetings

The Planning Board shall hold at least one regular meeting in each month unless the Chair determines that there are no agenda items for consideration.

(A) Official Record

The Planning Board shall keep a public record of its recommendations, transactions, findings, and determinations.

(B) Publication of Notice

Publication of notice of all Planning Board meetings shall be provided.

(C) Open to the Public

All meetings shall be open to the public.

(D) Rules of Procedure

The Planning Board shall adopt official Rules of Procedure, 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 Planning Board, by majority vote, may adopt any necessary additions to the Rules of Procedure as it deems necessary or advisable.

Adopted Rules of Procedure shall be available in the Planning and Community Development Department for public inspection.

(6) Quorum and Necessary Vote

(A) Quorum

A majority of the actual membership of the Planning Board, excluding vacant seats, shall constitute a quorum. The chair shall be considered a member of the board in determining the number on which a majority is based and in counting the number of members actually present. 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.

(B) Decisions

An affirmative vote of the majority of the quorum present is required for all decisions of the Planning Board.

(7) Attendance

Any member of the Planning Board 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 Planning Board shall notify the Town Board of Commissioners if a member attends less than 75 percent of the meetings.

2.1.5. Board of Adjustment

The Board of Adjustment is hereby established in accordance with North Carolina General Statutes Section 160A-388. In addition to its duties as the Board of Adjustment, it shall also serve as the Watershed Review Board.

(1) Powers and Duties

The Board of Adjustment shall review and decide applications as identified in Table 2.1.2: Permit Review Procedures.

(2) Other Powers and Duties

The Board of Adjustment is authorized by this Ordinance to carry out any other powers and duties delegated to it by the Town Board of Commissioners, consistent with state law.

(3) Membership and Terms of Office

- (A)** The Board of Adjustment shall consist of a total of five members with at least one member residing in the Extra-Territorial Jurisdiction. In addition to the five members, there shall be four alternate members that may serve in the temporary absence or temporary disqualification of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member.
- (B)** In accordance with North Carolina General Statutes Section 160A-362, the total membership of the Board of Adjustment shall be proportional to the population of residents of the Town and residents in the Extra-Territorial Jurisdiction area.
- (C)** Representatives from within the corporate limits shall be appointed by the Town Board of Commissioners. Representatives from the Extra-Territorial Jurisdiction shall be appointed by the Iredell County Board of Commissioners.
- (D)** The term of office shall be three years, staggered. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

(4) Staff

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

(5) Meetings

The Board of Adjustment shall hold at least one regular meeting in each month unless the Chair determines that there are no agenda items for consideration.

(A) Official Record

The Board of Adjustment shall keep a public record of its recommendations, transactions, findings, and determinations.

(B) Publication of Notice

Publication of notice of all Board of Adjustment meetings shall be provided.

(C) Open to the Public

All meetings shall be open to the public.

(D) Rules of Procedure

The Board of Adjustment shall adopt official Rules of Procedure, 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 Adjustments.

The Board of Adjustment, by majority vote, may adopt any necessary amendments to the Rules of Procedure as it deems necessary or advisable.

(E) Adopted Rules of Procedure shall be available in the Planning and Community Development Department for public inspection.

(6) Quorum and Necessary Vote

(A) Quorum

Four members of the Board of Adjustment shall constitute a quorum. No official business of the Board of Adjustment shall be conducted without a quorum present. A quorum may include alternate members who serve in place of regular members who

are absent from the meeting or disqualified from participation in a matter.

(B) Decisions

All decisions of the Board of Adjustment shall be made by a majority of the members present and eligible to vote, except for variances which require a four-fifths (4/5) majority to approve.

Attendance

(7) Attendance

Any member of the Board of Adjustment 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 shall notify the Town Board of Commissioners if a member attends less than 75 percent of the meetings.

2.1.6. Historic Preservation Commission

The Historic Preservation Commission is hereby established in accordance with of Chapter 160A Article 19 Part 3C, Historic Districts and Landmarks of the North Carolina General Statutes, as well as Section 160A-400.8.

(1) Powers and Duties

The Historic Preservation Commission shall review and decide applications as identified in Table 2.1.2: Permit Review Procedures. In addition to those applications, the Historic Preservation Commission shall also:

- (A)** Provide recommendations to the Planning Board and Town Board of Commissioners on amendments to the Official Zoning District Map (Section 2.3.4) to establish or amend historic district boundaries,
- (B)** Provide technical advice to landowners concerning restoration and the preservation of architectural features on historic structures, and
- (C)** Create and maintain the Historic Preservation Commission Design Standards.

(2) Membership and Terms of Office

- (A)** The Commission shall be composed of eight regular members and one ex-officio member from the Town Board.

- (B)** The term of office shall be four years, staggered. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.
- (C)** All members of the Commission 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) Staff

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

(4) Meetings

The Historic Preservation Commission shall hold at least one regular meeting in each month unless the Chair determines that there are no agenda items for consideration.

(A) Official Record

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

(B) Publication of Notice

Publication of notice of all Historic Preservation Commission meetings shall be provided.

(C) Open to the Public

All meetings shall be open to the public.

(D) Rules of Procedure

The Historic Preservation Commission shall adopt official Rules of Procedure, 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 Historic Preservation Commission, by majority vote, may adopt any necessary amendments to the Rules of Procedure as it deems necessary or advisable.

Adopted Rules of Procedure shall be available in the Planning and Community Development Department for public inspection.

(5) Quorum

(A) Quorum

A majority of the actual membership of the Historic Preservation Commission, excluding vacant seats, shall constitute a quorum. The chair shall be considered a member of the board in determining the number on which a majority is based and in counting the number of members actually present. 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.

(B) Decisions

An affirmative vote of the majority of the quorum present is required for all decisions of the Historic Preservation Commission.

(6) Attendance

Any member of the Historic Preservation Commission 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 shall notify the Town Board of Commissioners if a member attends less than 75 percent of the meetings.

2.1.7. Planning Director

(1) Powers and Duties

The Planning Director, Planning and Community Development Director, or any similarly other titled staff member, hereafter referred to as "Planning Director," is designated by the Town Manager as the Zoning Administrator responsible for administering and enforcing the provisions of this Ordinance. The Planning Director shall review and recommend or decide applications as identified in Table 2.1.2: Permit

Review Procedures. In addition, the Planning Director shall also execute the following duties:

- (i) Compile and maintain an Administrative Manual (previously referred to as the "Land Development Process Manual") that contains applicant content requirements and a submission schedule for review of applications and appeals;
- (ii) Compile and maintain a Land Development Design Standards Manual that includes standard details and specifications for land development in the Town;
- (iii) 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;
- (iv) Review and make recommendations to decision-making bodies through staff reports;
- (v) Maintain the Official Zoning District Map and related materials;
- (vi) Maintain the Comprehensive Plan, Future Land Use Map, Small Area Studies, and related materials;
- (vii) Enforce this Ordinance;
- (viii) Provide expertise and technical assistance to the Town's other decision-making bodies, upon request;
- (ix) Contract services, as needed, for any specialized assistance in administering this Ordinance;
- (x) Maintain a record of all permits and approvals on file, including nonresidential development within the Watershed Protection Overlay District, and make copies available upon request;
- (xi) Submit a copy of the minutes and decisions regarding any Watershed Variance approvals on an annual basis to the NC Division of Water Quality;
- (xii) Any other duties delegated by the Town Board of Commissioners, Planning Board, or Historic Preservation Commission; and
- (xiii) Any authority, power, and/or duties granted by North Carolina law.

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

(3) Technical Review Committee

The Planning Director shall organize a Technical Review Committee for the purpose of land development review, which shall be comprised of professional staff from applicable Town Departments, as deemed appropriate by the Town Manager.

The Technical Review Committee shall provide advisory support to the Planning Director in decisions and recommendations for Sketch Plans, Concept Plans, Site Plans, Plats, and any other plans deemed appropriate by the Planning Director.

2.2 COMMON REVIEW PROCEDURES

The provisions of this section shall apply to all development application requests under this Ordinance, unless otherwise stated. The requirements in this Chapter apply to all application types; however, some standards only apply to those applications that require a public hearing (i.e. Public Notification, Summary of Public Meeting, Changes to Application after Notice of Public Hearing, etc.).

2.2.1. Authority to File Applications

(1) General

Applications submitted under this Ordinance in accordance with this Chapter shall be submitted by the landowner, or any other person having a recognized interest in the land upon which the development is proposed, or their authorized agent.

(2) Applicant Not the Owner

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 along with all the required application information.

2.2.2. Application Contents

The Planning Director is authorized and shall establish the requirements for application contents and forms which shall be located in an Administrative Manual. The Planning Director may amend and update these requirements as determined necessary.

2.2.3. Fees

The Town Board of Commissioners shall establish application fees and may amend and update those fees as determined necessary.

2.2.4. Submission Schedule

The Planning Director is authorized and shall establish the submission and review schedule (including time frames for review) for development applications. The Planning Director may amend and update these requirements as determined necessary.

2.2.5. Administrative Manual

The Planning Director shall compile in an Administrative Manual, the requirements for application contents and forms (Section 2.2.2), the submission and review schedule (including time frames for review), and fees (Section 2.2.3). The Administrative Manual shall be maintained in the Planning Department and shall be made available to the public.

2.2.6. Pre-Application Conference

(1) Purpose

The purpose of a pre-application conference is to familiarize the applicant and the Town staff with the applicable provisions of this Ordinance required to permit proposed development, to inform the applicant about the preparation of the application and discuss the application process.

(2) Pre-Application Conference Mandatory

All land development related applications, including, but not limited to Sketch Plan, Concept Plan, and Site Plan, shall require a pre-application meeting. The Planning Director has the discretion to

determine whether a specific application type or project shall have a pre-application meeting prior to submission.

(3) Pre-Application Conference Materials

Applicants are highly encouraged to attend the pre-application conference prepared to discuss ideas for how they intend to see the property developed, used, and connect to the larger Town. While it is not required, a simple schematic showing how the property could be laid out or developed is helpful, as well as what uses are intended for the property.

(4) Effect

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

2.2.7. Application Submission and Completeness Review

Applications shall be submitted to the Planning Department with applicable information, and in sufficient detail, outlined in this Ordinance and accompanied with all associated application fees. Applications not meeting the requirements of this Section shall be considered incomplete and not accepted. If an application is deemed incomplete, the applicant shall be notified within five (5) business days and the application will not be processed. Incomplete applications may be discarded or returned to the applicant, at the applicant's expense, after an incomplete determination is made.

2.2.8. Approval by Planning Director

When a development application is not subject to a public hearing and is approved by the Planning Director, it shall be reviewed in accordance with the following procedures:

(1) Staff Report

Preparation of a Staff Report is optional, at the discretion of the Planning Director.

(2) Review

After the application is determined complete and contains sufficient information in the correct form, pursuant to the standards in the Administrative Manual, the Planning Director shall review the

application and approve or deny the application, based on the appropriate review standards for the application type.

2.2.9. Preparation of Staff Report

- (1)** When an application is subject to a public hearing (see Table 2.2.10, Required Public Hearings), or will be considered by a review body after it is determined complete, the Planning Director shall refer the application to the appropriate staff and any other appropriate review agencies for comment, review the application, and prepare a written Staff Report.
- (2)** 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.
- (3)** The Staff Report shall be addressed to the review or decision-making body as appropriate and shall state whether the application complies with all appropriate standards of this Ordinance and all other applicable policy documents.
- (4)** The Staff Report shall include a recommendation from the Planning Director. Conditions of approval may also be recommended to eliminate any areas of noncompliance or to mitigate any adverse effects of the development proposal.

2.2.10. Scheduling Public Hearing(s)

(1) Application to be Scheduled for Meeting

When an application is subject to a public hearing (see Table 2.2.10, Required Public Hearings), 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.

(2) Timing

The public hearing on the application shall be scheduled so there is sufficient time for a Staff Report to be prepared and for the public

notification requirements in Sections 160A-364 and 160A-384 of the North Carolina General Statutes to be satisfied.

(3) Public Hearings

Table 2.2.10, Required Public Hearings, depicts the decision-making body responsible for conducting a public hearing on a development application.

TABLE 2.2.10: REQUIRED PUBLIC HEARINGS			
X = DECISION-MAKING BODY CONDUCTING THE PUBLIC HEARING			
APPLICATION TYPE	REVIEW / DECISION-MAKING BODY		
	HISTORIC PRESERVATION COMMISSION	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
Text Amendment (Section 2.3.4)		X	
Official Zoning District Map Amendment (Section 2.3.4)		X	
Conditional Zoning District Classification (Section 2.3.5)		X	
Comprehensive Plan Amendment/ Future Land Use Map Amendment/ Small Area Study (2.3.17)		X	
Conditional Use Permit (Section 2.3.6)		X	
Variance (Section 2.3.7)			X
Watershed Variance(Section 2.3.8)			X
Appeal of Administrative Decision (Section 2.3.17)			X
Vested Rights Determination (Section 2.3.18)		X	
Certificate of Appropriateness (Section 2.3.19)	X		
Watershed Density Averaging Certificate			X
NOTES:			
[1] The table depicts the decision-making body conducting the required public hearing.			
[2] Application types not listed do not require a public hearing.			

2.2.11. Public Notification

(1) Content

All notice required under this Ordinance shall comply with North Carolina General Statutes Section 160A-364. In addition, all notices shall, unless otherwise specified in this Ordinance:

(A) Identify the date, time, and place of the public hearing;

- (B)** Describe the land involved by street address or by legal description and nearest cross street (if applicable);
- (C)** Describe the nature, scope, and purpose of the proposed action;
- (D)** Indicate that interested parties may appear at the public hearing and speak on the matter; and
- (E)** Indicate where additional information on the matter may be obtained.

(2) Published Notice

When the provisions of this Ordinance require that notice of a development application be published, the Planning Department shall have a notice published of the public hearing once a week for two successive calendar weeks in a newspaper having general circulation in the Town. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of published

notice not to be included but the day of the hearing shall be included.

(3) Mailed Notice

- (A)** When the provisions of this Ordinance require that mailed notice be provided, the Planning Department shall prepare a notice of the public hearing and deliver the notice via first class mail to the following persons:
- (i) The applicant;
 - (ii) Listed owners of contiguous lands; and
 - (iii) Organizations and persons that have registered to receive notices of public hearings.
- (B)** Mailed notice shall be postmarked no less than 10 days, but no more than 25 days prior to the date of the public hearing. The last address listed on the county tax abstracts will be used to mail notice to owners of contiguous lands.
- (C)** The Planning Department shall prepare an affidavit with affirmation that notice meeting the content requirements of this subsection was mailed. The affidavit shall be conclusive that notice has been given in accordance with the terms of this subsection.
- (D)** 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, provided the Town publishes a map (occupying at least one-half of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks at least 10 days and not more than 25 days before the first public hearing date (in accordance with North Carolina General Statute Section 160A-364). Affected land owners residing outside the Town's jurisdiction or the newspaper circulation area shall be notified via first class mail pursuant to subsections (A) and (B) above.
- (E)** 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 10 days prior to the public hearing.

(4) Posted Notice

- (A)** When the provisions of this Ordinance require that notice be posted, the Planning Department shall post the notice on the subject property(ies) at least 10 days prior to the first public hearing. Posted notice shall be located adjacent to each public street right-of-way bordering the subject property(ies). 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 Town Board of Commissioners has rendered its final decision on the application.
- (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 subsection, and the sign shall indicate the address or location subject to an application.
- (C)** In addition to posted notice on the subject property(ies), notice of the first public hearing shall also be posted in a conspicuous location within Town Hall 10 days before the public hearing.
- (D)** The Planning Department shall prepare an affidavit with affirmation that notice meeting the content requirements of this subsection was posted. The affidavit shall be conclusive that notice has been given in accordance with the terms of this subsection.

(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(ies) shall be strictly adhered to.

- (C)** 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 Ordinance, 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 Mail

Bi-annually beginning in 2007, and prior to July 31 of that year, any person, neighborhood organization, or other organization in the Town may register with the Planning Department to receive email written notice of all public hearing notices. To be eligible for paper mail registration, the applicant shall provide the Planning Department information in the form required along with a fee to

defray the costs. To continue to receive such notice, a person or organization shall re-register every year.

2.2.12. Summary of Notice Requirements

Table 2.2.12, Notice Requirements, summarizes the notice requirements for all development applications.

TABLE 2.2.12: NOTICE REQUIREMENTS			
APPLICATION TYPE	NOTICE REQUIRED		
	PUBLISHED	MAILED	POSTED
Text Amendment (Section 2.3.4)	X		
Official Zoning District Map Amendment (Section 2.3.4)	X	X	X
Conditional Zoning District Classification (Section 2.3.5)	X	X	X
Variance (Section 2.3.7)	X	X	X
Watershed Variance (Section 2.3.8)	X	X	X
Conditional Use Permit (Section 2.3.6)	X	X	X
Appeal of Administrative Decision (Section 2.3.17)	X		
Vested Rights Determination (Section 2.3.18)	X	X	X
Certificate of Appropriateness (Section 2.3.19)	X	X	X
Watershed Density Averaging Certificate	X	X	X
NOTES:			
[1] Application types not listed do not require public notification.			

2.2.13. Conditions of Approval

(1) General

When a decision-making body may, according to the express terms of this Ordinance, approve a development application with conditions, such body may impose reasonable and appropriate conditions or restrictions on the approval. The conditions may, as appropriate, ensure compliance with the general goals and policies of this Ordinance or with particular standards of this Ordinance, to

prevent or minimize adverse effects from the proposed development on surrounding lands.

(2) Limitations

- (A)** The restrictions and conditions imposed must be related in both type and amount to the impact that the proposed development would have on the public and surrounding development.
- (B)** All conditions imposed shall be expressly set forth in the permit approval.

2.2.14. Deferral of Application

(1) Request Prior to Publication of Notice

An applicant may request that a decision-making bodies' consideration of an application at public hearing be deferred by submitting a written request for deferral to the Planning Department prior to the publication of notice for the public hearing (Section 2.3.16, Public Notification). The Planning Director may grant such requests for good cause. 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 of consideration of an application by a decision-making body is submitted subsequent to publication of notice, the request for deferral shall be submitted to the Town Clerk, and shall be placed on the public hearing agenda and acted upon by the decision-making body. The decision-making body may grant such requests for good cause. The date of the public hearing at which the application will be heard shall be set at the time the deferral is granted. If a deferral is granted, the application may be

subject to additional application fees to defray the costs of processing the application and notification expenses.

2.2.15. 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 the provisions of this section.

(1) Clerical Errors

Minor additions, deletions, or corrections constituting clerical errors in an application may be made without referral of the application, as amended, back to the Planning Director for review and preparation of a Staff Report, or to any review bodies as is required for the original review of the application.

(2) Major Changes

No substantive changes to a development application related to uses, densities, intensities, street layout, access, open space configuration, building form, or other major element shall be made after notification of a public hearing without referral of the application, as amended, back to the Planning Director for review

and preparation of a Staff Report, or to any review bodies as is required for the original review of the application.

(3) Conditions of Approval

Proposed changes in conditions of approval may be considered by the Town Board of Commissioners or Board of Adjustment without referral back to the Planning Director or other review bodies.

2.2.16. 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.

(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 lands for a period of 90 days following the withdrawal.

(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 may be filed within any single 12-month period, and no

similar type of application may be filed for the same land within one year following the second withdrawal.

2.2.17. Waiver of Time Limit

(1) General

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

(2) Waiver of Time Limit

(A) Owner or Authorized Agent

Only the owner of land or the owner's authorized agent may submit a request for Waiver of Time Limit.

(B) Initiation

A request may be initiated by the owner or the owner's authorized agent by submitting a request for Waiver of Time Limit to the Planning Department, along with a fee to defray the cost of processing the request.

(3) Action

At the meeting for which the request for Waiver of Time Limit 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 identified in Waiver of Time Limit Standards in this Chapter.

(4) Waiver of Time Limits Standards

The Waiver of Time Limit shall be approved only upon a finding by four-fifths (4/5) or more of the membership of the decision-making body that substantial evidence is presented that demonstrates:

(A) New or Additional Information

New or additional information is available that was not available at the time of the review that might reasonably affect the

decision-making body's application of the relevant review standards to the development proposed; or

(B) Material Mistake of Fact

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

2.2.18. Notification to Applicant

Within a reasonable period of time after a decision on an application, the Planning Department shall notify the applicant of the decision in writing. Within a reasonable period of time after the decision, a copy of the decision shall also be made available to the public in the offices of the Planning Department, during normal business hours.

2.2.19. Lapse of Approval

Lapse of approval (also referred to as "expiration") shall occur as provided by this Ordinance for the various types of development applications. If no provision for lapse is given by this Ordinance for a particular type of development permit or approval, and if no lapse period is imposed as part of an approval by the decision-making body, lapse shall occur if development is not commenced or a subsequent permit is not obtained within two years.

2.2.20. Examination and Copying of Application/Other 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.

2.2.21. Application Expiration

If an application has remained dormant for a period of six (6) months, the Planning Director may determine it is no longer valid and deem the application expired. At least two (2) calendar weeks prior to expiring a dormant application, the applicant shall be contacted by the Planning Director. If the applicant makes sufficient progress on the application after notification, as deemed by the Planning Director, the application will remain valid and active.

If an application is determined to be no longer valid, a new application, including fee, that meets the standards contained in this Ordinance will be required; however, there shall be no required waiting period before a new application can be submitted.

2.3 STANDARDS AND REQUIREMENTS FOR DEVELOPMENT APPLICATIONS

This section includes the review procedures, standards, and related information for each of the development application procedures, as summarized in Table 2.1.5, Permit Review Procedures.

2.3.1. Official Zoning District Map or Text Amendment

(1) Purpose

The purpose of this section is to provide a uniform means for amending the text of this Ordinance or making an amendment to the Official Zoning District Map (Rezoning).

(2) Authority

The Town Board of Commissioners may adopt an ordinance amending the text of this Ordinance or amending the Official Zoning District Map upon compliance with the provisions of this section.

(3) Initiation

(A) Amendment to the Text of this Ordinance

An application to amend the text of this Ordinance may be initiated by the Town Board of Commissioners, the Planning Board, the Planning Director, 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.

(B) Amendment to Official Zoning District Map

An application to amend the Official Zoning District Map (Rezoning) may be initiated by the Town Board of Commissioners, the Planning Board, the Planning Director, an

owner of land or their representative in the Town's planning jurisdiction, or any other legally allowable applicant.

(4) Conditional Zoning District Classifications Distinguished

- (A)** Applications for an amendment to the Official Zoning District Map that are accompanied by applicant-sponsored conditions or limitations shall be considered as a Conditional Zoning District Classification, and shall be reviewed in accordance with this section and Section 2.3.5, Conditional Zoning District Classification. The Planning Director may accept applications for a Conditional Zoning District Classification without an approved Concept Plan if the request is a narrowing of the scope of the base zoning district either by its uses by right or by building square footage or other items that may be deemed appropriate.
- (B)** In no event shall an application for an amendment to the Official Zoning District Map be converted into an application for a Conditional Zoning District Classification, nor shall an application for a Conditional Zoning District Classification be converted into an application for an amendment to the Official Zoning District Map. Such conversions shall require withdrawal and re-submittal of a new application.

(5) Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 2.2, Common Review Procedures.

(B) Historic Properties

Any request for a Rezoning for any property that is classified as a local historic landmark designation, located in a local historic district, listed on the National Register of Historic Places, located in an area designated as a National Register District, or located in a Neighborhood Conservation Overlay, shall first go before the Mooresville Historic Preservation Commission (HPC). The HPC shall review and comment on the proposed application.

(C) Review and Recommendation by Planning Board

After preparation of a Staff Report, the application shall be referred to the Planning Board for review and recommendation. During the meeting, the Planning Board shall consider the application, the relevant support materials, the Staff Report, and

the comments given by the public. Within 30 days of the first meeting on an application, the Planning Board shall make a written recommendation to the Town Board of Commissioners (unless a longer review period is established by mutual agreement of the applicant and Planning Board). In making its recommendation regarding an amendment to the Official Zoning District Map, the Planning Board shall include a written Statement of Reasonableness summarizing the amendment's consistency with the Comprehensive Land Use Plan and any applicable small area plans.

(D) Review and Action by the Town Board of Commissioners

Following consideration by the Planning Board, the Town Board of Commissioners shall conduct a public hearing to review and consider the application, the relevant support materials, the Staff Report, the recommendation of the Planning Board, and the comments given during the hearing (if any). Following the close of the public hearing, the Town Board of Commissioners, shall take one of the following actions:

(i) Map Amendment Application

In the event of an application for an amendment to the Official Zoning District Map, the Town Board of Commissioners, by a majority vote of a quorum present, shall take one of the following actions based on the Map Amendment Standards contained in this Section:

- (a)** Approval of the rezoning application as requested;
- (b)** Approval of the rezoning application with a reduction in size of the area requested;
- (c)** Approval of the rezoning to a more restricted base zoning district;
- (d)** Denial of the rezoning application; or
- (e)** Remand of the application back to the Planning Board for further consideration.

Regardless of the decision on the map amendment request, the Town Board of Commissioners shall adopt a Statement of Reasonableness on the proposed

amendment's consistency with the Comprehensive Land Use Plan.

(ii) Text Amendment Application

In the event of an application for an amendment to the text of this Ordinance, the Town Board of Commissioners, by a majority vote of a quorum present, shall take one of the following actions based on the standards in this Section:

- (a)** Adoption of the amendment as written;
- (b)** Adoption of a revised amendment
- (c)** Rejection of the amendment; or
- (d)** Remand of the application back to the Planning Board for further consideration.

(6) Citizens Comments

If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to the Zoning Ordinance to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Town Board of Commissioners.

If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160A-388, the Town Clerk shall provide only the names and addresses of the individuals providing written comment. The provision of such names and addresses to all members of the Town Board of Commissioners shall not disqualify any member of the Town Board of Commissioners from voting.

(7) Text Amendment Standards

Amending the text of this Ordinance is a matter committed to the legislative discretion of the Town Board of Commissioners. In determining whether to adopt or deny the proposed amendment,

the Town Board of Commissioners shall consider and weigh the relevance of the following factors:

- (A)** Whether and the extent to which the proposed amendment is consistent with the Comprehensive Land Use Plan, and relevant adopted small area plans;
- (B)** Whether the proposed amendment is in conflict with any provision of this Ordinance, and related Town regulations;
- (C)** Whether and the extent to which there are changed conditions that require an amendment;
- (D)** Whether and the extent to which the proposed amendment addresses a demonstrated community need;
- (E)** Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or will improve compatibility among uses and will ensure efficient development within the Town;
- (F)** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and
- (G)** Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

(8) Map Amendment Standards

Amending the Official Zoning District Map (Rezoning) is a matter committed to the legislative discretion of the Town Board of Commissioners. In determining whether to adopt or deny the

proposed amendment, the Town Board of Commissioners shall consider and weigh the relevance of the following factors:

- (A)** Whether and the extent to which the proposed amendment is consistent with the Comprehensive Land Use Plan, and any relevant adopted small area plans;
- (B)** Whether and the extent to which there are changed conditions that require an amendment;
- (C)** Whether and the extent to which the proposed amendment addresses a demonstrated community need;
- (D)** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
- (E)** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern, or deviate from logical and orderly development patterns;
- (F)** Whether and the extent to which the proposed amendment would encourage pre-mature development;
- (G)** Whether and the extent to which the proposed amendment would result in strip or ribbon commercial development;
- (H)** Whether and the extent to which the proposed amendment will result in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts;
- (I)** Whether and the extent to which the proposed amendment will result in significant adverse impacts on the property values of surrounding lands; and
- (J)** Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

2.3.2. Conditional Zoning District Classification

(1) Procedure

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 2.2, Common Review Procedures.

(B) Concept Plan Review by the Planning Director

Applications for a Conditional Zoning District Classification shall be subject to review of a Concept Plan (see Section 2.3.11, Concept Plan) by the Planning Director prior to preparation of a Staff Report. At the discretion of the Planning Director a Concept Plan may not be required if there is no change to the current physical conditions of the site.

(C) Submission of Applicant's Summary of Neighborhood Communications

Applicant's Summary of Neighborhood Communications is to be submitted by the applicant at least 2 working days prior to the Planning Board meeting. The summary will be provided to the Planning Board and Town Board. (amended 9/6/2016, TA-2016-06)

(i) (1) Purpose

The purpose of the neighborhood communication summary is to educate the applicant and the neighborhood about each other's interests, to attempt to resolve issues in a manner that respects those interests and to identify unresolved issues. (amended 9/6/2016, TA-2016-06)

(ii) (2) Applicability

The neighborhood communication requirements of this section apply to all applications for a conditional rezoning (2.3.2), unless there are no lots containing residential uses within 500 feet of the property under consideration. If there are no lots containing residential uses within 500 feet of the property under consideration the applicant is exempt from neighborhood

communication summary requirements. (amended 9/6/2016, TA-2016-06)

(3) Summary Report

- (a)** Prior to the public hearing, the applicant must submit a summary report to the Planning and Community Development Director at least two working days before the day of the scheduled public hearing. The summary report must describe:
 - (1)** Efforts to notify neighborhoods about the proposal (how and when notification occurred, and who was notified);
 - (2)** How information about the proposal was shared with neighborhoods (mailings, workshops or meetings, open houses, flyers, door-to-door handouts, etc.);
 - (3)** Who was involved in the discussions;
 - (4)** Suggestions and concerns raised by the neighborhoods; and
 - (5)** What specific changes to the development proposal were considered and/or made as a result of the communications with the neighborhoods.
- (b)** The applicant must address the summary reports information to the Planning Board at the Public Meeting and to the Town Board at the Public Hearing. (amended 9/6/2016, TA-2016-06)

(D) Review and Recommendation by the Planning Board

After review of a Concept Plan and preparation of a Staff Report, the Planning Director shall refer the application to the Planning Board for review and recommendation. During the meeting, the Planning Board shall consider the application, the relevant support materials, the Concept Plan, the Staff Report, the Neighborhood Communications Summary, and the public comments given during the meeting.

Within 30 days of the first meeting on an application, the Planning Board shall make a written recommendation to the Town Board of Commissioners (unless a longer review period is

established by mutual agreement of the applicant and Planning Board). (amended 9/6/2016, TA-2016-06)

(E) Action by Board of Commissioners

After public notification, scheduling of a public hearing, and receipt of a recommendation from the Planning Board, the Town Board of Commissioners shall conduct a public hearing on the application. At the public hearing, the Town Board of Commissioners shall consider the application, the relevant support materials, the Concept Plan, the Staff Report, the Neighborhood Communications Summary, the recommendation of the Planning Board, and comments given at the public hearing.

After the close of the public hearing, the Town Board of Commissioners shall, by majority of a quorum present and

voting, approve, approve with conditions, or deny the application.

(2) Conditions

- (A)** No use shall be authorized within a conditional zoning district except those uses proposed by the applicant and approved by the Town Board of Commissioners. In no event shall any use prohibited within a parallel general use (base) zoning district be authorized in a corresponding conditional zoning district.
- (B)** No condition shall be less restrictive than the parallel general use (base) zoning district or any applicable overlay zoning district standards.
- (C)** No condition shall be included that specifies the ownership status, race, religion, or character of the occupants of dwelling units, the minimum value of improvements, or any other exclusionary device.
- (D)** No changes in the Concept Plan or proposed conditions that are less restrictive than those in the application (e.g., smaller setbacks, more dwelling units, greater height, new uses, fewer improvements, etc.) shall be proposed by the applicant following public notification. Nothing in this subsection shall limit the application of new or more restrictive conditions after public notification, provided such conditions are received by the Planning Department in writing and signed by all owners of the property at least ten business days before the final decision on the application by the Town Board of Commissioners.
- (E)** In addition to any conditions proposed by the applicant, the Town Board of Commissioners may attach any additional conditions in accordance with this Chapter, (e.g., limitations on location, hours of operation, extent of the proposed use, etc.), but the Town Board of Commissioners shall not attach a condition that requires a landowner to waive a vested right.

(3) Effect of Approval

Lands subject to a Conditional Zoning District Classification 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 Ordinance and the Official Zoning District Map.

(4) Designation

A Conditional Zoning District Classification shall bear the same designation as the parallel general use (base) zoning district but shall also include the suffix "C" along with the ordinance number establishing the Conditional Zoning District Classification.

(5) Minor Deviation

A minor deviation to a Concept Plan or approved conditions shall not be considered as an amendment and may be approved by the Planning Director. A minor deviation shall be limited to technical considerations which could not reasonably be anticipated during the approval process or any other change which has no material effect on the character of the approved development or any of its approved conditions, as determined by the Planning Director. The following shall constitute minor deviations:

- (A)** Driveway relocations;
- (B)** Structure floor plan revisions;
- (C)** Facility design modifications for amenities and the like; and
- (D)** Other minor plan alternations that do not materially affect the basic configuration or intent of the Concept Plan or approved conditions, as determined by the Planning Director.

Changes that materially affect the basic configuration or intent of the Concept Plan or approved conditions are not considered minor deviations, and shall be amendments that may only be considered in accordance with the procedure used to establish the conditional zoning district.

(6) Expiration

A Conditional Zoning District Classification (and the associated Concept Plan approval) shall expire unless an application for a Building Permit for any part or section of the associated Concept Plan is submitted within two years of approval and the Board of Commissioners hold a public hearing in accordance with the map amendment procedure in this Chapter to abolish the Conditional

Zoning District Classification. Such time period shall not be extended with transfer of ownership.

(7) Extension

Upon written application submitted at least 30 days prior to the expiration of the Conditional Zoning District Classification, and upon a showing of good cause, the Town Board of Commissioners may grant one extension not to exceed six months for an applicant to obtain a Building Permit. Failure to obtain a Building Permit within the time established in the extension shall result in expiration of the Conditional Zoning District Classification, as described in this Section.

2.3.3. Conditional Use Permit**(1) Purpose**

Conditional 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, and density and intensity of use, and usually require the imposition of conditions to ensure the appropriateness of the use at a particular location.

(2) Authority

The Town Board of Commissioners is authorized to review and decide applications for Conditional Use Permits in accordance with this section. Only those uses identified as Conditional Uses in the Table of Allowed Uses, are authorized to be considered as Conditional Uses under this section. The designation of a use as a Conditional Use does not constitute an authorization that such use shall be approved through a Conditional Use Permit in accordance with this section. Rather, each proposed Conditional Use shall be evaluated by the Town Board of Commissioners for compliance with the standards set forth in this section and the applicable standards for the use in Use Specific Standards (if appropriate).

(3) Procedure**(A) Preliminary Procedures**

The preliminary procedures and requirements for submission and review of an application are established in Section 2.2, Common Review Procedures.

(B) Concept Plan Review by the Planning Director

Applications for a Conditional Use Permit shall be subject to review of a Concept Plan by the Planning Director prior to

preparation of a Staff Report. At the discretion of the Planning Director a concept plan may not be required if there is no change to the current physical conditions of the site.

(C) Action by Board of Commissioners

After public notification and scheduling of a public hearing, the Town Board of Commissioners shall conduct a quasi-judicial public hearing on the application.

At the public hearing, the Town Board of Commissioners shall consider the application, the relevant support materials, the Concept Plan, the Staff Report, and comments given at the public hearing. After the close of the public hearing, the Town Board of Commissioners shall, by majority of a quorum present and voting, approve, approve with conditions, or deny the application based on the standards in Section 2.3.6(4), Conditional Use Permit Standards.

(D) Historic Properties

The Planning Director shall forward any request for a Conditional Use Permit for property that is classified as a local historic landmark designation, located in a local historic district, listed on the National Register of Historic Places, located in an area designated as a National Register District, or located in a Neighborhood Conservation Overlay, to the Mooresville Historic Preservation Commission for their recommendation on any potential impacts to historically significant elements. The HPC's

recommendation shall be forwarded to the Town Board of Commissioners in conjunction with the application materials.

(4) Conditional Use Permit Standards

A Conditional Use Permit shall be approved only upon a finding that the development proposed in the application complies with all the following standards:

- (A)** Does not materially endanger the public health or safety.
- (B)** Complies with all relevant Town laws and ordinances, state and federal laws, and regulations, and any regulations imposed by the Town Board and agreed to by the applicant;
- (C)** Would 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 land use plan.

(amended 7/6/2009, TA-2009-15)

(5) Conditions of Approval

In approving a Conditional Use Permit, the Town Board of Commissioners may impose appropriate conditions on the permit approval in accordance with Section 2.2.13, Conditions of Approval, and North Carolina General Statute 160A-381. All conditions must be accepted by the applicant.

(6) Effect of Approval

Issuance of a Conditional Use Permit shall authorize only the particular conditional use that is approved in the permit. All subsequent development and use of the land must be in accordance with the approved Conditional Use Permit and conditions (if applicable). Nothing in this subsection shall prevent the establishment of a different use of land provided such use is established in accordance with the requirements in this Ordinance.

(7) Designation

A Conditional Use Permit Classification shall bear the same designation as the general use base zoning district but shall also include the prefix "CU" along with the case number establishing the Conditional Use Permit.

(8) Recordation

The applicant shall record the Conditional Use Permit in the office of the Iredell County Register of Deeds within 30 days of its issuance

and provide the Planning Department with evidence of its recordation.

(9) Subsequent Development

Development authorized by the Conditional Use Permit shall not be carried out until the applicant has secured all other permits required by this Ordinance or any other applicable provisions of the Town. A Conditional Use Permit does not ensure that the use shall receive subsequent approval for other applications for permit approval unless the relevant and applicable portions of this Ordinance or any other applicable provisions are met.

(10) Expiration**(A) General**

The Town Board of Commissioners may prescribe a time limit within which development activity shall begin or be completed on the Conditional Use Permit, or both. Failure to begin or complete such development activity within the time limit specified shall void the Conditional Use Permit. Unless specified otherwise by the Town Board of Commissioners, a Conditional Use Permit shall automatically expire one year from the date of its issuance if:

- (i) 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
- (ii) 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.
- (iii) If the development approved by the Conditional Use Permit is discontinued and not resumed for a period of one year. In the event a Conditional Use Permit has been appealed to Superior Court, the provisions of this section shall not apply until such time that a final disposition has been made by the Court.

(B) Extension

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. Failure to submit an application for an extension within the time limits established by this section shall result in the expiration of the Conditional Use Permit.

(11) Minor Deviation

Minor field alterations or minor revisions to approved Conditional Use Permits may be approved by the Planning Director if the conditional use still meets the intent of the standards established with the original approval. Any other change shall be considered as an amendment.

(12) Amendment

A Conditional Use Permit may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

2.3.4. Variance**(1) Purpose**

The purpose of a Variance is to allow certain deviations from the standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards), 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.

(2) Authority

The Board of Adjustment shall review and decide any applications for variances from the requirements of this Ordinance in accordance with this section.

(3) Procedure**(A) Preliminary Procedure**

The preliminary procedures and requirements for submission and review of an application are established in Section 2.2, Common Review Procedures.

(B) Review and Action by Board of Adjustment

After preparation of a Staff Report, public notification, and the scheduling of a public hearing, the Board of Adjustment shall conduct a quasi-judicial public hearing on the application. At the public hearing, the Board of Adjustment shall consider the application, the relevant support materials, the Staff Report, and the sworn testimony given at the public hearing.

Within 31 days following the close of the public hearing, the Board of Adjustment shall approve, approve with conditions, or deny the application based on the standards in Section 2.3.7(4), Variance Standards. Granting a Variance shall require an affirmative vote of at least four-fifths (4/5) of the members of the Board of Adjustment who are eligible to vote. All decisions by the Board of Adjustment shall be in writing and shall be filed by the Planning Department.

(C) Historic Properties

The Planning Director shall forward any request for a Variance for property that is classified as a local historic landmark designation, located in a local historic district, listed on the National Register of Historic Places, located in an area designated as a National Register District, or located in a Neighborhood Conservation Overlay, to the Mooresville Historic Preservation Commission for their recommendation on any potential impacts to historically significant elements. The HPC's recommendation shall be forwarded to the Board of Adjustments in conjunction with the application materials.

(4) Variance Standards

The Board of Adjustment shall only grant a Variance after having first held a public hearing on the matter and having made the following determinations or findings of fact:

- (A)** Unnecessary hardship would result from the strict application of the ordinance.
- (B)** The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
- (C)** The hardship did not result from actions taken by the applicant or the property owner.
- (D)** The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Amended (November 4, 2019; TA-2019-05)

(5) Insufficient Justification for Variance

The following does not constitute 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 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.

(6) Conditions of Approval

The Board of Adjustment, in granting a Variance, may prescribe conditions in accordance with Conditions of Approval.

(7) Recordation

The applicant shall record the written decision on the Variance with the Iredell County Register of Deeds and provide evidence of recordation to the Planning Department within 30 days of its approval.

(8) Subsequent Development

Development authorized by the Variance shall not be carried out until the applicant has secured all other permits required by this Ordinance or any other applicable provisions of the Town. A Variance shall not ensure that the development receiving a Variance receives subsequent approval for other applications for

development unless the relevant and applicable portions of this Ordinance or any other applicable provisions are met.

(9) Lapse

Except where required as a prerequisite for a Site Plan or Subdivision Preliminary Plat associated with new development, an approved Variance shall run with the land.

In cases 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 shall automatically render the decision of the Board of Adjustment null and void. Such time period shall not be extended with transfer of ownership.

In cases 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 shall automatically render the decision of the Board of Adjustment null and void. Such time period shall not be extended with transfer of ownership.

(10) Appeals

Any appeal from the decision of the Board of Adjustment shall be to the Superior Court for Iredell County by petition for a writ of certiorari. Any petition to the Superior Court shall be filed with the Clerk of Court no later than 30 days after the date the decision of the Board of Adjustment is filed in the Planning Department or after the date a written copy of the decision is delivered (via personal delivery or by registered or certified mail, return receipt requested) to every aggrieved party who has filed a written request for such copy with the Board of Adjustment at the public hearing, whichever is later.

(11) Rehearing Following Denial

The Town shall not accept an application for a similar variance request affecting the same property(ies) for a period of one year following the date of denial, unless substantial new evidence is presented.

2.3.5. Watershed Variance**(1) Purpose**

The purpose and intent of this section is to establish the procedure and standards for a Watershed Variance from the requirements in

the Watershed Protection Overlay District, and to distinguish between the role of the Watershed Review Board and the Board of Adjustment in the review of Major and Minor Watershed Variance applications.

(2) Authority

The Board of Adjustment is hereby authorized to act as the Watershed Review Board and to review and decide applications for a Minor Watershed Variance and review and prepare a recommendation to the North Carolina Environmental Management Commission regarding applications for Major Watershed Variances.

(3) Major and Minor Watershed Variances Distinguished**(A) Minor Variance**

For the purposes of this section, a Minor Watershed Variance shall include applications seeking to vary the minimum lot size or the maximum lot coverage provisions for lots in the Watershed Protection Overlay District by up to:

- (i) Five percent for developments using the high density option; and
- (ii) Ten percent for developments using the low density option.

(B) Major Variance

Applications seeking to vary minimum lot size or maximum lot coverage by more than the maximum percentages described in Section 2.3.8(3)(A), or seeking to vary other standards in the Watershed Protection Overlay District shall be decided by the North Carolina Environmental Management Commission following a review and recommendation from the Watershed Review Board in accordance with the standards of this section.

(4) Procedure**(A) Preliminary Procedures**

The preliminary procedures and requirements for submission and review of an application for a Major or Minor Watershed

Variance, are established in Section 2.2, Common Review Procedures.

(B) Review and Action by the Watershed Review Board on a Minor Watershed Variance

Applications for Minor Watershed Variances shall be processed in accordance with the procedure for a Variance.

(C) Review and Action by the Watershed Review Board on a Major Watershed Variance

Applications for a Major Watershed Variance shall be reviewed using the following procedure:

- (i) After preparation of a Staff Report, public notification, and the scheduling of a public hearing, the Watershed Review Board shall conduct a public hearing on the application. At the public hearing, the Watershed Review Board shall consider the application, the relevant support materials, the Staff Report, and the testimony given at the public hearing. Following the public hearing, the Watershed Review Board shall make a written recommendation to approve, approve with conditions, or deny the Major Watershed Variance application based on the standards in this Section, Watershed Variance Standards, and Watershed Protection Overlay District.
- (ii) The recommendation of the Watershed Review Board on the application for a Major Watershed Variance shall be forwarded to the North Carolina Environmental Management Commission along with all supporting information including, but not limited to:
 - (a) The Major Watershed Variance application;
 - (b) Evidence of proper notification of the public hearing;
 - (c) A summary of all evidence presented at the Watershed Review Board hearing on the application, including comments from other local governments;
 - (d) Proposed findings and exceptions; and
 - (e) If recommended for approval, any Watershed Review Board-sponsored conditions proposed to be added to the permit.

- (iii) 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. 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(ies) for a period of one year following the date of denial, unless substantial new evidence is presented.

(5) Watershed Variance Standards

- (A) The standards for review of a Watershed Variance by the Watershed Review Board shall be the same standards as for a Variance.
- (B) In no instance shall any of the aspects listed in this Chapter as Insufficient Justification for Variance, be used as a justification for approving or recommending approval of a Watershed Variance.

(6) Conditions of Approval

The Watershed Review Board, in granting a Minor Watershed Variance, or providing a recommendation on a Major Watershed Variance may prescribe appropriate conditions in accordance with Conditions of Approval.

(7) 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 Watershed Review Board, the landowner may:

- (A) Develop the use in accordance with the stipulations contained in the Watershed Variance; or
- (B) 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 Ordinance.

(8) Appeals

Any appeal from the decision of the Watershed Review Board or the North Carolina Environmental Management Commission shall be to the Superior Court for Iredell County by petition for a writ of certiorari.

Any petition to the Superior Court shall be filed with the Clerk of Court no later than 30 days after the date the decision of the Watershed Review Board is filed in the Planning Department, or after the date a written copy of the decision is delivered (via personal delivery or by registered or certified mail, return receipt requested) to every aggrieved party who has filed a written request for such copy with the Watershed Review Board at the public hearing, whichever is later.

(9) Transmittal to the North Carolina Division of Water Quality

The Planning Department shall submit a copy of the minutes and decisions regarding any Watershed Variance approvals on an annual basis to the NC Division of Water Quality.

2.3.6. Modification of Architectural Standard

(1) Purpose

The purpose and intent of this section is to establish the procedure and standards for a Modification of Architectural Standard, which allows a structure to deviate from the required building form standards in Chapter 6, Building Form Standards, as a means to accommodate innovative planning or design.

(2) Applicability

A Modification of Architectural Standard shall be limited to situations where deviation from a required building form standard in Chapter 6 is warranted based on the standards in this Section. In no instance shall an application for the Modification of an Architectural

Standard be used to request a modification of any other development or design standard in this Ordinance.

(3) Procedure

The Planning Director shall review and decide applications for a Modification of Architectural Standard in accordance with the applicable procedures in this Chapter.

(4) Architectural Modification Standards

A Modification of Architectural Standard shall be approved upon a finding the applicant demonstrates one or more of the following standards are met:

- (A)** The form standards required under Chapter 6, Building Form Standards, are inappropriate due to a specific recognized architectural style; or
- (B)** Changes in technology, building materials, or construction techniques make adherence to the required standards impractical or infeasible; or
- (C)** The proposed structure is for use by the general public, and it warrants a unique character; or
- (D)** The structure is historic or utilizes a historic architectural vernacular that is inconsistent with the required building form standards; or
- (E)** Public Buildings with unique or special uses and occupancies exterior can be modified to support the use of the interior function.

(5) Conditions of Approval

In approving a Modification of Architectural Standard, the Planning Director may grant a lesser modification than the maximum allowed by this section or requested by an applicant, and may impose appropriate conditions on the permit approval in accordance with Conditions of Approval.

(6) Recordation

The Planning Director may require the applicant to record a description of the approved Modification of Architectural Standard

with the Iredell County Register of Deeds. The Modification shall be binding upon the landowners, their successors, and assigns.

(7) Subsequent Development

Development authorized by the Modification of Architectural Standard shall not be carried out until the applicant has secured all other permits required by this Ordinance or any other applicable provisions of the Town. A Modification of Architectural Standard has no impact on the requirement of other approvals necessary for development, as required under this Ordinance and provides no guarantee of such other approvals.

(8) 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, shall run with the land and not be affected by a change in ownership.

(9) Appeals

An aggrieved party may appeal the decision of the Planning Director via an Appeal of Administrative Decision to the Board of Adjustment in accordance with this Chapter.

2.3.7. Sketch Plan**(1) Purpose and Intent**

The purpose for this section is to establish the procedure and standards for consideration of a Sketch Plan. The intent of the Sketch Plan process is to familiarize Town staff with a potential application for development and potential applicants with the applicable process and Town standards.

(2) Applicability

Sketch plans shall be required as part of the process to obtain Concept Plan (Section 2.3.11), Conditional Zoning District Classification (Section 2.3.5), Conditional Use Permit (Section 2.3.6),

Site Plan (Section 2.3.12), and Subdivision Preliminary Plat (Section 2.3.13(4)) approval.

(3) Exemptions

The following development shall be exempted from a Sketch Plan and the requirements of this section: (but are not exempted from Section 2.3.11, Zoning Permit):

- (A)** Individual single-family detached dwellings (including manufactured and modular dwellings) on a single lot;
- (B)** Individual two-family dwellings on a single lot;
- (C)** Internal construction that does not increase gross floor area, building height, the density or intensity of use, or affect parking requirements;
- (D)** Detached accessory structures of 600 square feet in size or less associated with a single-family detached dwelling;
- (E)** Changes in use where there is no associated change in landscaping, off-street parking requirements, lot coverage, or other external site characteristics; and
- (F)** Any other situation as determined by the Planning Director to not require a Sketch Plan; however, in these situations a Concept Plan may be required.

(4) Sketch Plan Standards

A Sketch Plan shall contain all required elements and comply with all minimum requirements for a Sketch Plan as described in the Administrative Manual.

(5) Procedure

Sketch Plans shall be reviewed by the Planning Director in accordance with this Chapter.

(6) Effect

Approval of a Sketch Plan authorizes an applicant to move forward with a Concept Plan application and/or beginning the Transportation Impact Analysis process. Sketch Plan approval does

not vest property rights. Sketch Plan approvals shall be valid for six months.

2.3.8. Concept Plan

(1) Purpose

The purpose for this section is to establish a procedure for consideration of a Concept Plan by the Planning Director prior to preparation of a Site Plan, Subdivision Preliminary Plat, or consideration of an application for a Conditional Zoning District Classification or Conditional Use Permit by the Planning Board.

The intent of the Concept Plan procedure is to allow the Town to consider the general design and configuration of a development proposal and any applicant-sponsored conditions for general compliance with the requirements of this Ordinance and any other applicable Town requirements prior to consideration of a Conditional Use Permit request by the Planning Board, or the development of highly technical and detailed engineered drawings required for a Site Plan or Subdivision Preliminary Plat approval.

(2) Applicability

Review of a Concept Plan shall be required prior to approval of a Conditional Zoning District Classification (Section 2.3.5), Conditional

Use Permit (Section 2.3.6), Site Plan (Section 2.3.12), or Subdivision Preliminary Plat (Section 2.3.13(4)).

(3) Exemptions

Development that is exempted from the requirement to obtain a Sketch Plan (see Section 2.3.10, Sketch Plan) shall also be exempt from the requirements of this Section.

(4) Distinction between Concept Plans Associated with a Site Plan or Subdivision Application and a Conditional Zoning District Classification or Conditional Use Permit Application

- (A)** Concept Plans associated with an application for a Site Plan or Subdivision Preliminary Plat shall be reviewed by the Planning Director, who shall provide written review comments on the Concept Plan to the applicant. Once the comments are addressed and an approval of the Concept Plan is issued by the Planning Director, the applicant may proceed to preparation of a Site Plan or Subdivision Preliminary Plat.
- (B)** Concept Plans associated with an application for a Conditional Zoning District Classification or Conditional Use Permit shall be considered as an applicant-sponsored condition of approval. These Concept Plans shall be reviewed by the Planning Director, who shall provide written review comments on the Concept Plan to the applicant. Once the comments are addressed and a preliminary approval of the Concept Plan is issued by the Planning Director, the applicant may either proceed to the Planning Board, for Conditional Zoning recommendation, or the Town Board of Commissioners, for Conditional Use Permit. The Town Board of Commissioners shall review and approve, approve with conditions, or deny a Concept Plan associated with a Conditional Zoning District Classification or Conditional Use Permit in conjunction with the other action (i.e. if the Conditional Rezoning request is denied, the associated Concept Plan is automatically deemed denied without needing a separate action).

(5) Procedure**(A) Preliminary Procedures**

The preliminary procedures and requirements for submission and review of a Concept Plan are established under Common Review Procedures found in this Chapter.

(B) Review by the Planning Director

Following a Determination of Application Completeness by the Planning Director, the Planning Director shall consider the Concept Plan, the Transportation Impact Analysis (if required), and any applicant-sponsored conditions associated with an application for a Conditional Zoning District Classification or Conditional Use Permit (if applicable). The Planning Director shall formulate a recommendation on the Concept Plan based its compliance with standards identified as Concept Plan Standards.

Following review, the Planning Director shall provide a written recommendation on the Concept Plan to the applicant. In cases where Concept Plan review is required as part of an application for a Conditional Zoning District Classification or Conditional Use Permit, the Director's recommendations shall also consider any applicant-sponsored conditions of approval. This recommendation shall be included within the Staff Report prepared for the Conditional Zoning District Classification or Conditional Use Permit application.

(C) Review by the Planning Board

In cases where the Concept Plan is reviewed as part of an application for a Conditional Zoning District Application, the Concept Plan is forwarded to the Planning Board for consideration following preparation of a Staff Report. The Planning Board shall review the Concept Plan in accordance with the conditions or standards in Section 2.3.5(2), Conditional Zoning District Classification or Section 2.3.6(4) and the standards in Section 2.3.11(6), Concept Plan Standards, using the procedure described in Review and Recommendation by the Planning Board.

(D) Review and Decision by the Town Board of Commissioners

In cases where the Concept Plan is reviewed as part of an application for a Conditional Zoning District Classification or Conditional Use Permit, the Concept Plan is forwarded to the Town Board of Commissioners for consideration following review by the Planning Board (Conditional Zoning District Classification) or by the Planning Director (Conditional Use Permit).

Decisions on a Concept Plan associated with a Conditional Zoning District Classification or Conditional Use Permit made by the Town Board of Commissioners shall be in accordance with the procedure described in Section 2.3.6(3)(C), Action by Board of Commissioners, and shall be based on the conditions or standards in Section 2.3.6(3), Conditional Zoning District

Classification, or Section 2.3.6(4), Conditional Use Permit Standards, and the standards in Section 2.3.11(6), Concept Plan Standards. Reconsideration of revisions to a Concept Plan or associated conditions of approval by the Planning Director shall

not be required when such changes are made at the request of the Town Board of Commissioners during their review.

(6) Concept Plan Standards

A Concept Plan shall contain all required elements and comply with all minimum requirements for a Concept Plan as described in the Administrative Manual.

(7) Effect

Following receipt of a written approval by the Planning Director on a Concept Plan, an applicant may:

- (A)** Proceed with preparation of a Site Plan or Subdivision Preliminary Plat in cases where Concept Plan review is required as part of an application for Site Plan or Preliminary Plat for Subdivision approval;
- (B)** Proceed to the Planning Board in cases when the Concept Plan is part of an application for a Conditional Zoning District Classification; or
- (C)** Proceed to the Town Board of Commissioners in cases when the Concept Plan is part of an application for a Conditional Use Permit.
- (D)** Concept Plan approval does not vest any rights with the property.
- (E)** Concept Plan approvals shall be valid for twelve months with an extension of no more than twelve months as approved by the Planning Director.

(8) Amendment

A Concept Plan shall be amended, extended, or modified only in accordance with the procedures and standards for its original approval.

2.3.9. Site Plan**(1) Purpose**

The purpose for this section is to establish the procedure and standards for review and approval of a Site Plan that depicts site and building-related details and engineering.

(2) Applicability

All development, unless exempted in this Section, shall be required to have a Site Plan approved in accordance with this section prior to issuance of a Building Permit.

(3) Exemptions

The following development shall be exempted from the requirements of this section (but are not exempted from Section 2.3.14, Zoning Permit):

- (A)** Internal or external construction that is exempted from the building form standards in Chapter 6 and that does not increase gross floor area, building height, the density or intensity of use, or affect parking requirements;
- (B)** Accessory structures less than 600 square feet associated with a single-family residential use;
- (C)** Changes in use that are exempted from the building form standards in Chapter 6, and where there is no associated change in landscaping, off-street parking requirements, lot coverage, or other external site characteristics; and
- (D)** A one or two family home 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 (i.e. a home being built on lot 3 of a development that was previously approved).

(4) Procedure**(A) Preliminary Procedures**

The preliminary procedures and requirements for submission and review of a Site Plan are established in Section 2.2, Common Review Procedures.

(B) Review of Concept Plan

Except for the uses listed in Exemptions, review of a Concept Plan by the Planning Director and other decision-making bodies (as appropriate) in accordance with Section 2.3.11, Concept Plan, shall be required prior to consideration of a Site Plan.

(C) Review and Decision by Planning Director

Following review and approval (if applicable) of a Concept Plan, the applicant shall prepare a Site Plan that reflects the configuration and composition depicted in the Concept Plan, as amended by applicable recommendations from the Planning Director or other decision-making bodies (if

applicable). Following submittal of a Site Plan by an applicant, the Planning Director shall review and shall approve, approve with conditions, or deny a Site Plan based on the standards in this Ordinance.

(5) Site Plan Standards

A Site Plan shall be approved only upon a finding it adequately depicts the precise design, location, and profile of all public 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), and all other technical considerations. In addition, the Site Plan shall demonstrate that all of the following standards are met:

- (A)** The use is allowed in the zoning district in accordance with the Table of Allowed Uses;
- (B)** The development and uses in the Site Plan comply with Section 5.3, Use-Specific Standards;
- (C)** The development is consistent with the associated Concept Plan and applicant-sponsored conditions (if applicable);
- (D)** The development proposed in the Site Plan and its general layout and design comply with all appropriate standards in this Ordinance;
- (E)** The development complies with the Town's Transportation Impact Analysis Procedures Manual and specific Transportation Impact Analysis Mitigation Measures (if applicable);
- (F)** The development is consistent with the standards identified in the Land Development Standards Manual;
- (G)** The development complies with all other applicable Town requirements.

(6) Conditions of Approval

In approving a Site Plan, the Planning Director may impose appropriate conditions on the permit approval in accordance with this Ordinance.

(7) Infrastructure Installation

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 must be installed and approved or guaranteed by a

Performance Guarantee by the Town prior to vertical construction. When a site plan is approved for the construction of no more than one (1) structure, such private infrastructure may be installed concurrently with vertical construction.

(8) Effect

Following receipt of a written approval by the Planning Director on a Site Plan, an applicant may obtain any necessary building permits for the project and begin site construction. Site plan approval vests property rights for a period of two years.

(9) Expiration

Site Plan approval shall automatically expire at the end of two years following the date of its issuance if a Building Permit for at least one building in the development is not approved. A change in ownership of the land shall not affect this time frame.

(10) Amendments

A Site Plan may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

Changes to any approved Site Plan following issuance of a Zoning Permit (Section 2.3.11) shall require re-review of a Site Plan, may void the Zoning Permit, and may require additional review fees.

(amended 4/6/2009, TA-2009-05)

2.3.10. Subdivision**(1) Purpose and Intent**

The purpose of this section and Chapter 10: Subdivision Standards, is to promote the health, safety, morals, convenience, order,

prosperity and welfare of the present and future inhabitants of the Town by:

- (A)** Providing for the orderly growth and development of the Town;
- (B)** Coordinating streets and roads within proposed subdivisions with the Town's Comprehensive Transportation Plan and with other public facilities;
- (C)** Providing rights-of-way for streets and utility easements;
- (D)** Avoiding congestion and overcrowding, and encouraging the proper arrangement of streets in relation to existing or planned streets;
- (E)** Ensuring there is adequate open space and recreation facilities to serve development; and
- (F)** Ensuring there is proper recordation of landownership or property owner association records where applicable.

(2) Applicability

Unless exempted in accordance with this Section, the following forms of development shall be required to have land subdivided in accordance with the procedures and standards of this section prior

to the transfer of title or sale of any lots, the issuance of a Zoning Permit, or the issuance of a Building Permit for development:

- (A)** 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;
- (B)** All divisions of land involving a new street/right-of-way/access easement or change in existing streets/ rights-of-way/access easement;
- (C)** Re-subdivision involving the further division or relocation of lot lines on an established tract or previously-approved subdivision (minor subdivision); and
- (D)** The combination or consolidation of lots of record (recombination).
- (E)** No subdivision plat of land within the Town's jurisdiction shall be filed or recorded with the Register of Deeds until it has been submitted and approved as set forth in the Ordinance and any such plat so filed or recorded shall be of no effect for purposes of this Chapter.

(3) Exemptions

The following development shall be exempt from the requirements of this section:

- (A)** The combination or recombination of portions of previously platted lots where the total number of lots is not increased, and where the Planning Director determines there are no significant changes to or encroachment upon the public street systems required, and where the lot sizes comply with the standards set forth in the zoning district where the land is located.
- (B)** The public acquisition of land for public use by purchase of strips of land for the widening or opening of new streets, placement of utilities, or establishment of park land.
- (C)** The partition of land by Court decree.

(4) Subdivision Preliminary Plat (Major Subdivision)

(A) General

A Subdivision Preliminary Plat (Major Subdivision) establishes the general layout and design for the subdivision. Upon the approval of a Subdivision Preliminary Plat, applicants may install streets and public utilities. Following installation and approval of public utilities, applicants may submit an application for a

Subdivision Final Plat. Building Permits may not be issued before approval and recordation of a Subdivision Final Plat.

(B) Applicability

The Subdivision Preliminary Plat (Major Subdivision) procedure shall be utilized for the subdivision of land where:

- (i) New public or private streets are proposed;
- (ii) Changes to existing public rights-of-way are proposed;
- (iii) The tract proposed for subdivision is larger than 5 acres;
- (iv) New public utilities are required to serve the proposed lots;
- (v) Flag lots are created or modified; or
- (vi) More than 10 lots are proposed.

(C) Review Procedure

- (i) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Subdivision are established in Section 2.2, Common Review Procedures.

- (ii) Review of Concept Plan

Unless exempted, review of a Concept Plan and/or Site Plan by Planning Director in accordance with this Chapter, shall be required prior to consideration of a Subdivision Preliminary Plat.

- (iii) Review and Decision by Planning Director

Following review of a Site Plan, the applicant shall prepare a Subdivision Preliminary Plat that reflects the configuration depicted in the Site Plan along with all other required information. Following submittal of a Subdivision Preliminary Plat by an applicant, the Planning Director shall review the plat and shall approve, recommend modification, or deny a Subdivision Preliminary Plat based on the standards in this Ordinance.

(D) Preliminary Plat Standards

A Preliminary Plat for Subdivision shall be approved upon finding the application complies with the standards in this Chapter, all

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

(E) Consistency with Mooresville/Statesville-Iredell School System Plans

- (i) Prior to issuance of a Subdivision Preliminary Plat, landowners or developers of a subdivision including more than 200 buildable acres or more than 500 dwelling units shall contact the Mooresville Graded School District or the Iredell-Statesville School System (as appropriate) to inquire about the appropriateness of reserving land within the subdivision for a potential future school site.
- (ii) In the event that the Mooresville Graded School District or the Iredell-Statesville School System (as appropriate) indicates, in writing, that the location of the proposed subdivision may be an appropriate location for a potential future school site, the landowner or developer shall enter into negotiations with the school district regarding the reservation of land for a potential school site. Such reservations shall be maintained for a minimum period of 18 months following approval of a Subdivision Final Plat.
- (iii) Following reservation, the Mooresville Graded School District or the Iredell-Statesville School System (as appropriate) shall have up to 18 months to acquire the site in accordance with North Carolina General Statutes Section 160A-372.
- (iv) In the event that the Mooresville Graded School District or the Iredell-Statesville School System (as appropriate) has not begun proceedings to acquire the site, as defined in North Carolina General Statutes Section 160A-372, then the landowner or developer shall be relieved of the responsibility to reserve the site for school development.
- (v) The Planning Director shall be included on all correspondence and discussions regarding land reservation for a potential future school site to ensure compliance with this Ordinance.

(F) Amendment

A Subdivision Preliminary Plat may be amended or modified only in accordance with the procedures and standards established for its original approval.

(G) Inspection of Site Improvements

Following construction of all required public improvements and/or the posting of a Performance Guarantee for improvements that are not installed or completed, the subdivider shall submit a request for inspection of public improvements. When all required public improvements and Performance Guarantee have been approved by the Planning Director, the subdivider may apply for a Subdivision Final Plat.

(H) Effects of Approval

Approval of a Subdivision Preliminary Plat shall constitute approval of the development with the general lot shapes and alignments of streets identified in the phases depicted on the approved Preliminary Plat. Phases shall align with any phasing depicted on an approved Concept Plan and/or Site Plan. Approval of a Subdivision Preliminary Plat does not constitute approval of a Final Plat. The Subdivision Preliminary Plat shall run with the land. Subdivision Preliminary Plat approval vests property rights for two years.

(I) Infrastructure Installation

All on-site and off-site public infrastructure as well as any private infrastructure subject to state permitting must be installed prior to approval of a Final Plat.

(J) Performance Guarantees**(i) Residential Subdivisions**

A performance guarantee may be provided by the landowner or applicant in accordance with the standards in Section 2.3.21, Performance Guarantees.

(ii) Non-Residential Subdivisions

A performance guarantee may be provided by the landowner or applicant in accordance with the standards set out in Section 2.3.21, Performance Guarantees.

(5) Subdivision Final Plat**(A) General**

After inspection and approval of the required public improvements the subdivider shall prepare a Subdivision Final Plat for review in accordance with this Section. The subdivider shall receive approval of a Subdivision Final Plat prior to the sale

or transfer of individual lots or issuance of Building Permits for structures on lots.

(B) Review Procedure**(i) Preliminary Procedures**

The preliminary procedures and requirements for submission and review of a Subdivision Final Plat are established in Section 2.2, Common Review Procedures.

(ii) Review and Action by Planning Director

Following the application for a Subdivision Final Plat, the Planning Director shall review and take action on the application for Final Plat in accordance with the standards in this Chapter.

(iii) Subdivision Final Plat Standards

The Final Plat for Subdivision shall:

- (a)** Comply with the standards contained in Chapter 10: Subdivision Standards;
- (b)** Be in substantial conformance with any approved Concept Plan and/or Site Plan;
- (c)** Be in substantial conformance with the Subdivision Preliminary Plat;
- (d)** Comply with all other relevant provisions of this Ordinance;
- (e)** Be consistent with all other relevant Town ordinances and regulations, including the Transportation Impact Analysis Procedures Manual;
- (f)** Indicate the installation of required public improvements
- (g)** Indicate any public land or public roadway dedication; and
- (h)** Include all required certificates, which shall be signed by the appropriate authorities.

(iv) Certification

The Subdivision Final Plat shall include all appropriate certificates as identified in the Appendix of this Ordinance.

(v) Amendments

For any replatting or resubdivision of land, the same procedures and regulations shall apply as prescribed herein for an original subdivision.

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 by filing a plat showing the tract without the lots if no lots have been sold.

The filing and recording of an amended plat as described in this Section 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.

When lots have been sold, the plat may be vacated or amended by all owners of the lots in such plat joining in the execution of such writing.

Streets or rights-of-way which have not been used within (15) years of dedication may be deemed abandoned. The withdrawal of dedication shall be consistent with N.C.G.S. 136-96.

(vi) Recordation

The subdivider shall file the approved Subdivision Final Plat with the Iredell County Register of Deeds for recording, and shall provide proof of recording to the Planning

Department within 30 days after the date of approval or the Subdivision Final Plat shall expire.

(6) Conservation Subdivision**(A) General**

A Conservation Subdivision may be approved if it complies with the procedures of this section and the standards of Section 10.2, Conservation Subdivision.

(B) Procedure

The procedures for review of a Conservation Subdivision shall be the same as those for a Subdivision Preliminary Plat (Section 2.3.10(4)).

(C) Standards

Conservation Subdivisions shall be reviewed by the Planning Director in accordance with the standards for Subdivision Preliminary Plat and Conservation Subdivision.

(7) Minor Subdivision**(A) Generally**

The Minor Subdivision procedure shall be utilized for the subdivision of land into 10 or fewer lots provided the development complies with all the following:

- (i) The total size of the subdivision is 5 acres or less;
- (ii) No new streets, alleys, rights-of-way, easements, or other public ways are created;
- (iii) No changes are made to the existing rights-of-way of any streets, alleys, or other public ways;
- (iv) No new utilities are required to serve the subdivided land;
- (v) The division of land complies with the standards of Chapter 10: Subdivision Standards;
- (vi) No flag lot is created in a residential district that is inconsistent with existing development patterns; and
- (vii) The lots have direct access onto a public or private street.

(B) Procedure**(i) Preliminary Procedures**

The preliminary procedures and requirements for submission and review of a Minor Subdivision are established in Section 2.2, Common Review Procedures.

(ii) Review and Decision by the Planning Director

Minor Subdivisions shall be reviewed and decided by the Planning Director in accordance with the procedure for a Subdivision Preliminary Plat (see Section 2.3.10(4)), except that a Pre-application Conference, Sketch Plan, or Concept Plan shall not be required. The Planning Director shall base his/her decision to approve, approve with modifications, or deny the application on the Minor Subdivision's compliance with the Minor Subdivision Standards.

(C) Minor Subdivision Standards

A Minor Subdivision shall be approved upon a finding the application complies with the standards in Chapter 10: Subdivision Standards, all other relevant provisions of this Ordinance, and all other relevant Town ordinances and regulations.

(D) Recordation

The subdivider shall file an approved Minor Subdivision Plat with the Iredell County Register of Deeds for recording and shall provide proof of recording to the Planning Department within 30

days after the date of approval, or the approved plat shall expire.

(E) Amendments

A Minor Subdivision may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

(8) Recombination Plat

(A) Purpose

This section establishes the procedure for review of a Recombination Plat, or the re-subdivision or re-combination of existing lots located in an approved and recorded plat.

(B) Review Procedure

(i) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Recombination Plat are established in Section 2.2, Common Review Procedures.

(ii) Review and Decision on a Recombination Plat

Recombination Plats shall be reviewed in accordance with the procedure for a Minor Subdivision.

(C) Recombination Plat Standards

An application for a Recombination Plat shall be approved by the Planning Director upon a finding that the application complies with the following:

- (i) All lots comply with the standards and requirements of this Ordinance;
- (ii) Drainage, easements, or rights-of-way shall not be changed;
- (iii) No existing lots shall be rendered nonconforming;
- (iv) The rear portion of lots shall not be subdivided from the front part except for lots with frontage on two streets; and
- (v) The recombination of land shall result in lots that maintain the character of the surrounding area in terms of lot size, configuration, and general lot shape.

2.3.11. Zoning Permit

(1) Purpose

A Zoning Permit shall be required in accordance with the provisions of this section in order to ensure that proposed development complies with the standards of this Ordinance, and to otherwise

protect the public health, safety, and welfare of the citizens of the Town.

(2) Applicability

- (A)** Except for development identified in Section 2.3.11(3), Exemptions, the provisions of this section shall be applicable to all development in the Town. No building, sign, or other structure shall be erected, moved, extended, enlarged, or structurally altered, nor shall any temporary use commence, nor shall any excavation or filling of any lot occur, nor shall any tree be removed, nor shall any change in the use of land or building occur, nor shall any Building Permit be issued until the Planning Director has issued a Zoning Permit in accordance with this section.
- (B)** Zoning Permits may also be used as the permit issued for watershed protection, as described in NC General Statutes §143-214.5.
- (C)** Except for development exempted below, all building, electrical, mechanical, structural, plumbing, piping or other permits from Iredell County Inspections Department require prior issuance of a Zoning Permit.

(3) Exemptions

The following development shall be exempt from the requirements of this section:

- (A)** Street construction or repair;
- (B)** Except when an electrical permit is required from Iredell County, erection of an exempt sign in accordance with Section 8.3, Signs Exempt from a Building Permit; and
- (C)** Construction of mailboxes, newspaper boxes, walls less than 60 inches in height, fences, flag poles, pump covers, driveways, playground equipment, doghouses, and any other minor items deemed exempt by the Planning Director.

(4) Procedure

The applicable requirements for submission and review of an application are established in Section 2.2, Common Review Procedures. The Planning Director shall review and approve or deny an application for a Zoning Permit in accordance with the standards

in Section 2.3.11(5), Zoning Permit Standards. If the application is denied, the reasons for denial shall be provided to the applicant.

(5) Zoning Permit Standards

A Zoning Permit shall be approved upon a finding that the application complies with all relevant standards of this Ordinance, as well as any other applicable Town requirements and applicable conditions of approval.

(6) Appeal

Appeals from a decision of the Planning Director shall be reviewed and approved by the Board of Adjustment in accordance with Section 2.3.14, Appeal of Administrative Decision.

(7) Expiration

- (A)** In cases where a maximum time frame for development is established as a condition of approval, the Zoning Permit shall expire and become void upon the lapse of the allowable time frame.
- (B)** If a Building Permit is not issued within six months of the date of issuance of the Zoning Permit, the Zoning Permit shall expire and be void.
- (C)** In cases where a Building Permit is not required, the Zoning Permit shall expire and be void unless the activity authorized by the Zoning Permit has commenced within six months of the date of issuance of the Zoning Permit.

2.3.12. Tree Removal Permit**(1) Purpose**

The purpose of Tree Removal Permit is to ensure that existing trees on vacant or under-developed lands in the Town's planning jurisdiction are not timbered or clear cut immediately prior to submittal of a rezoning request or other development application.

(2) Applicability

Except for development exempted below, prior to any land disturbing activities or removal of a tree from a vacant site or parcel of land, the owner/developer shall have a Tree Removal Permit

approved in accordance with the procedures and standards of this section.

(3) Exemptions

The following types of lots or development is exempt from the standards and requirements of this section:

- (A)** Land subject to a Site Plan, Subdivision Preliminary Plat, Zoning Permit, or Building Permit approved prior to the adoption of this Ordinance.
- (B)** The removal of vegetation by public or private agencies within the lines of any right-of-way, easement, or other Town-owned lands as may be necessary to ensure public safety.
- (C)** The removal of less than one acre of existing vegetation on vacant land that is zoned R-2, R-3, or R-5. In no event shall this exemption allow more than one acre to be cleared without a Tree Removal Permit. In no instance shall this provision be construed to allow a series of sequential or incremental clearings of land that result in an aggregate area of cleared land exceeding one acre in size without issuance of a Tree Removal Permit.
- (D)** Land disturbing activities undertaken on agricultural land taxed under the present-use value standard, or forest land for the production and harvesting of timber or timber products, conducted in accordance with a Forestry Management Plan prepared in accordance with North Carolina General Statutes Section 89B.

(4) Procedure

The applicable requirements for submission and review of an application are established in Section 2.2, Common Review Procedures. The Planning Director shall review the application and

approve or deny the application for a Tree Removal Permit in accordance with the standards in this Section.

(5) Tree Removal Permit Standards

A Tree Removal Permit shall be approved upon finding all the following standards are met:

- (A)** A Tree Protection Zone is established consistent with the requirements in Chapter 7 of this Ordinance.
- (B)** All trees within the Tree Protection Zone shall be preserved and maintained during and after any tree removal or land disturbing activity.
- (C)** In cases where an existing tree trunk is bisected by the Tree Protection Zone boundary, that tree shall be considered to be located within the Tree Protection Zone, and shall be maintained.

(6) Tree Damage within a Tree Protection Zone

The accidental damage of existing trees within a designated Tree Protection Zone shall be subject to the replacement/mitigation standards identified in Chapter 7 of this Ordinance.

(7) Credit for Tree Protection Zone

Qualifying trees located within a Tree Protection Zone shall be credited towards the landscaping requirements of Chapter 7 of this Ordinance, if the site or parcel of land becomes the subject of a development application in accordance with this Ordinance.

(8) Clearing in Violation

Failure to obtain a Tree Removal Permit prior to tree removal, or intentional damage to existing trees in a Tree Protection Zone established as part of a Tree Removal Permit is a violation of this Ordinance subject to the remedies identified in Chapter 12 of this Ordinance.

2.3.13. Interpretation**(1) Authority**

Interpretations of all provisions of this Ordinance shall be made by the Planning Director, including: interpretations of the text of this Ordinance; interpretations of the zoning district boundaries; interpretation of compliance with a condition of approval, and

interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district.

(2) Initiation

A written interpretation may be requested by the Town Board of Commissioners, the Planning Board, the Board of Adjustment, the Historic Preservation Commission, any other official Town board or commission, any resident or landowner, or any person having a contractual interest in land in the Town.

(3) Procedure**(A) Submission of Request for Interpretation**

Before a written interpretation shall be provided by the Planning Director, the request shall be submitted to the Planning Department in writing, along with a non-refundable fee (The fee shall be the same as a zoning verification letter).

(B) Determination of Application Completeness

Within 10 business days after a Request for Interpretation has been submitted, the Planning Director shall determine whether it is complete. If the Planning Director determines the Request of Interpretation is not complete, a notice shall be provided to the applicant specifying the deficiencies. The Planning Director shall take no further action on the Request for Interpretation until the deficiencies are remedied. If the applicant fails to respond to the deficiencies within 20 business days, the Request for Interpretation shall be considered withdrawn.

(C) Rendering of Interpretation

After the Request for Interpretation has been determined to be complete, the Planning Director shall review and evaluate the request in light of the Comprehensive Land Use Plan, this Ordinance, 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.

(D) Form

The interpretation shall be in writing and sent to the applicant by mail and email.

(4) Appeal

Any aggrieved party objecting to a written interpretation from the Planning Director may appeal the interpretation to the Board of

Adjustment in accordance with Section 2.3.14, Appeal of Administrative Decision.

(5) Official Record

The Planning Department shall maintain a record of written interpretations that shall be available for public inspection, upon reasonable request, during normal business hours.

2.3.14. Appeal of Administrative Decision

(1) Right of Appeal

Any aggrieved party affected by a decision or interpretation of the Planning Director may appeal such decision or interpretation to the Board of Adjustment in accordance with this Section.

(2) Procedure

(A) Initiation

An appeal taken in accordance with this section may be initiated by filing a written Notice of Appeal within 30 days of the date of the decision or interpretation with the Planning Department.

(B) Contents of Appeal

The written Notice of Appeal shall specify the grounds for the appeal, a statement of the improper decision or interpretation, the date of that decision or interpretation, and all support materials related to the decision.

(C) Record

Upon receipt of the written 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.

(D) Scheduling of Notice and Hearing

- (i) Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing, provide public notification, and prepare a Staff Report in accordance with the standards in Section 2.2, Common Review Procedures.
- (ii) The Board of Adjustment shall hear the appeal at its next regularly scheduled meeting, based upon established scheduling policy, or as soon as is reasonably possible.

(E) Hearing and Decision by Board of Adjustment

At the hearing, the person making the appeal may appear in person, or by agent or attorney, and shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The Planning Director shall be given an opportunity to respond, as well as any other Town staff or other person the Board of Adjustment deems necessary.

In making its determination, the Board of Adjustment shall consider the application, the relevant support materials, the Staff Report, and the testimony given at the public hearing. Within 31 days 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 Ordinance.

Modifying or reversing the decision being appealed shall require an affirmative vote of a majority of the members of the Board of Adjustment who are eligible to vote during the meeting. All decisions by the Board of Adjustment shall be in writing and shall be filed in the Planning Department within five days from the date the decision is made.

(3) Effect of Appeal

A pending appeal stays all proceedings in furtherance of the action appealed from, unless the Planning Director certifies to the Board of Adjustment after the Notice of Appeal is filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. 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.

(4) Appeal

Any appeal from the decision of the Board of Adjustment shall be to the Superior Court of Iredell County by petition for a writ of certiorari. Any such petition to the Superior Court shall be filed with the Clerk of Court no later than 30 days after the date the decision of the Board of Adjustment is filed in the Planning Department, or after the date a written copy of the decision is delivered (via personal delivery or by registered or certified mail, return receipt requested) to every aggrieved party who has filed a written request for such copy with the Board of Adjustment at the public hearing, whichever is later.

2.3.15. Vested Rights Determination**(1) Purpose**

The purpose of this section is to provide a procedure allowing a landowner to apply for the right to develop land in accordance with a previously-approved Site-Specific Development Plan in-lieu of compliance with current zoning or land use requirements.

(2) Applicability

Vested rights, in accordance with this section, and North Carolina General Statutes Section 160A-385.1, shall only be available to a landowner with a legally-established and approved Site-Specific Development Plan. For the purposes of this subsection, a Site-Specific Development Plan shall include the following:

- (A)** Land subject to a Conditional Zoning District Classification and any associated Conditional Use Permit;
- (B)** Development subject to a Minor Subdivision Plat;
- (C)** Development subject to a Subdivision Preliminary Plat; or
- (D)** Development subject to a Site Plan.

(3) Procedure**(A) Application submission, Review, Public Notification, Scheduling Hearing**

The applicable requirements for submission and review of an application are established in Section 2.2, Common Review Procedures.

(B) Review and Recommendation by Planning Board

After preparation of a Staff Report by the Planning Director, the application shall be referred to the Planning Board for review and recommendation. During the meeting, the Planning Board shall consider the application, the relevant support materials, the Staff Report, and any public comments given on the application. Within 45 days of the first meeting on an application, the Planning Board shall make a written recommendation to the Town Board of Commissioners (unless a longer review period is established by mutual agreement of the applicant and Planning Board). In addition to making a recommendation as to approval or denial of the application and the appropriate period of time to vest a Site-Specific Development Plan, the Planning Board may also recommend the imposition of conditions on the approval in accordance with the Conditions of Approval in this Chapter. In no instance shall the application proceed to the public hearing before the Town Board of Commissioners without a recommendation by the Planning Board.

(C) Review and Action by the Board of Commissioners

After receipt of a recommendation from the Planning Board, public notification, and the scheduling of a public hearing, the Town Board of Commissioners shall conduct a public hearing on the application. At the public hearing, the Town Board of Commissioners shall consider the application, the relevant support materials, the Staff Report, the recommendation of the Planning Board, and the testimony given at the public hearing. After the close of the public hearing, the Town Board of Commissioners shall, by four-fifths (4/5) majority of those present and eligible to vote, approve, approve with conditions, or deny the application based on the Vested Rights Standards in this Section. In the event the application is approved, the Town Board of Commissioners shall establish the vesting period, which

shall not exceed a maximum of five years from the date of approval of the Vested Right Determination.

(4) Vested Rights Standards

The Town Board of Commissioners shall only grant vested rights in accordance with this section after making the following findings:

- (A)** The Site-Specific Development Plan was lawfully established and approved in the appropriate manner by the appropriate decision-making body;
- (B)** The Site-Specific Development Plan has not expired;
- (C)** The Site-Specific Development Plan provides sufficient information to establish the type and intensity of proposed development with reasonable certainty.

In approving a Vested Rights Determination, the Town Board of Commissioners may extend the two-year vested rights period to a period of up to five years, where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, economic cycles, and market conditions.

2.3.16. Certificate of Appropriateness

(1) Purpose and Scope

The purpose of this section is to provide for the review of development, construction, alteration, or demolition of landmark historic structures and other historic structures within the locally designated historic district, Historic Preservation Overlay (HPO)

District, or locally designated historic landmarks by the Historic Preservation Commission.

(2) Applicability

- (A)** Unless otherwise exempted below, no Building Permit for construction, alteration or rehabilitation, moving, or demolition shall be issued for designated landmark historic structures or other historic structures within the HPO District until the project has been submitted to, and received a written Certificate of Appropriateness from, the Historic Preservation Commission.
- (B)** In instances where a 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 the project has been submitted to, and received a written Certificate of Appropriateness from, the Historic Preservation Commission.

(3) Exemption

Building Permits for work (electrical, interior structural, etc.) on the interior of the structure shall be exempt from the provisions of this subsection 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.

(4) Initiation

An application for a Certificate of Appropriateness shall be initiated by the property owner or other person having authority to file an application pursuant to this Chapter.

(5) Procedure

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of a Certificate of Appropriateness are established in Section 2.2, Common Review Procedures.

(B) Review by the Planning Director

Following a Determination of Application Completeness by the Planning Director, the Planning Director shall consider the Certificate of Appropriateness application and shall formulate a recommendation based its compliance with standards in this Ordinance. This recommendation shall be included within the

Staff Report prepared for the Historic Preservation Commission's public hearing to consider the request.

(C) Review and Decision by the Historic Preservation Commission

After public notification, scheduling a public hearing, and receipt of a Staff Report from the Planning Director, the Historic Preservation Commission shall conduct a quasi-judicial public hearing on the application. At the public hearing the Historic Preservation Commission shall consider the application, the relevant support materials, the Staff Report, the recommendation of the Planning Director, and testimony given at the public hearing. After the close of the public hearing, the Historic Preservation Commission shall, by simple majority of a quorum present and voting, approve, or approve with

conditions, or deny the application based on the Certificate of Appropriateness Standards.

(6) Relationship to Concept Plan and/or Site Plan Process

- (A)** For lands subject to Concept Plan and/or Site Plan review, the application for a Certificate of Appropriateness shall be made prior to the Planning Director's review of the Site Plan. All other applications may be made with the application for a Zoning Permit prior to a Building Permit.
- (B)** If the Certificate of Appropriateness is issued, then the Zoning Permit, Building Permit, and/or Site Plan review shall be processed in accordance with this Ordinance or in the same manner as that of any other similar project. If the Historic Preservation Commission disapproves the Certificate of Appropriateness, the applicant shall be notified and processing of a related Zoning Permit, Building Permit, and/or Site Plan application will be discontinued.

(7) Certificate of Appropriateness Standards

The Historic Preservation Commission shall consider the following in evaluating an application for a Certificate of Appropriateness:

- (A)** Whether the proposal is consistent with the Historic Preservation Commission Design Standards, herein adopted by reference;
- (B)** Whether the proposed action is in harmony with the intent of the HPO District (if applicable);
- (C)** Whether the proposed action would complement other structures within the HPO; 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;

(8) Appeal

Any appeal from the decision of the Historic Preservation Commission shall be to the Board of Adjustment within 30 days of the date the decision is filed in the Planning Department.

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

(1) Purpose and Scope

The purpose of this section is to provide a uniform means for amending the Comprehensive Plan, Future Land Use Map, and Small Area Studies or adopting new Small Area Studies.

(2) Authority

The Town Board of Commissioners may amend the Comprehensive Plan, Future Land Use Map, or Small Area Studies upon compliance with the provisions of this section.

(3) Initiation

An application to amend the Comprehensive Plan, Future Land Use Map, or Small Area Study may be initiated by the Town Board of Commissioners, the Planning Board, the Planning Director, 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 that can show that conditions changed in an area, an error or omission exists on the current Plan, or policies or objectives for development in the Town have changed, which warrant consideration for an amendment.

An application to create a new Small Area Study may be initiated by the Town Board of Commissioners, the Planning Board, or the Planning Director.

(4) Procedures

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application are established in Section 2.2, Common Review Procedures.

(B) Review and Recommendation by Planning Board

After preparation of a Staff Report, the application shall be referred to the Planning Board for review and recommendation. During the meeting, the Planning Board shall consider the application, the relevant support materials, the Staff Report, and the comments given by the public. Within 30 days of the first meeting on an application, the Planning Board shall make a written recommendation to the Town Board of Commissioners.

(unless a longer review period is established by mutual agreement of the applicant and Planning Board).

(C) Review and Action by the Town Board of Commissioners

Following consideration by the Planning Board, the Town Board of Commissioners shall conduct a public hearing to review and consider the application, the relevant support materials, the Staff Report, the recommendation of the Planning Board, and the comments given during the hearing (if any). Following the close of the public hearing, the Town Board of Commissioners, shall approve, approve with conditions, or deny the application:

(5) Citizens Comments

If any resident or property owner in the Town submits a written statement regarding a proposed amendment to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Town Board of Commissioners.

(6) Amendment Standards

Amending the Comprehensive Plan, Future Land Use Map, and Small Area Plans are a matter committed to the legislative discretion of the Town Board of Commissioners. In determining whether to adopt or deny the proposed amendment, the Town Board of Commissioners shall consider and weigh the impact of such amendment with the anticipated future needs of the Town.

2.3.18. Performance Guarantees**(3) Purpose and Scope**

The purpose of this section is to provide a mechanism for which specific, unfinished development can be secured and still allow an

applicant to move forward with the next step in the land development process.

(4) Applicability

Performance Guarantees shall be filed with the Town of Mooresville to ensure unfinished development will be completed for specific situations, as detailed below.

(A) Exemption

Performance Guarantees do not apply to an individual property owner who is building his/her own single-family home.

(B) Required

Performance Guarantees shall be required for development of a multi-lot residential subdivision, multi-family property, commercial property, or industrial property once a site development plan and/or subdivision plat has/ have been approved; however, all construction elements shown on the approved plan/ plat have not been installed or built:

- (i) Prior to issuance of a final construction approval;
- (ii) Prior to issuance of a permanent Certificate of Occupancy;
- (iii) At time of the approval of a recordable instrument, including a subdivision plat; or
- (iv) Prior to acceptance of dedication for public use improvements made by private development or funding, pursuant to any state law.

(5) Process

An application for a Performance Guarantee shall be submitted to the Planning Department for processing and evaluation. Upon review of the guarantee and cost estimate and upon visiting the site to verify incomplete work, the Planning Director may approve a Performance Guarantee. Upon approval of a Performance Guarantee, the applicant has the ability to move forward with either

the Final Subdivision Plat or application for building permit issuance by Iredell County.

(6) Procedures

The following forms of Performance Guarantees shall be accepted by the Town of Mooresville if obtained from a company licensed to do business in North Carolina:

- (i) Cash bond;
- (ii) Surety bond;
- (iii) Irrevocable letter of credit; or
- (iv) Any other form that provides equivalent security to a surety bond or letter of credit, as mutually agreed upon by the Planning Director and applicant/developer.

(7) Performance Guarantee Details

The Performance Guarantee shall be made payable to the Town of Mooresville and shall be in an amount equal to 1.25 times the entire cost, as certified by the Planning Director, of completion of all required improvements. The duration of the Performance Guarantee shall initially be for one year, unless it is initially determined that the scope of work for the required improvements necessitates a longer duration. A Performance Guarantee may be extended for an additional period if a developer has demonstrated reasonable good-faith progress toward completion of the improvements, as determined by the Planning Director.

If cash or other instrument is deposited in escrow with a financial institution, then the applicant shall file with the Town of Mooresville an agreement with the financial institution guaranteeing the following:

That 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

That 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.

(8) Release**(A) Partial Releases**

Once a Performance Guarantee is in place, it may be drawn down based on percentage of work, in increments of at least 10%, once at least 30% of the work is completed, with the final 10% of the original amount being held until all work is completed. Partial releases of Performance Guarantees shall be processed within thirty (30) days of written request to the Planning Director, unless there are specified defects or deficiencies in the construction of facilities covered by the guarantee, which will be detailed in a letter provided by the Planning Director.

No more than three releases of a single Performance Guarantee (including partial and final releases) are required to be approved within any twelve-month period.

(B) Final Release

Once the required improvements covered under the Performance Guarantee are completed and certified by the Planning Director as being complete, the applicant may request the final release, which shall be processed within thirty (30) days of receipt by the Planning Director.

(9) 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 Ordinance 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 Planning Director. 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.

2.3.19. Watershed Density Averaging Certificate

(1) Purpose

The purpose and intent of this section is to establish the procedure and standards for a Watershed Density Averaging Certificate that are contained as part of the provisions of the Watershed Protection Overlay District and to distinguish between the role of the Watershed Review Board and the Board of Adjustment in the review of Watershed Density Averaging Certificate applications.

(2) Authority

The Board of Adjustment is hereby authorized to act as the Watershed Review Board and to review and decide applications for a Watershed Density Averaging Certificate.

(3) Procedure

(A) Preliminary Procedures

The preliminary procedures and requirements for submission and review of an application for a Watershed Density Averaging Certificate, are established in Section 2.2, Common Review Procedures.

(B) Application Requirements

Watershed Density Averaging Certificate Applications shall include the following information for consideration by the Watershed Review Board:

- (i) Application form and items identified in the Administrative Manual;
- (ii) Items identified in Section 2.2, Common Review Procedures; and
- (iii) A Concept Plan that is given a preliminary approval by the Planning Director in accordance with Section 2.3. of this ordinance and identifies the specific need for a Watershed Density Averaging Certificate on a specific site.

(C) Review and Action by the Watershed Review Board

- (i) Applications for Watershed Density Averaging Certificates shall be processed in accordance with the procedure for a quasi-judicial hearing.
- (ii) All properties that are part of the application shall be considered together to ensure they meet the necessary standards for approval.
- (iii) Applications for a Watershed Density Averaging Certificate shall be reviewed as follows:

After preparation of a Staff Report, public notification, and the scheduling of a public hearing, the Watershed Review Board shall conduct a quasi-judicial hearing on the application. At the hearing, the Watershed Review Board shall consider the application, the relevant supporting materials, the Staff Report, and the testimony given at the hearing. Following the hearing, the Watershed Review Board shall make a written determination to approve, approve with conditions, or deny the Watershed Density Averaging Certificate application based on the standards in this Section and those contained in the Watershed Protection Overlay District.

(D) Watershed Density Averaging Certificate Standards

The standards for review of a Watershed Density Averaging Certificate by the Watershed Review Board shall be as follows:

- (i) The request is in compliance with the standards identified in section 4.2(8) of this ordinance; and
- (ii) The request meets the spirit and intent of the Town's Comprehensive Land Use Plan.

(E) Conditions of Approval

The Watershed Review Board, in granting a Watershed Density Averaging Certificate may prescribe appropriate conditions in accordance with Conditions of Approval. Included with the Certificate will be the Concept Plan, registered plats for all properties involved, a description of all properties involved, and documentation reflecting the development restrictions of the parcel(s) that will remain undeveloped.

(F) Effect of Approval

If an application for a Watershed Density Averaging Certificate is approved by the Watershed Review Board, the landowner may:

- (i) Record a plat and associated deed restrictions that contain the stipulations of the Watershed Density Averaging Certificate for the donating property(ies); and
- (ii) Proceed with developing the receiving property(ies) in accordance with the stipulations contained in the Watershed Density Averaging Certificate once a plat and deed restrictions are recorded with the required stipulations and after all land development permits are approved, which may include, but not limited to, Sketch Plan, Concept Plan, and/or Site Plan in accordance with the standards in this ordinance.

(G) Appeals

Any appeal from the decision of the Watershed Review Board shall be to the Superior Court for Iredell County by petition for a writ of certiorari. Any petition to the Superior Court shall be filed with the Clerk of Court no later than 30 days after the date the decision of the Watershed Review Board is filed in the Planning Department, or after the date a written copy of the decision is delivered (via personal delivery or by registered or certified mail, return receipt requested) to every aggrieved party who has filed a written request

for such copy with the Watershed Review Board at the public hearing, whichever is later.

Chapter 3: Base Zoning Districts

CHAPTER 3: BASE ZONING DISTRICTS 3-1

3.1 GENERAL PROVISIONS 3-1

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CHAPTER 3: BASE ZONING DISTRICTS

3.1 GENERAL PROVISIONS

3.1.1. Base Zoning Districts Established

Table 3.1.1, Base Zoning Districts Established, sets out the base (or general use) zoning districts established by the Town Board of Commissioners in this Ordinance.

TABLE 3.1.1: BASE ZONING DISTRICTS ESTABLISHED	
ABBREVIATION	DISTRICT NAME
RESIDENTIAL DISTRICTS	
R-2	Single-Family Residential-2
R-3	Single-Family Residential-3
R-5	Single-Family Residential-5
RMX	Residential Mixed-Use
RMX-MH	Residential Mixed-Use – Manufactured Home
TND-C	Traditional Neighborhood Development
NONRESIDENTIAL DISTRICTS	
NMX	Neighborhood Mixed-Use
CMX	Corridor Mixed-Use
VC	Village Center
TC	Town Center
HB	Highway Business
HI	Hybrid Industrial
GI	General Industrial
EI	Exclusive Industrial
PC-C	Planned Campus District
NOTES: [1] The PC-C and TND-C districts may only be established through the Conditional Zoning District Classification procedure (see Section 2.3.2).	

3.1.2. Relationship to Conditional Use and Overlay Zoning Districts

(1) Generally

Lands within the Town and its extraterritorial jurisdiction may be classified into one or more of the following:

- (A)** A base (or general use) zoning district as set forth in Section 3.2;
- (B)** A conditional zoning district as set forth in Section 3.3; and
- (C)** One or more of the overlay zoning districts set forth in CHAPTER 4: verlay Zoning Districts.

CHAPTER 3: BASE ZONING DISTRICTS

3.1 GENERAL PROVISIONS

3.1.2 Relationship to Conditional Use and Overlay Zoning Districts

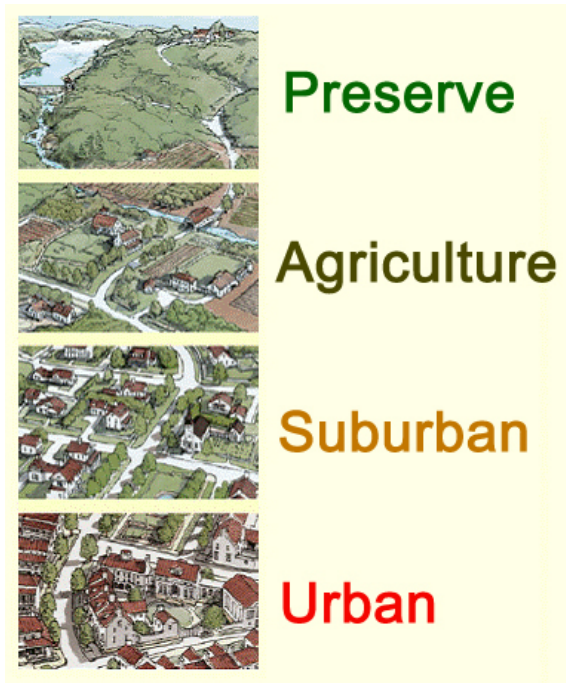


Figure 3.1.2: Use Transect. This image depicts the transition in the types of appropriate land uses from conservation areas to urban centers.

(2) Conditional Zoning Districts

Where lands are classified in a conditional zoning district in accordance with Section 2.3.2, Conditional Zoning District Classification, any conditions approved by the Town Board of Commissioners shall apply in addition to the regulations governing development in the corresponding base zoning district.

(3) Overlay Districts

Where lands are classified within an overlay zoning district in addition to a base or conditional zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying zoning district.

(4) Conflict

In the event of an express conflict between the standards set forth in Chapter 3: Base Zoning Districts, and Chapter 4: Overlay Zoning Districts, the more restrictive provision shall control, unless otherwise specified.

3.1.3. Compliance with District Standards

No land within the Town or its Extra-territorial Jurisdiction shall be developed except in accordance with the zoning district regulations of Chapter 3: Base Zoning Districts, Chapter 4: Overlay Zoning Districts, and all other applicable regulations of this Ordinance, including but not limited to:

- (1)** Chapter 5: Use Standards;
- (2)** Chapter 6: Building Form Standards;
- (3)** Chapter 7: Landscaping and Open Space;
- (4)** Chapter 8: Signage;
- (5)** Chapter 9: Development Standards; and
- (6)** Chapter 10: Subdivision Standards.

3.2 BASE ZONING DISTRICTS**3.2.1. Purpose and Intent**

The base districts contained in this section are established and intended to provide a comfortable, healthy, safe, and pleasant environment in which to live, work, or recreate. More specifically, they are intended to:

- (1)** Provide appropriately located lands for development that are consistent with the goals, objectives, and policies of the Comprehensive Land Use Plan, the Comprehensive Transportation Plan, and applicable small area plans.
- (2)** Provide for residential housing choice and diversity with varying density together with accessory structures, and nonresidential services as may be compatible with such development.
- (3)** Create neighborhoods and preserve existing community character while accommodating new development consistent with the Town's goals and objectives.
- (4)** Minimize any negative impacts of nonresidential development on residential districts and uses.
- (5)** Create suitable environments for various types of business uses, and protect them from the adverse effects of incompatible uses.
- (6)** Create suitable environments for various types of mixed-use development, where business, office, retail, and residential uses are designed and integrated in compatible ways.
- (7)** Preserve the unique character and historic resources of the downtown, traditional neighborhoods, and the community.

CHAPTER 3: BASE ZONING DISTRICTS

3.2 BASE ZONING DISTRICTS

3.2.2 District Purpose Statements

3.2.2. District Purpose Statements

(1) Single-Family Residential-2 (R-2)

The Single-Family Residential-2 (R-2) District is intended to accommodate low density detached residential development that is typically served by conventional well and septic systems. Generally, this district is rural in character and not located within close proximity to public utility services. This district is established to maintain a suitable environment for single-family dwellings while ensuring adequate space for well and septic systems as required by the Iredell County Health Department. While the principal use of land is detached residential, the district also permits agricultural uses, open space, bed and breakfast inns, complimentary small-scale institutional uses (e.g., churches, post offices, police substations), country clubs, golf courses, and a variety of accessory and temporary uses. The district permits mobile homes on individual lots and within manufactured/mobile home parks established prior to approval of this Ordinance to remain, as nonconforming uses. The district allows use of the Detached House, Attached Residential, and Civic Building Forms, as appropriate (see Section 6.6, General Form Standards, and Section 6.7, Specific Building Form Standards). Except on lots served by conventional well and septic systems, there is no minimum lot size. Except where a Conservation Subdivision is approved in accordance with Section 2.3.10(6), Conservation Subdivision, lots containing conventional well and septic systems shall be at 20,000 square feet in size, unless a larger size is specified by the Iredell County Health Department.

(2) Single-Family Residential-3 (R-3)

The Single-Family Residential-3 (R-3) District is intended to accommodate primarily low density detached residential development along with a limited amount of complimentary institutional and nonresidential uses that would not be detrimental to the residential character of the district (e.g., churches, post offices, country clubs, and golf courses). Lots within the district are typically served with public utilities. Along with single-family detached dwellings, the district permits centrally-located open space, bed and breakfast inns, and a variety of accessory and temporary uses. The district allows use of the Detached House and Civic Building Forms, as appropriate (see Section 6.6, General Form Standards, and Section 6.7, Specific Building Form Standards). There is no minimum lot size, but the maximum residential density is three units per acre, and buildings containing institutional uses may not exceed 25,000 square feet without a Conditional Use Permit.

(3) Single-Family Residential-5 (R-5)

The Single Family Residential-5 (R-5) District is established as a district in which the principal use of land is detached residential and small-scale attached residential uses (with a Conditional Use Permit). The regulations of this district are intended to encourage diverse functioning neighborhoods that include a variety of different types of residential development types, limited nonresidential uses, complementary institutional uses, and centrally-located open space. The district allows use of the Detached House, Attached Residential, and Civic Building Forms, as appropriate (see Section 6.6, General Form Standards, and Section 6.7, Specific Building Form Standards). Multi-family uses shall be configured using the Mansion Apartment Building Form, not exceed six units per structure, and be located on lots of least two acres in size. There is no minimum lot size for detached residential development, but residential densities are limited to a maximum of five units per acre. Densities for detached and residential uses may be increased to a maximum of eight units per acre with a Conditional Zoning District Classification (see Section 2.3.2).

(4) Residential Mixed-Use (RMX)

The Residential Mixed-Use (RMX) District is established to encourage diverse functioning neighborhoods that mix various types of residential development as the primary Use Type, limited neighborhood-serving nonresidential uses, and complementary institutional uses (e.g., churches, post offices, police sub-stations). The district permits a diverse mixture of detached and attached development and accessory dwellings. In addition to a variety of residential types, the district permits centrally-located open space, day care facilities, and small-scale, neighborhood-serving convenience retail located on corner lots. The district allows use of the Detached House, Attached House, Civic Building, and Shopfront Building Forms, as appropriate (see Section 6.6, General Form Standards, and Section 6.7, Specific Building Form Standards). Detached residential uses are limited to a maximum density of eight units per acre, and attached residential uses may have a maximum density of ten units per acre. Maximum densities for detached and attached residential uses may be increased to a maximum of 12 units per acre through the approval of a Conditional Zoning District Classification (Section 2.3.2). Nonresidential uses may be stand-alone or configured as part of a mixed-use structure, but shall not exceed 5,000 square feet of nonresidential floor area.

CHAPTER 3: BASE ZONING DISTRICTS

3.2 BASE ZONING DISTRICTS

3.2.2 District Purpose Statements

(5) Residential Mixed-Use Manufactured Housing (RMX-MH)

The Residential Mixed-Use Manufactured Housing (RMX-MH) District is established and intended to provide for mobile and manufactured homes in a park setting designed to create an environment of residential character. The minimum size for a new manufactured home park development in the RMX-MH District shall be at least five acres, and the park shall be enclosed with a six-foot-high wooden fence or masonry wall whenever it is adjacent to a different zoning district classification. The district permits the same range of residential and nonresidential uses and allowable building forms as permitted in the RMX District.

(6) Neighborhood Mixed-Use (NMX)

The Neighborhood Mixed-Use (NMX) District is intended primarily for mixed pedestrian-scaled neighborhood-serving nonresidential uses and high density residential uses in the same structure or in close proximity to one another. Development in this district shall promote pedestrian-scaled uses through connections to adjacent neighborhoods, the construction of mixed-use buildings, and the establishment of residential and nonresidential uses in close proximity to one another. Nonresidential uses may include small-scale retail, service, and professional offices that provide goods and services to the residents of the surrounding neighborhood. Nonresidential uses should typically be located at the intersection of two collector streets or a collector street and arterial street. Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to development standards to ensure development is consistent with the neighborhood scale and form of the district, and compatible with surrounding uses through setbacks, height limitations, bulk and other dimensional standards, connectivity requirements, controls on lighting, and site design. The Detached House, Attached Residential, Shopfront Building, and Civic Building Forms are appropriate for use in the NMX District (see Section 6.6, General Form Standards, and Section 6.7, Specific Building Form Standards). Detached residential uses shall have a maximum density of eight units per acre. Attached residential densities shall not exceed 12 units per acre. Residential densities may be increased to a maximum of 14 units per acre with a Conditional Zoning District Classification (see Section 2.3.2). Establishment of single tenant nonresidential buildings exceeding 5,000 square feet and multiple nonresidential tenant buildings exceeding 15,000 square feet shall require a Conditional Use Permit.



Figure 3.2.2.6: Neighborhood Mixed-Use. *This photograph provides an example of pedestrian-scaled neighborhood mixed-use.*

(7) Corridor Mixed-Use (CMX)

The Corridor Mixed-Use (CMX) District provides for development of high density residential and mixed-use development on lots fronting the Town's major street corridors as identified in the Comprehensive Land Use Plan. The district acts as a transition from larger-scale regionally-oriented nonresidential uses to smaller scale uses providing services to surrounding neighborhoods. Developments in this district are generally a mix of pedestrian and auto-oriented uses. Depending on the presence of on-street parking, buildings may be located close to the street and may be larger in size than uses typically found in the NMX District. All forms of residential use (except mobile homes) are permitted, and are typically located away from the primary street corridor or in vertically-integrated mixed-use buildings. Nonresidential uses are intended to serve groups of neighborhoods instead of individual neighborhoods. New detached residential development requires a Conditional use Permit (see Section 2.3.3), and is limited to a maximum of eight units per acre. Existing detached residential may be rebuilt without a CU permit if destroyed by natural disaster, so long as it does not increase any nonconformities. Attached residential development has a maximum density of 12 units per acre which can be increased to 16 units per acre with a Conditional Use Permit (see Section 2.3.3). Individual office and retail uses exceeding 30,000 square feet are permitted only through the issuance of a Conditional Use Permit. All building forms in Chapter 6: Building Form, except Flex/Industrial and Large Retail, are allowed in the CMX District.

(amended 12/1/2008, TA-2008-27)

CHAPTER 3: BASE ZONING DISTRICTS

3.2 BASE ZONING DISTRICTS

3.2.2 District Purpose Statements



Figure 3.2.2.7: Corridor Mixed-Use. This photograph provides an example of corridor mixed-use.

(8) Village Center (VC)

The Village Center (VC) District serves as an urban center, a focal point of employment, commercial, and retail uses similar to the Town Center (TC) District, but is located in outlying areas of the Town as designated by Comprehensive Land Use Map of the Comprehensive Land Use Plan. It is intended to support a variety of housing types and compatible nonresidential and institutional uses. New development is encouraged to be multi-story with vertically-integrated mixed uses composed of street-level nonresidential and upper-story residential uses. High-density attached residential use types that are supportive of transit are encouraged. Village centers occupy lots along both sides of major thoroughfares with the highest intensity uses located adjacent to street intersections. The Attached Residential, Shopfront, Workplace, and Civic Building Forms (see Section 6.6, General Form Standards, and Section 6.7, Specific Building Form Standards) are appropriate within the VC District. Detached residential development is prohibited. Attached residential uses are permitted at a maximum density of 16 units per acre, except that densities of up to 18 units per acre may be permitted with a Conditional Zoning District Classification (see Section 2.3.2). Individual nonresidential uses exceeding 60,000 square feet may only be permitted through a Conditional Use Permit.

(9) Town Center (TC)

The Town Center (TC) District is intended to encourage and preserve the urban form found in the traditional downtown area as identified in the Comprehensive Land Use Plan. The TC District is established to encourage 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 uses that cohesively preserve downtown character and history.

New development is required to be multi-story with vertically-integrated mixed uses composed of street-level nonresidential and upper-story residential uses. High-density attached residential use types as infill and new construction is required within the Town Center District to support and promote a vibrant traditional downtown core. Retail and restaurant uses on the street-level are encouraged to support greater foot traffic and add to the hours of use in the downtown. (amended 3/1/10, TA-2010-7; 3/2/2015 TA-2015-03)

(10) Highway Business (HB)

The Highway Business (HB) District is established and intended to provide lands for business uses that provide goods and services to residents of the region and entire community, including shopping centers and large retail establishments located along highways and adjacent to highway interchanges. The district provides for the location of auto-oriented and auto-dependent uses in addition to service-oriented uses that provide support to the surrounding region. The district should typically be located along growth corridors as identified in the Comprehensive Land Use Plan. Allowable retail, office, and light industrial uses should provide appropriate appearance, parking, traffic movement, and landscaping elements, and protect abutting residential areas from adverse impacts. Retail uses exceeding 100,000 square feet are permitted through the approval of a Conditional Use Permit. Live/work dwellings with a maximum density of 10 units per acre may be permitted with a Conditional Use Permit, but all other residential uses are prohibited. Attached Residential, Shopfront Building, Workplace Building, Commercial/Retail, Flex/Industrial, and Large Retail Building Forms (see Section 6.6, General Form Standards, and Section 6.7, Specific Building Form Standards) are appropriate for use in the district.

(11) Hybrid Industrial (HI)

The Hybrid Industrial (HI) District is established and intended to provide a transitional district between Highway Business (HB) and General Industrial (GI) Districts. This district is typically located within a contained area such as a business park. This district provides lands for business uses that provided goods and services to residents of the region and entire community. Additionally the district provides for the location of auto-oriented and auto-dependent uses in addition to service-oriented uses that provide support to the surrounding region. Retail uses exceeding 60,000 square feet may be permitted through the approval of a Conditional Use Permit. The district also permits the development and operation of light and medium intensity industrial uses

CHAPTER 3: BASE ZONING DISTRICTS

3.2 BASE ZONING DISTRICTS

3.2.2 District Purpose Statements

including flex use buildings and uses that are typically large in scale. The district is established and intended to provide lands for industrial uses that are operated in a relatively clean and quiet manner and that are not obnoxious to adjacent residential or other nonresidential uses. Allowable uses include limited manufacturing, assembly and functionally-related uses such as distribution, warehouse storage, properly-screened outdoor storage, and caretaker dwellings (as accessory uses). Some heavier industrial uses may be allowed with a Conditional Use Permit, but uses that generate hazardous wastes are prohibited. Offices uses are allowed. Shopfront Building, Workplace Building, Commercial/Retail, Flex/Industrial, and Large Retail Building Forms (see Section 6.6, General Form Standards, and Section 6.7, Specific Building Form Standards) are appropriate for use in the district.

(amended 10-7-2013, TA-2013-07)

(12) General Industrial (GI)

The General Industrial (GI) District permits the development and operation of light and medium intensity industrial uses including flex use buildings and uses that are typically large in scale. This district should be generally located adjacent or within close proximity to rail and surface transportation infrastructure. The district is established and intended to provide lands for industrial uses that are operated in a relatively clean and quiet manner and that are not obnoxious to adjacent residential or other nonresidential uses. Allowable uses include limited manufacturing, assembly and functionally-related uses such as distribution, warehouse storage, processing, properly-screened outdoor storage, and caretaker dwellings (as accessory uses). Some heavier industrial uses may be allowed with a Conditional Use Permit, but uses that generate hazardous wastes are prohibited. Office uses are allowed, but are considered incidental to the predominantly industrial nature of the district. Shopfront, Workplace, Flex/Industrial, are appropriate see Section 6.6, General Form Standards, and Section 6.7, Specific Building Form Standards).

(13) Exclusive Industrial (EI)

The Exclusive Industrial (EI) District is designed to create and protect wholesaling and industrial areas for manufacturing, processing, and assembling of parts and products and distribution of products at wholesale and transportation terminals. Whenever possible, areas of this zoning district shall be separated from residential areas by natural or structural boundaries such as drainage channels, breaks in topography, strips of vegetation, traffic arteries, railroads and similar features.

3.3 CONDITIONAL ZONING DISTRICTS**3.3.1. Purpose and Intent**

The conditional zoning district classification allows the Town Board of Commissioners to consider proposed uses and tailor the zoning to accommodate those uses while addressing anticipated problems that may arise from the establishment of the proposed uses. This section sets forth the types of conditional zoning districts and explains their relationship to the general use districts.

3.3.2. District

Each general use district set forth in Table 3.1.1, Base Zoning Districts Established, shall have a corresponding conditional zoning district. Conditional zoning classifications shall be indicated on the Official Zoning District Map by the initials "C" in front of the associated base zoning district abbreviation. The Planned Campus (PC-C) and Traditional Neighborhood Development (TND-C) districts may only be established through the Conditional Zoning District Classification (see Section 2.3.2) in accordance with the provisions of this section.

3.3.3. Designation

Conditional zoning districts shall be designated only in accordance with the procedures and requirements set forth in Section 2.3.2, Conditional Zoning District Classification, and may not contain conditions which are less restrictive than this Ordinance, other Town requirements, or other applicable state or federal laws unless otherwise permitted.

3.3.4. Allowable Use

No use shall be permitted within a conditional zoning district except pursuant to the conditions imposed as part of approval. The permitted uses shall be limited to those permitted in the corresponding base or general use zoning district unless otherwise restricted.

3.3.5. Applicable Standards**(1) Base Zoning District Standards Apply**

All standards and requirements that apply to the corresponding base or general use zoning district shall also apply to the conditional zoning district.

(2) No Less Restrictive than Base District

Conditions imposed on a conditional zoning district may be no less restrictive than the standards that apply to the corresponding base or general use zoning district.

CHAPTER 3: BASE ZONING DISTRICTS

3.3 CONDITIONAL ZONING DISTRICTS

3.3.6 Planned Campus (PC-C) District

(3) Stricter Standards Adopted

Existing conditions or limitations associated with a conditional zoning district classification shall become null and void if future amendments to this Ordinance require stricter standards than those imposed under the conditional use zoning classification.

(4) Application of Conditions

In cases where the ability to implement an approved conditional zoning district condition is impossible or impractical (e.g., conditions requiring specimen trees to be preserved after the trees have subsequently died from natural causes), the Planning Department shall enforce the condition in a way that most closely meets the condition's original intent.

3.3.6. Planned Campus (PC-C) District

The Planned Campus District (PC-C) is established to support corporate office campuses, institutional, research and development, and industrial uses. The district is intended to support a single user or single use category within a campus style setting. This type of development is typically large in scale and is designed in a manner that is appropriate to the technology, production methods, or operations associated with the uses permitted. Examples of planned campus developments would include but are not limited to large industrial parks, large corporate headquarters, colleges and universities, and large medical facilities. The Planned Campus District may only be established in accordance with the procedure in Section 2.3.2, Conditional Zoning District Classification, subject to a Master Plan included as an applicant-sponsored condition of approval.

3.3.7. Traditional Neighborhood Development (TND-C) District

The purpose of the TND-C district is to provide landowner/developers with a flexible framework within which to develop a mixed-use Traditional Neighborhood Development as an alternative to conventional residential development. The Traditional Neighborhood Development standards are designed to encourage the development of compact residentially-oriented, mixed-use, small-lot, pedestrian-oriented communities where residents can meet some of their employment, shopping, and recreation needs within the same development. Building and roadways shall be sized and oriented to accommodate the needs of the pedestrian. The district allows use of the Detached House, Attached House, Civic, and Shopfront Building Forms, as appropriate (see Section 6.6, General Form Standards, and Section 6.7, Specific Building Form Standards).

The Traditional Neighborhood Development District may only be established in accordance with the procedure in Section 2.3.2, Conditional Zoning District Classification, subject to a Master Plan included as an applicant-sponsored condition of approval. The standards for development within the district are as follows:

(1) Area**(A) Minimum Development Size**

Each Traditional Neighborhood Development District shall contain a minimum of 20 contiguous acres of land.

(B) Maximum Development Size

- (i) At least 90 percent of all residential dwelling units should be within a five minute walk of the neighborhood center or a sub-center of the neighborhood (approximately one-quarter mile or 1,300 feet). For the purposes of this subsection, a neighborhood center or sub-center shall consist of one or more prominent street intersections; three or more institutional, commercial, and mixed uses; and a formal open space area (such as a square, commons, green, or active recreation area). The general location of a sub-center should be consistent with the Comprehensive Land Use Plan.
- (ii) An individual TND-C development may be served by a series of sub-centers, but each sub-center should be at least 2,600 linear feet from the perimeter boundary of any other sub-center.

(2) Uses**(A) Generally**

A Traditional Neighborhood Development District shall be structured to provide a mix of uses, like residential, retail, employment, civic, and recreational uses. In addition, provision of a variety of housing options is required to allow a greater diversity of residents within the neighborhood.

(B) Use Mixing

- (i) A minimum of 15 percent of the land area within a Traditional Neighborhood Development District should be devoted to nonresidential uses, including institutional uses, which are encouraged, but not required. Residential uses are allowed on the upper floors of these uses, as appropriate.

CHAPTER 3: BASE ZONING DISTRICTS

3.3 CONDITIONAL ZONING DISTRICTS

3.3.7 Traditional Neighborhood Development (TND-C) District

- (ii) Nonresidential uses shall be limited to a maximum of 49 percent of the total potential buildable area within a Traditional Neighborhood Development.
- (iii) Mixed residential and nonresidential uses are encouraged within a single project or structure, particularly integrated or vertical mixed-use structures, in which uses are located on different floors of a single structure.
- (iv) To encourage a variety and diversity of housing options and more housing choice within neighborhoods, no single housing type (e.g., single-family detached, townhouse, multi-family, etc.) may comprise more than 65 percent of the total number of dwelling units in a Traditional Neighborhood Development district, unless it is demonstrated a less diverse mix is more appropriate.

(3) Minimum Density

TND-C districts shall maintain a minimum average density of at least four units per acre.

(4) Building Form

Except for the Commercial/Retail, Flex/Industrial, and Large Retail Building Forms, all building forms in Chapter 6: Building Form Standards, are allowable in the Traditional Neighborhood Development District.

(5) Build-to Lines

- (A) Build-to/maximum setback lines that establish a strong street edge by bringing buildings up to or within five feet of the sidewalk line shall be required for all uses except detached residential or in areas within required sight triangles. Consistent build-to-lines may be increased as a condition of the approval.
- (B) Front porches and stoops, canopies, and colonnades shall be allowed to encroach into the front setback. Upper-story balconies may encroach up to five feet into the front setback or over the right-of-way, but not into side or rear setbacks. In no case shall a balcony or other second-story encroachment located over the right-of-way (sidewalk) be less than 13 feet above the grade level.

(6) District Development Standards

(A) Off-Street Parking and Loading

Development in the Traditional Neighborhood Development District is encouraged to reduce off-street surface parking in

favor of on-street parking, structured parking located away from the street front, and shared parking arrangements. Any modifications to the standards of Section 9.1, Off-Street Parking and Loading, shall be specified in an Alternative Parking Plan (see Section 9.1.11, Alternative Parking Plan).

(B) Landscaping Standards

A Traditional Neighborhood Development district shall comply with Section 7.2, Landscaping Standards, except lots within the district shall not be required to provide perimeter buffers when adjacent to similar or compatible uses.

(C) Open Space Standards**(i) General**

All development within a Traditional Neighborhood Development District shall comply with the standards of Section 7.3, Open Space Standards, which shall not be reduced as part of the approval of the district.

(ii) Design

Open space should be centrally-located and designed in a hierarchy of formal and informal spaces and used to enhance community activity, identity, and civic pride. For the purposes of this section, formal open spaces consist of squares, greens, common areas, or other park-like settings where residents of the neighborhood may gather. Such areas are bounded by streets or buildings, and are typically located in or near the geographic center of the neighborhood. Informal open spaces are typically located throughout the development, and take the form of meandering walking paths, greenways, pocket parks, passive recreation areas, and areas set aside for vegetation retention.

(iii) Accessibility

All residential development within a Traditional Neighborhood Development District shall be within 1,800 linear feet from open space.

(iv) Formal Open Space

Some portion of the open space provided within a Traditional Neighborhood Development District shall be located so as to serve as a central formal open space or gathering area for the development.

CHAPTER 3: BASE ZONING DISTRICTS

3.3 CONDITIONAL ZONING DISTRICTS

3.3.7 Traditional Neighborhood Development (TND-C) District

(v) Contiguous to Public Parks

Open space set-aside areas contiguous with a public park or other public recreation land shall not include structures within 50 feet of the park or recreation land boundary.

(D) Signage

Development within a traditional neighborhood development shall be subject to a Uniform Sign Plan. The Uniform Sign Plan shall establish a design theme that is found to be more consistent with the unique characteristics of the site and the scale and character of the surrounding area, as well as a uniform set of characteristics for all signs to be used in the development. At a minimum, the Uniform Sign Plan shall specify colors, materials, height, width, area, placement, typeface, and the use of any symbols, designs, or logos.

(7) Building Configuration

(A) Institutional Uses

Institutional uses serve as focal points and landmarks for the community within a Traditional Neighborhood Development District and should be located on prominent sites, such as terminal vistas at the end of streets, prominent street corners, and frontage along squares, plazas, or village greens whenever possible.

(B) Location and Relationship between Buildings

In a Traditional Neighborhood Development District, buildings should be used to define the street edge and the distinction between the public domain of the street and the private space of individual lots. To this end, buildings should have a fairly consistent, narrow setback alignment along the street frontage.

(C) Relationship between Building Types

Buildings in a Traditional Neighborhood Development District should be built on a human scale and designed with a common, harmonious architectural vocabulary and landscaping to lend an intimate and personal feel to the streetscape. The intent should not be to create a uniform appearance, but rather a distinct sense of place.

(D) Pedestrian-Oriented

Buildings should be built close to the street and configured with ground floor windows for transparency, operable entrances facing the sidewalk, and surface parking to the sides or rear to encourage pedestrian orientation.

3.4 DIMENSIONAL STANDARDS

3.4.1. Purpose and Intent

The purpose of this section is to present the density and dimensional standards for all principal and accessory uses allowed in this Ordinance. These standards may be further modified by other applicable sections of this Ordinance.

3.4.2. Dimensional Standards Table

Unless otherwise specified, all principal and accessory structures in the base zoning districts are subject to the dimensional standards set forth in Table 3.4.2, Dimensional Standards.

CHAPTER 3: BASE ZONING DISTRICTS

3.4 DIMENSIONAL STANDARDS

3.4.2 Dimensional Standards Table

TABLE 3.4.2: DIMENSIONAL STANDARDS								
BASE ZONING DISTRICT		MAX. RESIDENTIAL DENSITY (UNITS/AC)	MAX. HEIGHT (FT./STORIES)	MINIMUM LOT WIDTH		MINIMUM SETBACK		
				AT ROW (FT.)	AT BUILDING LINE (FT.)	FRONT/ CORNER SIDE (FT.)	EACH SIDE	REAR (FT.)
Single-Family Residential-2 (R-2) [12]		2	3	35	See Table 3.4.2 (b)	30	See Table 3.4.2 (b)	40
Single-Family Residential-3 (R-3)		3	3	25		25		30
Single-Family Residential-5 (R-5)		5 attached & detached; 8 with CUP	3	25		20		30
Residential Mixed-Use (RMX)		8 detached; 10 attached; 12 with CUP	3	25		10/5		25
Residential Mixed-Use Manufactured Housing (RMX-MH)	Manu. Home Park	1/space	2	50/space		25	15 from park lot line	25 from park lot line
	All Other Uses	10	3	35	40	20	8 feet	25
Traditional Neighborhood Development (TND-C)		None; 4 Minimum	4	25	See Table 3.4.2 (b)	None; Nonres. & Mixed-uses: 5 Maximum	25 from principal structure	10; 5 from alley
Neighborhood Mixed-Use (NMX)		8 detached; 12 attached; 14 with CUP	3	None		5-15	5 feet	25
Corridor Mixed-Use (CMX)		8 detached; 12 attached; 16 with CUP (attached only)	3	None		5-15	5 feet	25
Village Center (VC)		16 attached; 18 with CUP	4	None		10	None; 5 feet if adjacent to a residential use	15; 25 if adjacent to a res. use
Town Center (TC)		8 detached; 16 attached	4	None		0-15	None; 5 feet if adjacent to a residential use	15; 25 if adjacent to a res. use
Highway Business (HB)		10	4	None		30	10; 20 if adjacent to residential or mixed-use	
Hybrid Industrial (HI)		N/A	4	None		30	10;20 if adjacent to residential or mixed uses	
General Industrial (GI)		6	50'	None		30	15; 50 if adjacent to residential or mixed-use	
Exclusive Industrial (EI)		N/A	80'	None		50	15; 50 if adjacent to residential or mixed-use	
Planned Campus (PC-C)		10	7 stories	None		Setbacks from district boundaries: Heavy Manufacturing Uses 200 feet;		

CHAPTER 3: BASE ZONING DISTRICTS

3.4 DIMENSIONAL STANDARDS

3.4.2 Dimensional Standards Table

TABLE 3.4.2: DIMENSIONAL STANDARDS

BASE ZONING DISTRICT	MAX. RESIDENTIAL DENSITY (UNITS/AC)	MAX. HEIGHT (FT./STORIES)	MINIMUM LOT WIDTH		MINIMUM SETBACK		
			AT ROW (FT.)	AT BUILDING LINE (FT.)	FRONT/CORNER SIDE (FT.)	EACH SIDE	REAR (FT.)
					Light Manufacturing Uses 100 feet; All others 80 feet. Internal setbacks established during review process.		

NOTES:

- [1] In no case shall a side yard for single and two family dwellings be less than 5 feet.
- [2] Alleys shall be utilized to serve lots less than 50 feet in lot width except as allowed in Section 6.7.3(c).
- [3] Minimum lot width at building line can be reduced 50 percent in order to maintain a more consistent setback with other principal uses fronting the same street. (e.g., cul-de-sac lots)
- [4] All dwellings shall be parallel to the right-of-way in which it fronts.
- [5] Attached residential with front load driveways must be setback a minimum of 25 ft. and may be subject to a conditional use permit.
 - (a) Attached residential permitted under Section 6.7.3.8 (c) with front load driveways must be setback a minimum of 15 ft. The driveway shall be of sufficient length to accommodate a vehicle without overhanging or impeding any bicycle-pedestrian facility and/or street.
- [6] Setbacks for infill lots shall be consistent with the average for the block.
- [7] The maximum building height may be increased, subject to a Conditional Use Permit.
- [8] Canopies, balconies or other appurtenances used to cover pedestrian spaces may encroach into the front setback if there is at least 10 feet of clearance underneath. If signage is utilized, there must be at least 8 feet of clearance to the bottom of the sign. In no case will the encroachment be allowed to go into the right of way.
- [9] See Chapter 14, Solar Energy Systems, for solar specific dimensional standards.
- [10] Residential densities in the TC (Town Center) district may be increased beyond 16 units per acre through approval of a Conditional Zoning Request.
- [11] Front load duplex lots shall be at least 25% greater than the development's single-family lot width or 75 feet wide, whichever is greater. Infill front load duplex lots shall be a minimum of 75' wide. A duplex lot of less than 75 feet in width must be served by an alley.
(amended 5/4/2009, TA-2009-11; 10/7/2013, TA-2013-07; TA-2014-03 6/2/14, TA-2015-01 2/2/2015, TA-2019-01 5/21/2019, 11/14/19 TA-2019-09)

TABLE 3.4.2 (B) RESIDENTIAL LOT WIDTHS AND SIDE YARD SETBACKS

LOT WIDTH AT BUILDING LINE (FT)	SIDE SETBACK (FT)	BUILDING ENVELOPE YIELDED (FT)
100	15 per side	70
90	12 per side	66
80	10 per side	60
70	8 per side	54
60	6 per side	48
50	5 per side	40
40	5 per side	30

CHAPTER 3: BASE ZONING DISTRICTS

3.4 DIMENSIONAL STANDARDS

3.4.2 Dimensional Standards Table

30	5 per side	20
20	Attached Only	20

3.4.3. Height Exceptions

The height limitations included in Table 3.4.2, Dimensional Standards, do not apply to spires, belfries, cupolas, water tanks, ventilators, chimneys, elevator shaft enclosures, or other appurtenances usually required to be placed above the roof level not intended for human occupancy; however, the heights of these structures or appurtenances shall not exceed any height limitations prescribed by the state or Federal government.

3.4.4. Limitations on Size of Architectural Elements

Turrets, cupolas, steeples, spires, widow walks, and other similar architectural features shall not exceed 600 feet in floor area.

3.5 GENERAL LOT REQUIREMENTS

3.5.1. Compliance with this Ordinance Required

No building or portion of a building shall be erected, used, moved, or altered except in conformity with the standards in this Ordinance.

3.5.2. Pre-existing Lots

(A) Lots established prior to the effective date of this Ordinance shall only be required to meet the setback provisions for the base zoning district in which they are located (see Section 3.4.2, Dimensional Standards), and shall be exempt from the other minimum lot size or lot width requirements.

(B) A one-family dwelling may be constructed on a lot which does not abut upon a public street provided such lot is given access to a public street by an easement at least twelve (12) feet in width for the exclusive use of the dwelling established on such lot and further provided that such easement is maintained in a condition passable for service and emergency vehicles.

(amended 1/5/2009, TA-2008-31)

3.5.3. Reduction Prohibited

Except as required through the establishment of new public rights-of-way (such as roadway widening) or approved as a Variance (see Section 2.3.4, Variance), no yard or lot existing on the effective date of this Ordinance shall be reduced in size or area below the minimum requirements of the base and overlay zoning district where it is located.

CHAPTER 3: BASE ZONING DISTRICTS

3.5 GENERAL LOT REQUIREMENTS

3.5.4 Corner Lots

3.5.4. Corner Lots

Structures on corner lots shall be considered to have two front yards and shall utilize the required front setback or build-to line for each façade facing a street right-of-way.

3.5.5. Fronting a Street

All lots shall front upon a public or private street built in accordance with the Town's standards.

3.5.6. Double Frontage and Flag Lots Prohibited

Double frontage lots shall be prohibited except where required due to extreme topographic circumstances or site conditions.

Notwithstanding the above, a double frontage lot is permitted for a Townhome Style Residential building in the Town Center Zoning District provided the rear access is to an internal street and the total area of the development in which the townhome is located is less than two acres.

3.5.7. Yard Determination on Irregular Lots

The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the Planning Director in accordance with Section 2.3.4, Interpretation of Official Map Boundaries. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

3.5.8. Allowable Yard Encroachments

Building features and architectural elements may encroach into required yards or setbacks only in accordance with the following standards:

- (1)** Balconies, stoops, eaves, gutters open front porches, bay windows, steps, mechanical units, and raised doorways are permitted to encroach into a required yard or setback a maximum of five feet.
- (2)** First floor encroachments shall not extend into the right-of-way.
- (3)** Side yard encroachments shall not be closer than five feet to a lot line.
- (4)** Attached, unenclosed and uncovered decks serving a single-family residential use may encroach into a required rear setback or yard under the following conditions:
 - (A)** The uncovered deck shall be set back a minimum of 15 feet from the rear lot line.

CHAPTER 3: BASE ZONING DISTRICTS

3.5 GENERAL LOT REQUIREMENTS

3.5.8 Allowable Yard Encroachments

- (B) The uncovered deck shall not be enclosed or otherwise made into heated floor space unless it meets the setbacks for the principal structure.
- (C) No portion of the uncovered deck shall protrude into a required side yard.
- (D) Existing single-family residential structures with decks or porches encroaching into a setback or required yard shall be allowed to replace the encroaching feature provided it does not increase the nonconformity of the structure.

(amended 6/2/2009, TA-2009-13)

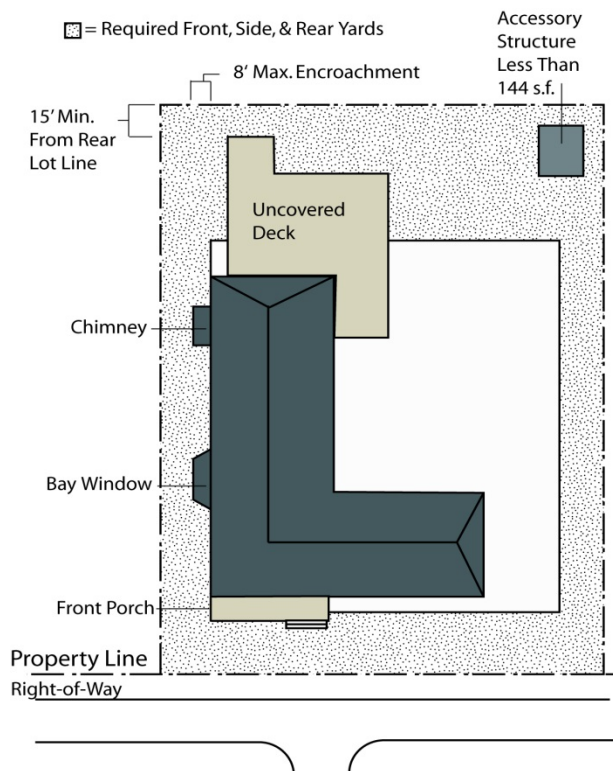


Figure 3.5.8: Allowable Encroachments. This diagram illustrates the allowable encroachments. Accessory structures less than 200 square feet may be located within five feet of side or rear lot lines.

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CHAPTER 4: VERLAY ZONING DISTRICTS

4.1 OVERLAY ZONING DISTRICTS

The overlay districts included in Table 4.1, Overlay Zoning Districts, are established by this Ordinance. The overlay zoning district requirements shall be applied in addition to any applicable base zoning district or conditional zoning district requirements. Except where specifically provided in this Chapter, variances from the overlay zoning district standards shall not be granted.

TABLE 4.1: OVERLAY ZONING DISTRICTS	
ABBREVIATION	DISTRICT NAME
WPO	Watershed Protection Overlay
NCO	Neighborhood Conservation Overlay
MXO	Mixed-Use Overlay
COO	Corridor Overlay
HPO	Historic Preservation Overlay (Placeholder only)
ALCOVE	Alcove Road Corridor Overlay District
CORNELIUS	Cornelius Road Corridor Overlay District
EAST/WEST CONECTOR	East West Connector Overlay District

4.2 WATERSHED PROTECTION OVERLAY DISTRICT (WPO)

4.2.1. Purpose and Intent

The Watershed Protection Overlay District standards in this section are established in accordance with the requirements in North Carolina General Statutes Section 143-214.5 related to water supply watershed protection, and became effective on July 1, 1993. These standards are designed to regulate density and impervious surface cover in water supply watershed areas in order to promote public health, safety, and general welfare by protection of water supply water quality through control of non-point source pollution within watershed protection areas.

4.2.2. Applicability

In accordance with North Carolina General Statutes Section 143-214.5, lands located within the Watershed Protection Overlay Districts as shown on the Official Mooresville Watershed Protection Map, and incorporated by reference into this Ordinance and the Official Map of Zoning Districts, shall comply with the standards in this section.

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4.2 WATERSHED PROTECTION OVERLAY DISTRICT (WPO)

4.2.3 Conflict with Other Standards

4.2.3. Conflict with Other Standards

- (1)** In the event of conflict between the lot coverage provisions of the Watershed Protection Overlay District and the other standards of this Ordinance or other Town requirements, the most restrictive standard shall control.
- (2)** In cases where the standards of this subsection impose greater restrictions than an existing easement, covenant, or other agreement, these standards shall control.

4.2.4. Exemptions to Applicability

- (1)** Development that was lawfully established prior to July 1, 1993, is not subject to the requirements of this subsection. Expansions to existing structures shall meet the requirements of this Section; however, the impervious surface area associated with the existing development shall not be included in the impervious surface calculations.
- (2)** In the Critical and Protected areas of the WS-IV Catawba-Lake Norman Watershed, impervious area limitations are exempted for lots where the land disturbing activities are limited to 1 acre or less.
 1. A Grading Plan must be submitted for review by the TRC indicating that the land disturbing activity is limited to 1 acre or less.
 2. A Soil and Erosion Control Permit must be obtained from Iredell County.
 3. All impervious area must be treated to the full extent of the Stormwater requirements.

(Amended 12/2/2019, TA 2019-06)

4.2.5. Establishment and Definition of Watershed Districts

The boundaries of the Watershed Protection Overlay District are established by the North Carolina Division of Water Quality, which has designated a portion of the watershed as Water-Supply Watershed "Class II" (WS-II), and a portion of the watershed as Water-Supply Watershed "Class IV" (WS-IV). The WS-IV portion of the watershed protection overlay is further divided into two sub-areas: a Critical Area and a Protected Area. Each sub-area of the Watershed Protection Overlay District has a unique set of standards, and is designated on the Town's Official Watershed Protection Map with one of the following classifications:

- (1)** WS-II-BW (Yadkin – Back Creek & Yadkin – Coddle Creek Balance of Watershed);

(2) WS-IV-CA (Catawba – Lake Norman Critical Area); or

(3) WS-IV-PA (Catawba – Lake Norman Protected Area).

(4) Coordinate with Phase II Stormwater Requirements

All development utilizing either the low impervious option or the high impervious option shall utilize engineered stormwater control measures configured in accordance with the standards in the following:

(A) Chapter 25, Post Construction and Illicit Discharge, of the General Code of Ordinances, as amended, and

(B) The Town of Mooresville Land Development Standards, as amended, and

(C) The North Carolina Department of Environmental Quality Stormwater Design Manual, as amended, including the Minimum Design Criteria for Stormwater Control Measures

(5) Low Impervious Surface Cover Option

The following standards apply to development utilizing the low impervious surface cover option:

(A) Single family residential uses shall be limited to single-family detached dwellings with a maximum density as noted in Table 4.2.6 for each watershed designation; and

(B) All other residential and nonresidential uses shall be developed such that the area associated with all impervious surfaces shall not exceed the percent of the lot or project area where they are located as noted in Table 4.2.6 for each watershed designation.

(6) High Impervious Surface Cover Option

The following standards apply to development utilizing the high impervious surface cover option:

(A) All residential and nonresidential uses shall be developed such that the area associated with all impervious surfaces shall not exceed the percent of the lot or site area where they are located as noted in Table 4.2.6 for each watershed designation.

(7) 10-70 Provision Option

Development within the Coddle Creek and Back Creek portions of the WS-II_BW Watershed Protection Overlay District (as identified on the Official Watershed Protection Map incorporated herein by reference) may be configured such that impervious surface area occupies up to 70 percent of the lot or site are provided:

CHAPTER 4: verlay Zoning Districts

4.2 WATERSHED PROTECTION OVERLAY DISTRICT (WPO)

4.2.5 Establishment and Definition of Watershed Districts

The total amount of square footage associated with a development located in the Back Creek portion of the WS-II-BW does not exceed 10 percent of the entire Back Creek watershed area located within the Town's jurisdiction: and

The total amount of square footage associated with a development located in the Coddle Creek portion of the WS-II-BW does not exceed five percent of the entire Coddle Creek watershed area located within the Town's jurisdiction.

(A) Applicability

The 10-70 Provision Option may be approved by the Town Board on a case by case basis if the property is located within an EI (Exclusive Industrial) or GI (General Industrial) zoning district or meets all of the standards set forth in section 4.2.6 (4) (B).

(B) Standards

- (i) All development shall utilize engineered stormwater controls (i.e., Best Management Practices) configured in accordance with the standards in Section 4.2.10, Stormwater Control Structures, to control runoff from the first inch of rainfall falling during a storm event, and direct storm water away from structure waters;
- (ii) The development is within 660 linear feet of a signalized intersection of two arterial or higher order streets;
- (iii) The development shall be a minimum 10 acres in size;
- (iv) The development includes mixed uses;
- (v) The development shall address a demonstrated community need such as the need for additional public infrastructure, neighborhood-serving nonresidential services, civic, economic development, or educational services;
- (vi) The proposal is consistent with the Town's Comprehensive Land Use Plan and any other applicable plan;
- (vii) The development is or will be served by public utilities;
- (viii) The project will mitigate traffic concerns either by installation of roadway improvements as required by a Transportation Impact Analysis (see Section 9.2), reducing existing traffic trips, or a combination of the two;
- (ix) The project proposal includes a site plan describing the layout and uses of the site;
- (x)

CHAPTER 4: verlay Zoning Districts

4.2 WATERSHED PROTECTION OVERLAY DISTRICT (WPO)

4.2.5 Establishment and Definition of Watershed Districts

CHAPTER 4: verlay Zoning Districts

4.2 WATERSHED PROTECTION OVERLAY DISTRICT (WPO)

4.2.6 Allowable Development within the Watershed Protection Overlay District

(C) Timing and Approval

Meeting the criteria does not guarantee approval of the request. If the Town Board approves the request, the development must begin construction within 12 months of the approval. If construction cannot begin within 12 months, the applicant may request one extension not to exceed six months. If the construction does not commence within the allotted time period, the approval of the 70 percent request becomes null and void. The Planning Department shall maintain records of the Town's utilization of the 10-70 Provision Option, including the total amount of acreage available under this option, total acres approved for this option, and site-specific information on each development employing this option.

4.2.6. Allowable Development within the Watershed Protection Overlay District

Table 4.2.6

	Low Impervious		High Impervious
	Single Family Residential Development	All Other Development (1)	All Development
WSII-Balance of Watershed	1 dwelling unit/acre	12% maximum built upon area	30% maximum built upon area
WSIV-Critical Area	2 dwellings unit/acre	24% maximum built upon area	50% maximum built upon area
WSIV-Protected Area	2 dwellings unit/acre	24% maximum built upon area	70% maximum built upon area
All developments of less than 1 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.			

4.2.7. Riparian Buffers

(1) Lot Bordering Catawba River or Lake Norman

Development located on lots bordering 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) or any perennial stream that empties into the Catawba River, or Lake Norman, or any perennial or intermittent stream surveyed through hydrologic study determined to be classified as Territorial Waters of the State, shall Maintain a Riparian Buffer measured from the 760 contour line in accordance with the following standards:

- (A)** Development utilizing the Low Impervious Surface Cover Option shall provide an undisturbed Riparian Buffer with a minimum width of 50 feet to the associated water body measured from the 760 contour line for Lake Norman/Catawba River. The first 30 feet of buffer area bordering the water body shall remain undisturbed, and the remaining 20 feet may be disturbed, but shall be re-vegetated following any disturbance.
- (B)** Development utilizing the High Impervious Surface Cover Option shall provide a Riparian Buffer with a minimum width of 100 feet measured perpendicular and parallel to the associated water body. The first 50 feet of buffer area bordering the water body shall remain undisturbed, and the remaining 50 feet may be disturbed, but shall be revegetated following any disturbance in accordance with an approved Re-vegetation Plan.

(2) Other Water Bodies

Lots bordering any other perennial streams located within the Watershed Protection Overlay District (as depicted on the most up-to-date version of a United States Geologic Survey 1.:24,000 (7.5 minute map) or any perennial or intermittent stream surveyed through hydrologic study determined to be classified as Territorial Waters of the State shall maintain a Riparian Buffer measured from the top of each stream bank in accordance with the following standards:

- (A)** Development utilizing the Low Impervious Surface Cover Option shall provide an undisturbed Riparian Buffer with a minimum width of 50 feet measured perpendicular and parallel to the associated water body from the top of the stream bank.
- (B)** Development utilizing the High Impervious Surface Cover Option shall provide Riparian Buffer with a minimum width of 100 feet measured perpendicular and parallel to the associated water body. The first 50 feet of buffer area bordering the water body shall remain undisturbed, and the remaining 50 feet may be disturbed, but shall be re-vegetated following any disturbance.

(3) Allowable Development within Riparian Buffer

No new development is allowed within a Riparian Buffer except for water-related facilities (e.g., piers, docks, etc.), or other incidental structures such as flag poles, signs and security lights. Public infrastructure such as road crossings, utility line placement, and greenways are allowed where no practical alternative exists, but

CHAPTER 4: verlay Zoning Districts

4.2 WATERSHED PROTECTION OVERLAY DISTRICT (WPO)

4.2.8 Watershed Density Averaging

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 Best Management Practices. In cases where 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 Ordinance.

4.2.8. 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 two or more noncontiguous parcels for purposes of complying with the maximum allowable or impervious surface coverage in Table 4.2.6. "Donor property" as used herein can include more than one property, even though the singular is used throughout this section. "Receiving property" as used herein can include a single parcel or a group of parcels that ae part of a multi-lot development project, even though the singular is used throughout this section.

(2) Procedure

An applicant who wishes to utilize density averaging under this section must obtain a Watershed Density averaging Certificate in accordance with Sec. 2.3.19, Watershed Density Averaging Certificates issued.

The Planning Director shall maintain a record of all Watershed Density Averaging Certificates issued.

(3) General

An application may utilize density averaging in accordance with this section on two or more noncontiguous properties. One such property shall be designated the donor property and the other such property shall be designated the receiving property. The donor property and the receiving property shall comply with the standards identified in this section.

(4) Watershed Density Averaging Standards

- (i) Both the donor property and the receiving property must be within the Town's zoning jurisdiction.

- (ii) Both the donor property and the receiving property must be within the same water supply watershed. The receiving property shall not be within the Critical Area of the watershed unless the donor property is also within the Critical Area, as the purpose of this provision is to preserve open space in the more sensitive areas of the watershed.
- (iii) The combined density or build-upon area, as applicable, of development on the donor and receiving properties shall not exceed the total density or built-upon area, as applicable, that would be allowed if the properties were developed separately in accordance with Table 4.2.6
- (iv) Overall project density shall comply with applicable density or stormwater control requirements under 15A NCAC 2B .0200.
- (v) Buffers and vegetated setbacks shall be provided on both the donor and receiving properties in accordance with the requirements of this ordinance and meet the minimum requirements established by the state. The area on the donor property that can be counted for purposes of density averaging shall not include lands in any buffer or vegetated setback required by this ordinance or any lands used for septic tank systems or on-site sewage treatment.
- (vi) All built-upon areas shall be designed and located to (a) minimize runoff impact to the receiving waters, (b) minimize concentrated stormwater flow, (c) maximize the use of sheet flow through vegetated areas, and (d) maximize the flow length through vegetated areas.
- (vii) Areas of concentrated density shall be located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.
- (viii) The area of the donor property designated to remain in a vegetated or natural state shall be subdivided from any portion of the parent property that may be developed in the future to create a parcel that is permanently conserved in its entirety. The creation of this conserved parcel shall be exempt from the minimum lot dimensions and subdivision standards contained in this ordinance; however, the survey plat itself shall contain all of the required information as identified in this ordinance and by state law.

CHAPTER 4: verlay Zoning Districts

4.2 WATERSHED PROTECTION OVERLAY DISTRICT (WPO)

4.2.9 Amendments to Watershed Protection Overlay District Regulations

- (ix) The donor property shall be preserved in perpetuity 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 property to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on property deed, as applicable, and shall be irrevocable.

4.2.9. Amendments to Watershed Protection Overlay District Regulations

Any amendment to the boundaries of the Watershed Protection Overlay District or watershed districts (see Section 2.3.1, Official Zoning District Map or Text Amendment) shall be referred to the North Carolina Division of Environmental Quality for their review prior to consideration by the Town Board of Commissioners.

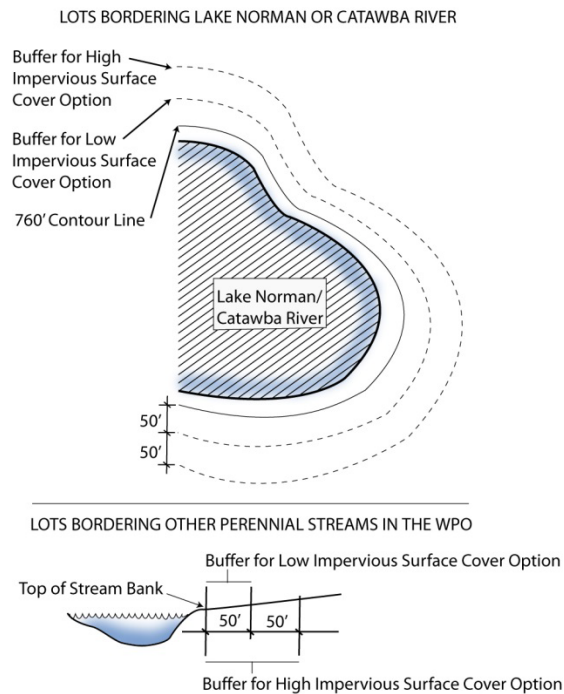


Figure 4.2.9: Riparian Buffers. This diagram illustrates how buffers for low and high impervious surface cover developments are measured.

4.3 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCO)

4.3.1. General Purpose

The purpose of the Neighborhood Conservation Overlay District is to protect and preserve the unique design features and character of established neighborhoods throughout the Town, and to promote new construction that is compatible with the existing neighborhood character. The Neighborhood Conservation Overlay District is a flexible tool that may be applied to multiple neighborhoods, each of which will have its own unique architectural, natural, cultural, and historic attributes.

4.3.2. Establishment of Individual Neighborhood Conservation Districts

The Town Board of Commissioners may establish individual Neighborhood Conservation Overlay Districts in accordance with this section and Section 2.3.1, Official Zoning District Map or Text Amendment, after an area plan for the neighborhood specifying the development context in the district has been approved by the Town Board of Commissioners. Each district shall comply with the standards in

Section 4.3.4, General Development Standards for all NCO Districts. In establishing a new NCO District, the Town Board of Commissioners may also establish a unique set of development standards applicable to all development in the particular district (see Section 4.3.5, District-Specific Development Standards).

4.3.3. Minimum Standards for Designation of an NCO District

The following shall be the minimum standards that must be met prior to the Town Board of Commissioners designating an NCO District:

- (1)** The NCO district designation shall be reviewed and approved by the Town Board of Commissioners as an amendment to the Official Zoning District Map, in accordance with Section 2.3.1, Official Zoning District Map or Text Amendment;
- (2)** At least 65 percent of the land area within the proposed district, not including street and other rights-of-way, shall be developed;
- (3)** Development patterns in the district shall provide evidence of an on-going effort to maintain or rehabilitate the character and physical features of existing buildings in the district;
- (4)** There shall be existing or potential pressure for new development or redevelopment and new infill development within the district;
- (5)** The development standards applied to the district shall encourage the retention of the general character and appearance of existing development in the district; and

CHAPTER 4: verlay Zoning Districts

4.3 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCO)

4.3.4 General Development Standards for All NCO Districts

- (6)** An area plan for the neighborhood specifying the development context in the district shall be approved by the Town Board of Commissioners.

4.3.4. General Development Standards for All NCO Districts

(1) Compliance with Base Zoning District Standards

These standards supplement the applicable standards found in the underlying base zoning district, and do not affect the permitted uses described in Table 5.1.4, Table of Allowed Uses.

(2) Compliance with Approved Design Standards

No permit for any new construction or expansion of an existing structure resulting in an increase in building footprint area of 25 percent or more may be issued until the Planning Department determines that the proposal complies with all design standards established for the NCO district where the land is located.

(3) Conflict with Other Standards

All new development in a NCO district shall comply with the development standards for the district where it is established. In the case of conflict between the NCO district standards and any other standards of this Ordinance (including those contained in Chapter 9: Development Standards), the NCO district development standards shall control.

(4) Mobile Homes

A mobile home in an established NCO shall be considered non-conforming to the district and may not be replaced under any circumstances.

(amended 9/17/2012, TA-2012-02)

4.3.5. District-Specific Development Standards

Each area designated as a Neighborhood Conservation Overlay District shall identify, with specificity, the design standards to be applied to all new construction and expansion of existing structures. These design standards may include, but not be limited to:

- (1)** Location of proposed buildings or additions;
- (2)** Building height;
- (3)** Building size (for principal and accessory structures);
- (4)** Building orientation;

CHAPTER 4: verlay Zoning Districts

4.3 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCO)

4.3.6 Specific Neighborhood Conservation Overlay Districts

- (5) Setbacks, lot size, impervious surface coverage, or required yards;
- (6) Exterior materials and colors;
- (7) Roof line and pitch;
- (8) Foundation treatment;
- (9) Landscaping and screening;
- (10) Paving requirements or limitations;
- (11) Exterior lighting;
- (12) Required features on a front façade;
- (13) Neighborhood character and compatibility;
- (14) View preservation of or from specific locations;
- (15) Riparian areas, wetland areas, or drainage patterns; and
- (16) Standards associated with demolition.

Additional standards not described above may be included as approved by the Town Board of Commissioners. The Town Board of Commissioners may also prohibit Use Types within a NCO district.

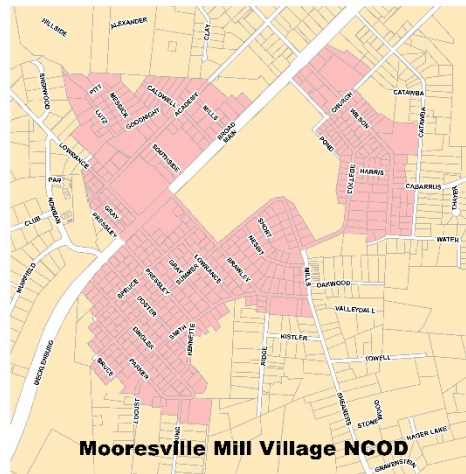


Figure 4.3.6.1: Mooresville Mill Village Neighborhood Conservation Overlay District Boundaries.

(amended 7/25/2019)

4.3.6. Specific Neighborhood Conservation Overlay Districts

(1) Mooresville Mill Village

The Mooresville Mill Village (MMV) was developed between 1902 and 1924 by the Mooresville Cotton Mills

CHAPTER 4: verlay Zoning Districts

4.3 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCO)

4.3.6 Specific Neighborhood Conservation Overlay Districts

The unique character of the Mill Village 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 Mill Village. It is this repetition of house forms, at a neighborhood-wide level, and at a block or street-level, that creates the unique streetscape of Mooresville Mill Village.

(A) Purpose

The purpose of the Mooresville Mill Village Neighborhood Conservation Overlay (MV-NCO) is to:

- (i) Guide revitalization of the neighborhood;
- (ii) Protect and conserve the elements which provide the distinctive character and setting of the Mill Village;
- (iii) Plan for new single family residential infill construction that is compatible and complementary to the character of the existing neighborhood.

(B) Location

The MV-NCO shall be depicted on the Official Zoning District Map, which is incorporated by reference.

(C) Standards

All new residential construction, structures, additions, or alterations within the Mooresville Mill Village shall comply with the following standards:

(i) Global Elements

Global Design Elements are design or construction elements that are shared by all Mill Houses, regardless of street or block context. All principal structures must maintain all global design elements in Table MV-1.

TABLE MV-1. GLOBAL DESIGN ELEMENTS
Elevated slab or Pier foundation
Lap siding
Window casing
Open front porch minimum 6' deep (shed or hip roof)
Raised panel door
8 x 12 – 12x12 Roof Pitch

CHAPTER 4: verlay Zoning Districts

4.3 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCO)

4.3.6 Specific Neighborhood Conservation Overlay Districts

(ii) Block Elements

Block Characteristics are specific patterns of repetition of construction and house styles, which predominate on a street or block. Any new construction or addition must be consistent with the existing structures on the block with regard to the elements listed in Table MV-2

TABLE MV-2. BLOCK CHARACTERISTICS
Consistent front setback (0-20ft) Side setback predominately 12 ft. Identified Mill Village House style Distance between houses

CHAPTER 4: verlay Zoning Districts

4.3 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCO)

4.3.6 Specific Neighborhood Conservation Overlay Districts

(iii) Additions

- (a)** Side additions shall be recessed 1/4 of the width from the front façade of the principal structure and constructed out of the same materials. Additions shall be similar to, but not limited to Table MV3.
- (b)** Rear additions may encroach up to 15 ft. into the rear setback provided that in no case can the addition be closer than 10 feet from the property line.
- (c)** Attic alterations shall not change the overall height of the principal structure or change the exiting pitch of the primary roof.

(iv) Exterior Wall Coverings

If siding is to be repaired or replaced, the replacement siding shall be consistent with the original siding, scale and direction. 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.

(v) Porches

- (a)** Front porches shall not be enclosed with screen, glass, or other material.
- (b)** Porches should have shed or hip roofs compatible with the surrounding structures.
- (c)** Porches greater than 18 inches high should use Wood or wrought iron rails, or materials with similar appearance.
- (d)** New decks and screened in or otherwise enclosed porches are permitted provided they are located to the rear of the structure and screened from the street view.

(vi) Mechanical Systems

Mechanical system, where practical, should be located out-of-sight from public right-of-ways or screened with 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;

CHAPTER 4: verlay Zoning Districts

4.3 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCO)

4.3.6 Specific Neighborhood Conservation Overlay Districts

- (b)** Window units, or other exterior units;
- (c)** Exterior staircases with access to second or third story apartments
- (d)** Satellite dishes;
- (e)** Solar collectors; and
- (f)** Electric and gas meters.

(vii) Parking and Driveways

- (a)** Parking areas should be located at the side or rear of the house when practical.
- (b)** Parking and driveway areas shall be clearly distinguished from other parts of the yard and should be constructed of an impervious surface.

(viii) Sanitary and Waste Refuse

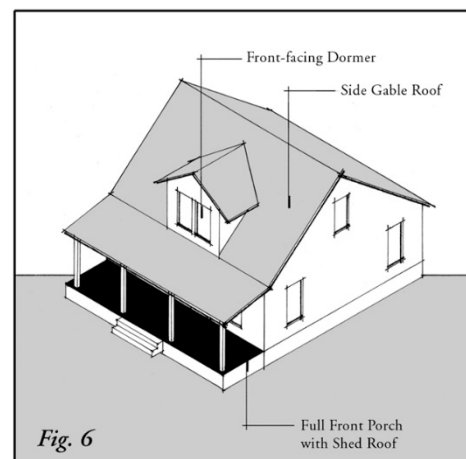
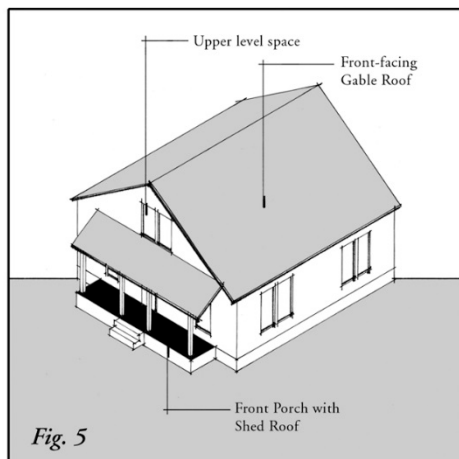
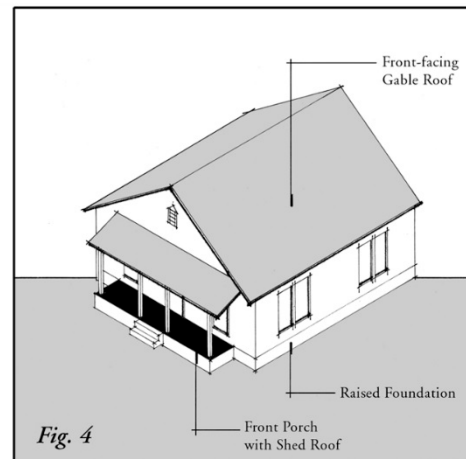
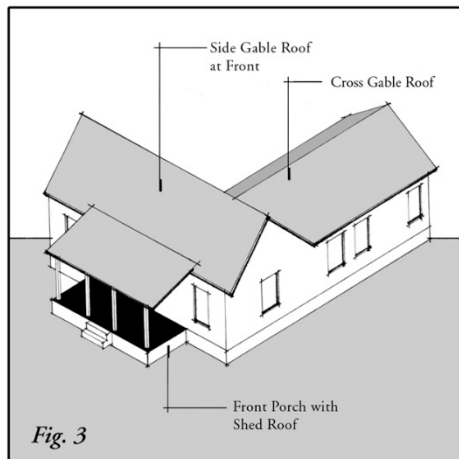
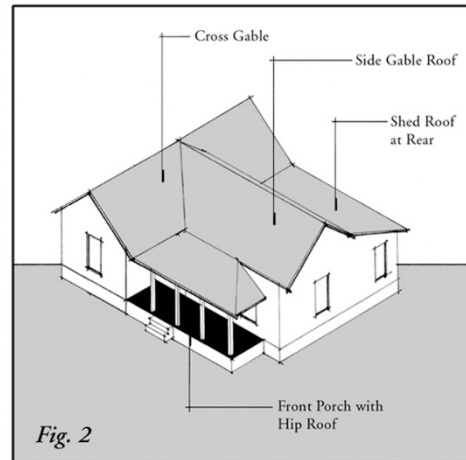
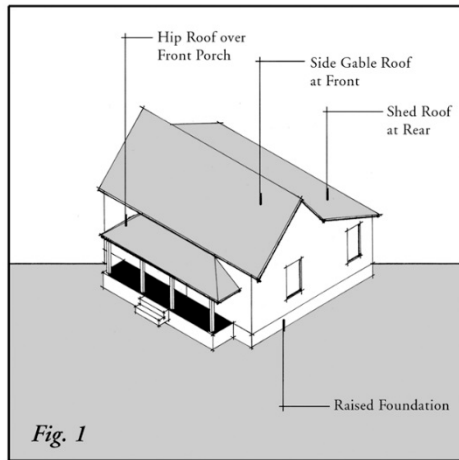
Sanitary and waste refuse storage and collection facilities on the lot must be placed at the side or rear of the property and shall be appropriately screened from street view.

(amended 1/4/2010, TA-2009-14)

CHAPTER 4: verlay Zoning Districts

4.3 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCO)

4.3.6 Specific Neighborhood Conservation Overlay Districts

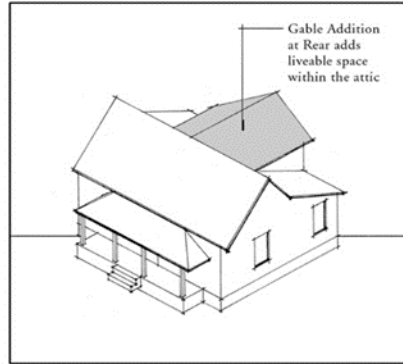


Mill Village Building Forms

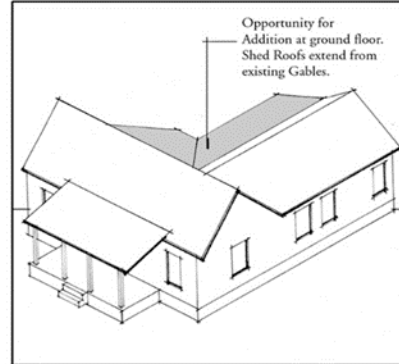
CHAPTER 4: verlay Zoning Districts

4.3 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCO)

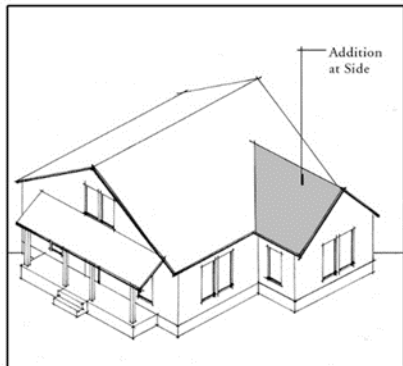
4.3.6 Specific Neighborhood Conservation Overlay Districts



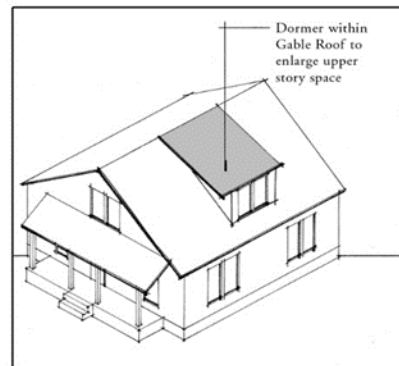
Add Gable Dormer at Rear



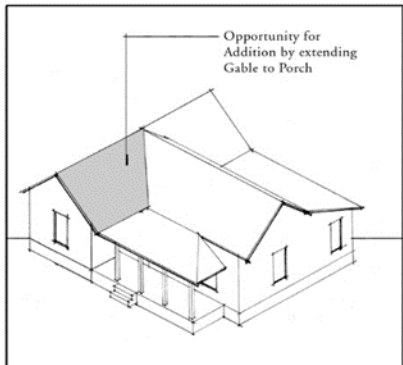
Increase Building Footprint



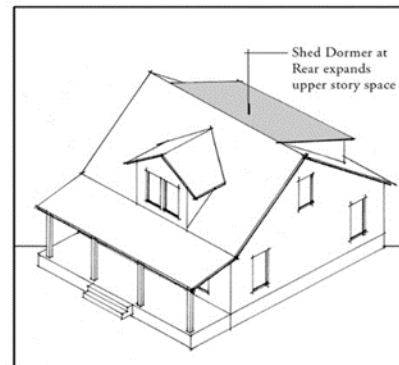
Addition Set Back at Side



Add Upper Level Dormers



Extend Gable to Front



Add Shed Dormer at Rear

Recommendations for Additions Mill Village Building Forms

(2) Cascade Mill Village

(A) Purpose

CHAPTER 4: verlay Zoning Districts

4.3 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCO)

4.3.6 Specific Neighborhood Conservation Overlay Districts

The purpose of the Cascade Mill Village Neighborhood Conservation Overlay (MV2-NCO) is to:

- (i) Help revitalize the neighborhood;
- (ii) Protect and preserve the distinctive character and setting of the historic mill village;
- (iii) Discourage the demolition of structures that contribute to the district's historic character by providing guidelines for rehabilitation of existing structures; and
- (iv) Plan for new commercial and residential infill construction that is compatible and complementary to the character of existing neighborhood areas within the district.

(B) Location

The CMV-NCO shall be depicted on the Official Zoning District Map, which is incorporated by reference.

(C) Standards

Any new development must fully comply with the standards set out in the Town of Mooresville's Cascade Redevelopment Plan.

(3) Academy Street

(A) Purpose

The purpose of the Academy Street Neighborhood Conservation Overlay (AS-NCO) is to:

- (i) Help revitalize the neighborhood;
- (ii) Protect and preserve the distinctive character and setting of the traditional neighborhood;
- (iii) Discourage the demolition of structures that contribute to the district's historic character by providing guidelines for rehabilitation of existing structures; and

(B) Location

The AS-NCO shall be depicted on the Official Zoning District Map, which is incorporated by reference.

(C) Standards

Lots designated as R-2, R-3, or RMX within the AS-NCO shall comply with the following:

- (i) Permitted uses shall be limited to single-family detached housing; and

- (ii) Two-family and multi-family housing shall be prohibited regardless of the base zoning district standards.

(4) North Main Street

(A) Purpose

The purpose of the North Main Street Neighborhood Conservation Overlay (NM-NCO) is to:

- (i) Ensure a transitional development pattern as the public travels into the historic core of downtown Mooresville;
- (ii) Protect and preserve the distinctive character and setting of the traditional neighborhood; and
- (iii) Ensure new development is compatible with the residential and historic character of the area.

(B) Location

The NM-NCO shall be depicted on the Official Zoning District Map, which is incorporated by reference.

(C) Standards

All structures within the NM-NCO shall comply with the following standards:

(i) New Construction

All new construction, except for multi-family development, shall utilize a single-family detached housing form. This shall include the most common scale, materials, and form of similar single-family, detached structures located within the overlay boundary or located on the same street face, whichever is the most restrictive. Multi-family developments have the option of using either a single-family detached housing form or the mansion apartment form as provided in Section 6.7.2.

(ii) Additions and alterations to conforming structures

All additions and alternations to conforming structures must comply with the following:

- (a)** Be compatible with design and material of the principal structure;
- (b)** Be located to the side or rear of the building or as a secondary story;

CHAPTER 4: verlay Zoning Districts

4.3 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCO)

4.3.6 Specific Neighborhood Conservation Overlay Districts

(c) Not exceed 2 stories in height;

(iii) Additions and Alterations to non-conforming structures

A non-conforming structure shall be a residential or nonresidential structure that does not conform to a single-family detached housing form or a multi-family structure that does not conform to a single-family detached or the mansion apartment building form.

Any addition or alteration to an existing non-conforming structure shall comply with the provisions of Section 11.3 (Non-Conforming Structures) and demonstrate that such addition or alteration shall bring the structure closer to conformity with the NM-NCO provisions.

(iv) Re-Construction of damaged structure

In the event that a non-conforming structure is damaged or destroyed, by any means, to an extent of 50 percent or more of its structure replacement cost at the time of the damage, the remaining portions of the structure or constructed shall comply with all the provisions of the NM-NCO

(v) Nonresidential Parking and Driveways

- (a)** Parking areas shall be located at the side or rear of the structure.
- (b)** Parking on the front lawn is prohibited.
- (c)** Parking and driveway areas shall be clearly distinguished from other parts of the yard and should be constructed of an impervious surface.
- (d)** Non-residential parking shall adhere to all screening requirements.

(vi) Land Use

Any nonresidential development (individual user) that is proposed within the overlay shall be limited to a maximum of 5,000 square feet shall only be approved through a conditional zoning.

(vii) Signage

Signage is only allowed on properties fronting North Main Street and shall conform to the following standards:

- (a)** Signs shall only front on North Main Street

CHAPTER 4: verlay Zoning Districts

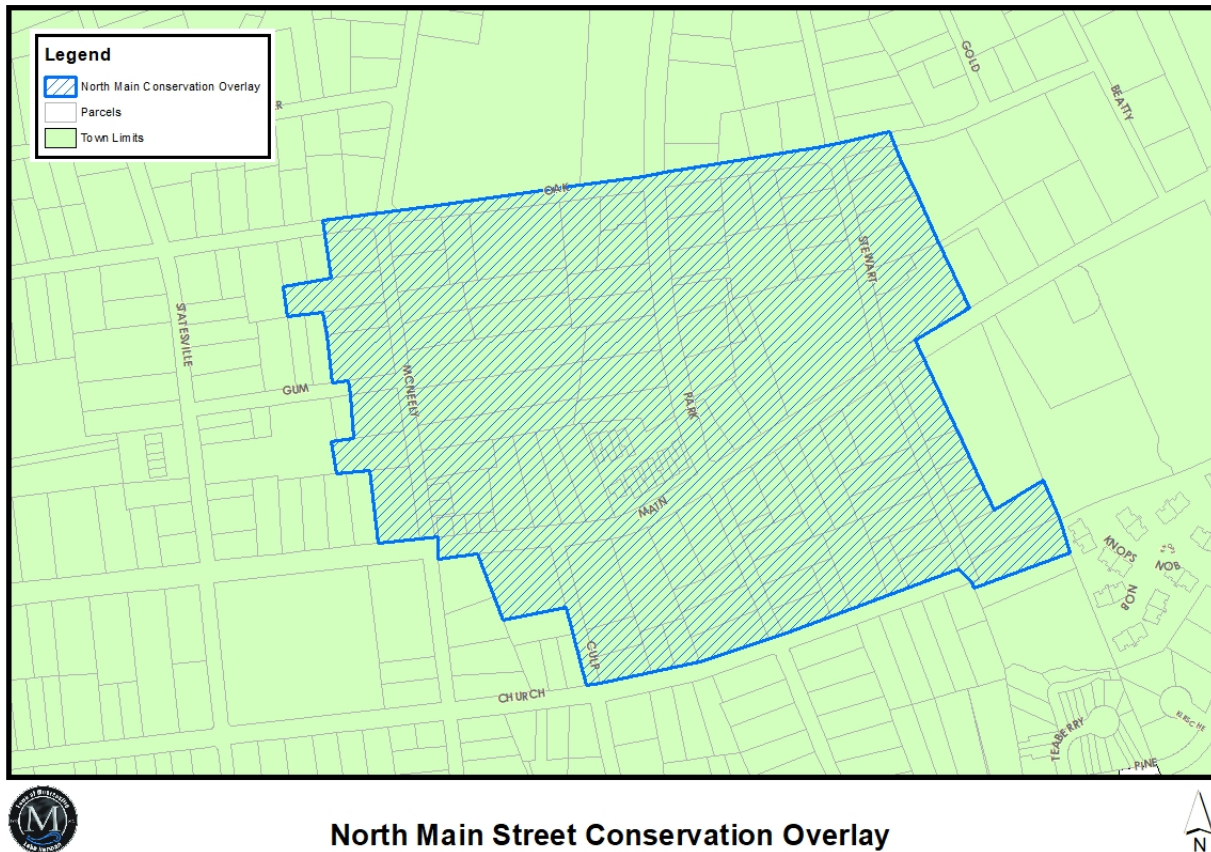
4.3 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCO)

4.3.6 Specific Neighborhood Conservation Overlay Districts

(b) Signs shall use the arm sign form

(c) Signs shall not exceed 16 sq. ft.

(Amended TA-2018-06 N Main Conservation Overlay July 2, 2018)



4.4 MIXED-USE OVERLAY DISTRICT (MXO)

4.4.1. Purpose and Intent

The Mixed-Use Overlay District (MXO) is intended to preserve the residential character of buildings converting from residential to limited office uses. This district is proposed to create a walkable, livable, diverse, accessible, and attractive neighborhood by enabling economic growth, maintaining aesthetics, and softening the transition between residential and office uses.

4.4.2. Applicability

- (1) The standards in this section shall apply to lands designated MXO on the Official Zoning District Map.
- (2) In addition, these standards shall apply to any single- or two-family dwellings existing on the effective date of this Ordinance if any expansion or alteration exceeds 25 percent of the building's assessed value at the time of expansion or alteration.

4.4.3. Relationship to Other Regulations

- (1) Development or conversion of uses within the MXO shall comply with the standards of this section, and all other relevant standards of this Ordinance. In the event the standards in this section conflict with other standards in this Ordinance, the stricter provision shall control.
- (2) New development in NMX shall comply with the building form standards in Chapter 6: Building Form Standards.
- (3) New development, alterations or additions in RMX shall comply with the building form standards in Section 6.7.1, Detached House Building.

(amended 5/4/2009, TA-2009-12)

4.4.4. Standards

The following general standards shall apply to all development and redevelopment in the MXO district:

(1) Residential Density

Vertical density in multi-story buildings is encouraged as long as the residential scale of the area is maintained and height limited to the requirements of Section 4.4.4(8), Building Design. Townhouse and small lot residential development is encouraged.

(2) On-Site Circulation

The siting of structures shall provide adequate vehicle and pedestrian circulation. Sidewalks shall be provided in accordance with the standards of this Ordinance. Off-street parking areas shall be served by pedestrian access ways meeting the minimum standards for sidewalks. Alleys, intended to provide access to parking, garages, rear and service entrances, and ancillary uses shall be provided to the maximum extent practicable in order to minimize the number of access points to the primary street.

(3) Compatibility

The impact of the proposed use as designed shall demonstrate compatibility with other existing or planned uses in close proximity, and shall be compatible with the residential neighborhood in terms of building height, massing, orientation, and appearance. Uses which are potentially noxious, dangerous or offensive to adjacent occupancies in the same or neighboring districts, or to those who pass on public ways by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, or radiation, or are incompatible with the character of the district, are prohibited.

(4) Conversion of Residential Uses to Nonresidential Uses

The conversion of any residential structure to a nonresidential use shall require a review of a Site Plan in accordance with Section 2.3.9. Site Plans shall include building elevations that demonstrate how the structure's residential character will be maintained.

(5) Hours of Operation

Nonresidential development in the MXO district shall operate only between the hours of 6:00 A.M. and 10:00 P.M.

(6) Vehicular Access

Lots in the MXO district shall comply with the following standards:

- (A)** Where practical, vehicular access should be from the rear via alleys, driveways connecting to side streets, and cross-access ways to minimize the number of driveways connecting to the primary roadway;
- (B)** Driveways shall be limited to a maximum of one driveway per parcel;
- (C)** Corner lots shall have the driveway located so that access is provided from the side street; and
- (D)** Surface parking shall be limited to the sides and rear of buildings.

(7) Connectivity

(A) Cross Access

Cross-access ways meeting the standards of Section 9.1, Off-Street Parking and Loading, between off-street surface parking lots located to the rear of structures shall be provided to the maximum extent practicable.

(B) Pedestrian Connections

Sidewalks along streets shall be continuous so as to connect corridor development to adjacent neighborhoods. Pedestrian access, at a minimum, shall be provided at the front of all buildings in the form of a sidewalk connecting the primary building entrance to the public sidewalk.

(8) Building Design

(A) Orientation

Buildings and their architectural fronts shall be oriented to the primary street.

(B) Height

Building height shall be limited to a maximum of two-and-one-half (2½) stories (30 feet), or three stories (36 feet) with a Conditional Use Permit.

(C) Footprint

Building area shall be limited to a maximum of 15,000 square feet.

(D) Maximum Width

Maximum building width shall be in accordance with Table 4.4.4, Maximum Building Width:

TABLE 4.4.4: MAXIMUM BUILDING WWIDTH	
USE TYPE	MAXIMUM WIDTH (FEET)
Duplex, Single-Family Dwelling, Multi-Family Dwelling, Town house, Live/Work Building	Distance equivalent to the combined width of 4 units
Civic Building	100
All other uses	50
Notes: [1] In no instance shall the maximum building width exceed 100 feet	

(9) Facades

Structures in the MXO district shall comply with the following façade standards:

- (A) The primary street side facade of a building shall not consist of an unarticulated blank wall or an unbroken series of garage doors. Building facades shall be varied and articulated in accordance with the appropriate standards in Chapter 6: Building Form Standards, to provide visual interest to pedestrians. Porches, bays, and balconies are encouraged.
- (B) Windows, doors, and openings shall comprise a minimum of 50 percent of the length of the first floor front facade. Where there is secondary frontage on an alley or side street, the doors and windows may comprise a minimum of 25 percent of the length of the first floor facade.
- (C) Transparent windows allowing visual access into and out of nonresidential buildings shall be required on the first floor frontage along the primary facade.

At least one of the principal entrances should orient to the primary street or to plazas, parks, or walkways that connect the building to the primary street.

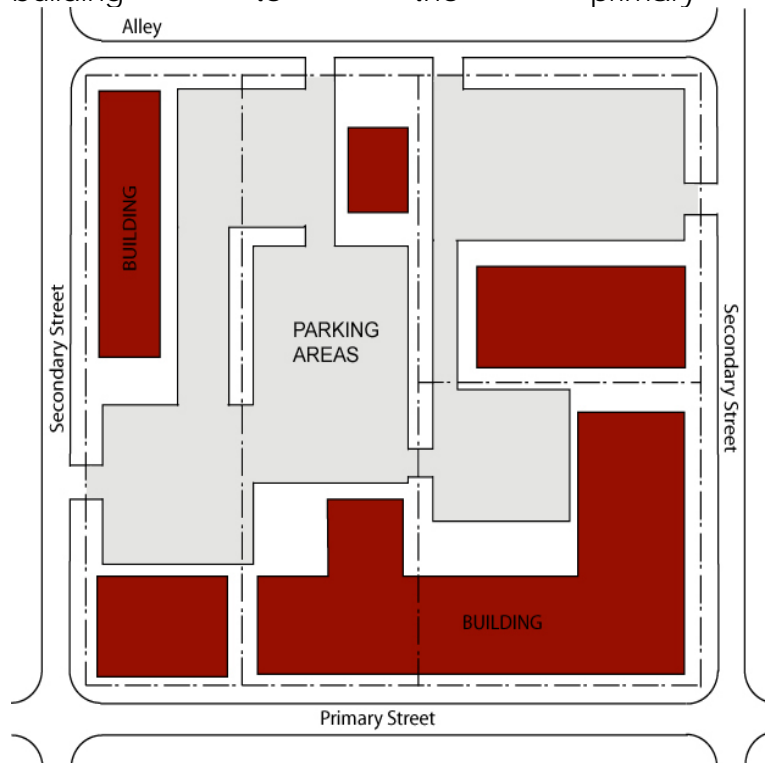


Figure 4.4.4.10: Parking and Access Configuration.
This diagram illustrates proper placement and configuration

of parking areas and access ways between different lots.

(10) Garages

Garages shall be located behind the front facade of the building they serve.

(11) Parking and Loading

Development and redevelopment shall comply with the off-street parking and loading standards in Section 9.1, Off-Street Parking and Loading, and the following standards:

(A) New construction, expansion, or areas where parking lot renovation comprises more than 50 percent of the current tax assessed value of the land where located shall comply with the following requirements

- (i) All off-street parking areas shall be located to the rear of buildings.
- (ii) Each off-street parking area shall be designed and located so that parking lots on adjacent parcels may be linked.
- (iii) As each parcel is developed or redeveloped for higher density residential or non-residential use(s), a cross-access way to adjacent parcels shall be established.
- (iv) Off-street parking lots shall be designed to facilitate rear access by providing future connections to lots where no adjacent parking lot exists, or by connecting to adjacent parking lots where they do exist.

(12) Signage

Signage shall comply with the standards in Chapter 8: Signage, except that monument signs are permitted for existing Civic Buildings only.

(amended 5/4/2009, TA-2009-12)

4.5 OFFICE OVERLAY

4.5.1. The following uses require a Conditional Use Permit:

- (1) Colleges and Universities**
- (2) Rest homes, nursing homes, and homes for the aged**
- (3) Fraternal Lodges, civic organizations, and charitable organizations**
- (4) Hospitals**

CHAPTER 4: verlay Zoning Districts

4.6 CORRIDOR OVERLAY DISTRICT (CO)

4.6.1 Purpose and Intent

(5) Restaurants (fast food, drive-in restaurants, and drive-through restaurants are prohibited)

(6) Retail Food Preparation uses such as bakeries, butcher shops, and delicatessens: (in which food will be consumed off-site)

(amended 10/07/2019, TA-2019-03)

4.6 CORRIDOR OVERLAY DISTRICT (CO)

4.6.1. Purpose and Intent

The Corridor Overlay District is designed to preserve and enhance the relationship buildings have to the street and to enhance the streetscape along major gateways leading to and within Mooresville. The Corridor Overlay District shall have a width up to 250 feet extended from the right-of-way of the designated corridor. (Amended 3/2/2015, TA-2015-02)

4.6.2. Applicability

The Corridor Overlay is indicated on the Official Zoning District Map, and applies only to the following commercial lots:

(1) Lots fronting Williamson Road;

(2) Lots fronting NC Highway 150;

(3) Lots fronting NC Highway 115;

(4) Lots fronting NC Highway 152;

(5) Lots fronting NC Highway 801;

(6) Lots fronting NC Highway 3;

(7) Lots fronting Langtree Road; and

(8) Lots fronting NC Highway 21.

4.6.3. Exemptions

Lots in the VC and TC districts or a Comprehensive Land Use Plan-designated activity center shall be exempt from the Corridor Overlay district requirements.

4.6.4. District Provisions

As an overlay, this district supplements the standards established elsewhere in this Ordinance for development in the underlying base zoning district. Any use permitted in the underlying zoning district or approved subject to the issuance of a Conditional Use Permit shall also be permitted in the Corridor Overlay District, provided it meets the additional requirements of this section. Development within the Corridor Overlay District shall comply with the following standards:

- (1)** Landscaping shall be provided on the length of the first 25 feet of the front yard as measured from the edge of the road right-of-way and 1 tree (small canopy every 30 ft. off center and large canopy 50 ft. off center) and shall be planted so as not to interfere with overhead lines. Such landscaped area shall consist of any combination of trees, shrubs, or other decorative or vegetative ground cover provided. No portion of this landscaped area shall contain bare soil. No impervious surface shall be allowed in this area except for driveways connecting the lot to the point of ingress and egress, sidewalks, boundary fences or walls. There shall be no display of merchandise for sale within this area.
- (2)** Except on lots fronting Highway 150, off-street surface parking shall be located to the side or rear of the structure it serves.
- (3)** The following uses shall not front the designated corridor right-of-way:
 - (A)** Manufactured homes;
 - (B)** Storage facilities (including self-service storage uses) unless enclosed with a decorative brick, stone, or masonry wall with a minimum height of eight feet or more above grade; and
 - (C)** Industrial uses otherwise designated in the Comprehensive Land Use Plan.

4.6.5. Nonconforming Situations

Existing development that was lawfully established prior to adoption of this Ordinance and consistent with the standards of the Highway Corridor Overlay District along Highway 150, Williamson Road, or Highway 21 shall be considered conforming to the provisions of this section.]

4.6.6. Modification

The provisions of the overlay may be amended or modified through the approval of a Conditional Use Permit by the Board of Commissioners.

(amended 9/8/2015; TA-2015-10)

4.7 HISTORIC PRESERVATION OVERLAY DISTRICT (HPO)

[Placeholder]

4.8 TRANSIT STATION OVERLAY DISTRICT (TSO)

[Placeholder]

4.9 ALCOVE ROAD CORRIDOR OVERLAY DISTRICT

CHAPTER 4: verlay Zoning Districts

4.9 ALCOVE ROAD CORRIDOR OVERLAY DISTRICT

4.9.1 Purpose and Intent

4.9.1. Purpose and Intent

The purpose and intent of the Alcove Road Corridor Overlay District is to reasonably balance the intensity, scale and height of uses within the district boundary in proximity to established adjacent residential development as recommended per the adopted Alcove Road Corridor Small Area Plan and in order to maintain the classification of the Corridor as a Minor Thoroughfare.

4.9.2. Applicability

The Alcove Road Corridor Overlay District conforms with the boundary of the Alcove Road Corridor Small Area Plan and is further identified in the corresponding amendment to the Official Zoning District Map. As an overlay, this district supplements the standards established elsewhere in this Ordinance for development in the underlying base zoning district. Any use permitted in the underlying zoning district or approved subject to the issuance of a Conditional Use Permit shall also be permitted in the Corridor Overlay District, provided it meets the additional requirements of this section.

4.9.3. District Provisions

Development within the Corridor Overlay District shall comply with the following Standards:

- (1)** All uses exceeding 30,000 square feet in gross floor area require the issuance of a Conditional Zoning by the Town of Mooresville Board of Commissioners under the provisions of 2.3.2, Conditional Zoning District Classification of the Ordinance. (Amended 8/1/2016;TA 2016-03)
- (2)** All structures adjacent to or within fifty feet of single family residential uses exceeding 2 stores in height require the issuance of a Conditional Zoning by the Town of Mooresville Board of Commissioners under the provisions of 2.3.2, Conditional Zoning District Classification of this Ordinance. (Amended 8/1/2016;TA 2016-03)
- (3)** Restaurant uses with a drive-through service require the issuance of a Conditional Zoning by the Town of Mooresville Board of Commissioners under the provisions of 2.3.2, Conditional Zoning District Classification of this Ordinance. (Amended 8/1/2016;TA 2016-03)
- (4)** Automotive Dealers (indoor, stock only), Automobile Sales (Outdoor storage), and Auto Service and Repair uses are not permitted.
(Amended 3/2/2015, TA-2015-02)

4.10 CORNELIUS ROAD CORRIDOR OVERLAY DISTRICT

4.10.1. Purpose and Intent

The purpose and Intent of the Cornelius Road Corridor Overlay District is to encourage commercial, employment center, and flex industrial uses along the corridor.

4.10.2. Applicability

The Cornelius Road Corridor Overlay District includes all properties within 1000 feet north or south of the centerline of Cornelius Road, and the Cornelius-Mazeppa Connector between the 1-77 Corridor to the west and the NC 115 Corridor to the east.

4.10.3. District Provisions

Development within the Corridor Overlay District shall comply with the following Standards:

- (A)** All new residential uses and subdivisions of property for residential use shall require a minimum lot size of 43,560 square feet.
- (B)** This overlay does not preclude new residential development on existing lots established prior to the adoption date of this overlay.

(Amended 6/1/2015, TA-2015-07)

4.11 EAST-WEST CONNECTOR OVERLAY DISTRICT

4.11.1. Purpose and Intent

The purpose and intent of the East-West Connector Overlay District is to preserve the mixed use environment contemplated in the Town's Generalized Land Use Plan and found around the Exit 31 Interchange of Interstate 77. It is also the intent of this Overlay to ensure conformance to the spirit and intent of the Town's Comprehensive Transportation Plan and to mitigate potential negative impacts to surrounding road networks due to overly-intense development.

4.11.2. East-West Connector Road Defined

The East-West Connector is a continuous, multi-lane, median-divided arterial street providing direct, controlled access and movement between Langtree Rd. and NC Hwy 115.

CHAPTER 4: verlay Zoning Districts

4.11 EAST-WEST CONNECTOR OVERLAY DISTRICT

4.11.3 Applicability

4.11.3. Applicability

The East-West Connector Overlay District conforms with a boundary generally described as certain properties East of Interstate 77, South of Langtree Rd. and West of NC 115, and is further identified in the corresponding amendment to the Official Zoning Map.

As an overlay, this district supplements the standards established elsewhere in this Ordinance for development in the underlying base zoning district. Any use permitted in the underlying zoning district or approved subject to the issuance of a Conditional Use Permit shall also be permitted in the East-West Corridor Overlay District, provided it meets the additional requirements of this section.

4.11.4. District Provisions

Development within the East-West Corridor Overlay District shall comply with the following Standards:

(1) Transportation, Movement, and Access.

- (A)** There shall be no more than two (2) full access street connections to Langtree Rd. Any full-access street connection to Langtree Rd. shall be located a minimum of 1,000 ft. apart or as determined by NCDOT; whichever is more restrictive. One of these accesses shall be the East-West Connector.
- (B)** There shall be no more than one (1) street connection to NC Hwy 115 on either side of the road. Any street connections to NC Hwy 115 shall be located only within the portion of the Overlay that encompasses both sides of NC Hwy 115. This access shall be the East-West Connector.
- (C)** Only collector or arterial streets may connect to arterial streets.
- (D)** Any full-access intersections along arterials streets shall be no less than 1,000 apart.
- (E)** Development plans shall ensure road connections are established to adjacent properties. Plans shall show sufficient detail to ensure that road connections are feasible to and through the adjacent properties. Final road alignments shall be subject to TRC approval.
- (F)** Any Transportation Impact Analysis (TIA) submitted for development within the Overlay shall consider impacts to all roadways constructed within the Overlay at the time of application; in addition to any other roads as deemed necessary by the TRC and NCDOT.

- (G)** No development shall cause the total trip generation for the overlay to exceed 26,000 vehicles per day, as calculated in accordance with the Institute of Transportation Engineers (ITE) Trip Generation Manual, as amended. Modifications to this standard may be in addressed in accordance with 4.11.5(2).

(2) Land Use.

- (A)** Maximum gross building square footage of land uses within the entire Overlay shall be limited to the following maximums for uses as identified in Table 4.4.4(1):

TABLE 4.4.4(1): MAXIMUM GROSS BUILDING SQUARE FOOTAGE	
LAND USE CLASSIFICATION	MAXIMUM DENSITY
Residential (all unit types)	2,000 Units
All Retail and Sales and Services Classifications Except: • Type III • Electronic Gaming	500,000 sq. ft.
All Hotels and Motels Classifications Except: • Bed and Breakfast	
All Community Service Classifications	
All Educational Facilities Classifications Except: • Elementary • Middle and Intermediate • Senior High	
All Health Care Facilities Classifications	
All Institutional Classifications	
All Transportation Classifications Except: • Airport	
All Conference and Training Center Classifications	
All Indoor Recreation Classifications Except: • Equine Stable or Riding Academy	
All Restaurant Classifications	
All Beverage Manufacturing Except: • Large Brewery	
All Industrial Services Classifications Except: • Building, Heating, or Electrical Contractor • Fuel Oil or Bottled Gas Distributor • Heavy Equipment Sales Service or Repair	
All Office Classifications	
All Daycare Classifications	1,500,000 sq. ft.
All Parks and Open Space Classifications	No Maximum
All Utilities Classifications	

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4.11 EAST-WEST CONNECTOR OVERLAY DISTRICT

4.11.5 Exemptions and Modifications

- (B)** Any use classification or land use type not listed in 4.11.4(2)(A) is prohibited in the Overlay.

4.11.5. Exemptions and Modifications

Exemptions and modifications to the development standards within the Overlay District shall comply with the following. Standards not specifically listed below are not subject to modification or exemptions.

- (1)** The TRC may modify the following standards if determined that the proposed development is of a safer design for both pedestrian and/or vehicles, decreases traffic congestion, and provides for better traffic circulation:

- (i) Intersection Spacing, as specified in 4.11.4(1)(D)

- (2)** Development plans that cause the maximum square footage limitations (see 4.11.2) to be exceeded or create average daily trips for the entire overlay that exceed 26,000 vehicles per day, may be considered for approval by a Conditional Use Permit; pending submission, review, and approval of a Concept Plan and TIA.

4.11.6. Plan Expirations

Any plan approved pursuant to this section shall terminate two years after Town Board approval unless such period is extended pursuant to the criteria as set out in North Carolina General Statute 160A-385.1(d)(2), provided that in no event shall such extension exceed five years. Any extensions beyond two years shall be set by the approving body and noted on the plan in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the Town Board.

The approval of a plan as provided in this section shall terminate at the end of the applicable period set out in this section with respect to construction and development activities unless the first building permit has been issued and remains valid pursuant to North Carolina General Statute 160A-418.

(amended 03/17/2017)

4.12 BRAWLEY SCHOOL ROAD OVERLAY DISTRICT

4.12.1. Purpose and Intent

The purpose and intent to the Brawley School Road Overlay District is to Implement the development strategies found in the Town's adopted Brawley School Road Small Area Plan. Additionally, the purpose of this overlay district is to promote unique urban development patterns in this area, help mitigate transportation congestion, and to provide for a sense of place for this area of Town.

4.12.2. Applicability

The Brawley School Road Overlay District conforms with the boundary of the Brawley School Road Small Area Plan, as amended.

4.12.3. District Provisions

Development within the Brawley School Road Overlay District shall comply with the following standards:

(1) Parking:

- (A) For all lots that have frontage on Brawley School Road, no parking or loading areas shall be located between any building and Brawley School Rd.
- (B) Except for developments constructed in accordance with 4.12.3(2) (A), sites developed as part of a center or multi-building development shall have no parking located between any building and the street or drive aisle it fronts. All parking lots shall be located internal to the site with buildings located around the site perimeter.
- (C) Drive aisles needed solely for circulation through the site are exempted from this section. Grade-seperated crossings shall be provided within the drive aisle for pedestrian access and movement to the building's primary entrance.

(2) Land Use

- (A) Except as noted in Section (B) below, maximum gross building square footage of any building within the entire Overlay shall be limited to 60,000 sq. ft. Buildings over 60,000 gross sq. ft. but less than 75,000 gross sq. ft. may be located:
 - (i) Within the activity node encompassing one-fourth (1/4) mile of the intersection of Williamson Rd. and Brawley School Rd. ,
or

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4.12 brawley school road overlay district

4.12.4 Exemptions and Modifications

- (ii) On lots located, wholly or partially, within 900 linear feet from the center of the intersection f Interstate 77 and Brawley School Rd. that existed at the time of adoption of this ordinance.
- (B)** Any single building or user that is 75,000 gross sq. ft. or over shall only be approved by a Conditional Use Permit.
- (C)** Prohibited uses within the Overlay:
 - (i) Self Service Storage, Outdoor
 - (ii) Auto Dealer
 - (iii) Auto Service and Repair
- (D)** Prohibited uses at Exit 35 in the area outlined in 4.12.3 (2) (A) (ii):
 - (i) Retail/Service Use with Gasoline Sales (as a Principal use)
- (E)** Additional prohibited uses for lots fronting on Brawley School Rd:
 - (i) Restaurant with Drive-thru Service

4.12.4. Exemptions and Modifications

Exemptions or modifications to the development standards within the Overlay District shall comply with the following.

- (1)** Any use that is classified under the following use types, as identified in Table 5.1.4, shall be exempt from Section 4.12.3 (2) above:
 - (i) Office (All types)
 - (ii) Hospital Medical Treatment Facility (All types)
 - (iii) Research and Development
- (2)** The Technical Review Committee (TRC) may modify, but not waive, the requirements of 4.12.3(1) – Parking, if it is determined that such modification furthers the objectives of the Brawley School Rd. Small Area Plan, promotes a safer pedestrian/motorist environment, and ensures the desired relationship between the building facades and the applicable street or drive aisle is maintained in accordance with the Brawley School Rd. Small Area Plan.

(amended 2/7/2018)

Chapter 5: Use Standards

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4.12.4 Exemptions and Modifications

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CHAPTER 5: USES STANDARDS

5.1 USE TABLE

This section sets forth the allowable uses for the residential and nonresidential zoning districts.

5.1.1. Explanation of Use Table Structure

(1) Organization of Use Table

The Use Table in this chapter organizes allowable uses by Use Classifications, Use Categories, and Use Types. Section 5.2, Use Classifications, Categories, and Use Types, establishes the characteristics and examples of each of the Use categories and Use Types used in the Use Table. Use Types are defined in Section 5.2, Use Classifications, Categories, and Types.

(A) Use Classifications

The Use Classifications are: Residential Uses, Institutional Uses, Agricultural 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 and commercial uses). The Use Classifications then organize land uses and activities into general "Use Categories" and specific "Use Types" 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.

(B) Use Categories

The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the Residential Use Classification is divided into two different Use Categories: Household Living and Group Living). Use Categories are further broken down into a series of individual Use Types, or principal uses.

(C) Use Types

The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, live/work dwellings, single-family detached dwellings, duplex dwellings, townhouse, multi-family dwellings, and

CHAPTER 5: USES STANDARDS

5.1 USE TABLE

5.1.1 Explanation of Use Table Structure

mobile home dwellings are Use Types in the Household Living Use Category.

(2) Permitted Uses

A "P" in a cell indicates that a Use Type is allowed by right in the respective base zoning district, subject to compliance with the use-specific standards referenced in the final column of the Use Table. Permitted uses are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 4: Overlay Zoning Districts; Chapter 6: Building Form Standards; Chapter 7: Landscaping and Open Space; Chapter 8: Signage; Chapter 9: Development Standards; and Chapter 10: Subdivision Standards.

(3) Conditional Uses

A "C" in a cell indicates that a Use Category or Use Type is allowed conditionally in the respective base zoning district, subject to compliance with the use-specific standards set forth in the final column of the Use Table and approval of a Conditional Use Permit in accordance with Section 2.3.3, Conditional Use Permit. Uses subject to a Conditional Use Permit are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 4: Overlay Zoning Districts; Chapter 6: Building Form Standards; Chapter 7: Landscaping and Open Space; Chapter 8: Signage; Chapter 9: Development Standards; and Chapter 10: Subdivision Standards.

(4) Conditional District

A "Z" in a cell indicates that a Use Category or Use Type is allowed subject to the approval of a specific Conditional District in accordance with Section 2.3.1(4) Conditional Zoning District. This requirement holds true even if the base zoning district is not changed. Uses requiring a Conditional District are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 4: Overlay Zoning Districts; Chapter 6: Building Form Standards; Chapter 7: Landscaping and Open Space; Chapter 8: Signage; Chapter 9: Development Standards; and Chapter 10: Subdivision Standards. (Amended 4/6/2015; TA-2015-06)

(5) Prohibited Uses

A blank cell indicates that the Use Type is prohibited in the base zoning district.

(6) Building Form

When a particular Use Category or Use Type is permitted in a base zoning district, it may also be subject to additional requirements

related to the allowable building form(s) within that district. The types of allowable building form options will be indicated in a cell beside the applicable review procedure (e.g., "DH" for Detached House, "MA" for Mansion Apartment, "SF" for Shopfront Building, etc.) for the Use Type. When a Use Type is required to utilize a particular building form, the structure where the use is located shall be configured in accordance with the standards in Section 6.6, General Form Standards, and Section 6.7, Specific Building Form, unless a modification is granted in accordance with Section 2.3.6, Modification of Architectural Standard.

(7) Use-Specific Standards

When a particular Use Category or Use Type is permitted in a base zoning district, there may be additional regulations that are applicable to a specific use. The existence of these use-specific standards is noted through a section reference in the last column of a Use Table entitled "Additional Requirements." References refer to Section 5.3, Use-Specific Standards. These standards shall apply to a particular use regardless of the base zoning district where it is proposed unless otherwise specified.

(8) Use Prohibited by Overlay Zoning District

Regardless of the approval procedure listed in the Use Table, a particular Use Type may be prohibited by applicable overlay district provisions in Chapter 4: Overlay Zoning Districts. In the event a particular Use Type is prohibited or subject to a different review procedure based on overlay district standards, the more restrictive standard or procedure shall control.

(9) Uses Not Listed

The Planning Director shall determine whether or not an unlisted use is part of an existing Use Category or Use Type defined in Section 5.2, Use Classifications, Categories, and Types, or is substantially similar to an already defined Use Type, using the standards in Section 5.2, Use Classifications, Categories, and Types.

5.1.2. Developments with Multiple Principal Uses

When all principal uses of a development fall within one Use Category, 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 Service 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

CHAPTER 5: USES STANDARDS

5.1 USE TABLE

5.1.3 Interpretation of Unlisted Uses

subject to applicable regulations within that category. Developments with multiple principal uses, such as shopping centers, shall incorporate only those Use Types allowed in the base zoning district.

5.1.3. Interpretation of Unlisted Uses

(1) Procedure for Approving Unlisted Uses

Where a particular Use Type is not specifically listed in a Use Table, the Planning Department may permit the Use Type upon a finding of the standards of Section 5.1.3(2), Standards for Approving Unlisted Uses, are met. The Planning Department shall give due consideration to the purpose and intent statements in this Ordinance concerning the base zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.

(2) Standards for Approving Unlisted Uses

In order to determine if the proposed use(s) has an impact that is similar in nature, function, and duration to the other Use Types allowed in a specific zoning district, the Planning Department shall assess all relevant characteristics of the proposed use, including but not limited to the following:

- (A)** The volume and type of sales, retail, wholesale, etc.;
- (B)** The size and type of items sold and nature of inventory on the premises;
- (C)** Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
- (D)** Any dangerous, hazardous, toxic, or explosive materials used in the processing;
- (E)** The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
- (F)** The type, size, and nature of buildings and structures;
- (G)** The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
- (H)** Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site;

- (I) Trip purposes and whether trip purposes can be shared by other Use Types on the site;
- (J) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other Use Types;
- (K) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
- (L) Any special public utility requirements for serving the proposed Use Type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- (M) The impact on adjacent lands created by the proposed Use Type, which should not be greater than that of other Use Types in the zoning district.

(3) Effects of Finding by Planning Department

(A) Typical Uses: Determination Binding

In making a determination described in Section 5.1.3(1), Procedure for Approving Unlisted Uses, the Planning Department shall recommend a text amendment to this Ordinance if it is determined in the particular Use Type is likely to be common or to recur frequently, or that omission of specific inclusion and references in the Use Table is likely to lead to public uncertainty and confusion. Until final action is taken on a proposed amendment, the interpretation of the Planning Department shall be binding.

(B) A Typical Uses: Determination Binding

In making a determination whether to approve an unlisted use, the Planning Department's interpretation shall be binding. Aggrieved parties may appeal the interpretation to the BOA in accordance with Section 2.3.14, Appeal of Administrative Decision.

5.1.4. Table of Allowed Uses

Table 5.1.4, Table of Allowed Uses, indicates the allowable uses within the base zoning districts. Even though a Use Type is listed as an allowable use within a particular base zoning district, such use may be prohibited or subject to a different review procedure based on any applicable overlay zoning district requirements specified in Chapter 4: Overlay Zoning Districts.

CHAPTER 5: USES STANDARDS

5.1 USE TABLE

5.1.4 Table of Allowed Uses

TABLE 5.1.4: TABLE OF ALLOWED USES																																
P = PERMITTED BY RIGHT C = CONDITIONAL USE PERMIT Z = CONDITIONAL ZONING				ALLOWABLE BUILDING FORMS DH = DETACHED HOUSE AR = ATTACHED RESIDENTIAL CV = CIVIC WP = WORKPLACE FX = FLEX/INDUSTRIAL HI = HYBRID INDUSTRIAL LR = LARGE RETAIL MA = MANSION APARTMENT NA = NOT APPLICABLE SF = SHOPFRONT CR = COMMERCIAL/RETAIL																												
Use Category	USE TYPE [2]	R-2		R-3		R-5		RMX		RMX-MH		TND-CU		NMX		CMX		HB		VC		HI		TC		GI		EI		PC-CU		ADDITIONAL REQUIREMENTS
		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
RESIDENTIAL USE CLASSIFICATION																																
Household Living	Dwelling, Duplex	P	DH			P	DH	P	DH	P	DH			P	DH	P	DH														5.3.1 (1) (A)	
	Dwelling, Live/Work							P	SF	P	SF	P	AR SF	P	AR SF	P	AR SF			P	SF WP			P	SF WP					P	SF	
	Dwelling, Mobile Home	P	DH							P	DH																				5.3.1 (1) (B)	
	Dwelling, Multi-family					P	MA	PZ	MA AR	PZ	MA A R	P	MA AR SF	P	MA SF AR	P	MA AR SF	P	AR SF	P	MA AR SF			PZ	MA AR SF					P	AR SF	5.3.1 (1) (D)
	Dwelling, Single-family Detached	P	DH	P	DH	P	DH	P	DH	P	DH	P	DH	P	DH	C	DH															
	Dwelling, Town house	Z	AR	Z	AR	P	AR	P	MA AR	P	MA A R	P	MA AR	P	MA SF	P	MA AR SF			P	AR SF			P	AR SF					P	AR SF	5.3.1 (1) (D)
	Manu-factored/ Mobile Home Park	C	DH								C	DH																				5.3.1 (1) (C)

CHAPTER 5: USES STANDARDS

5.1 USE TABLE

5.1.4 Table of Allowed Uses

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Use Category	USE TYPE [2]	R-2		R-3		R-5		RMX		RMX-MH		TND-CU		NMX		CMX		HB		VC		HI		TC		GI		EI		PC-CU		ADDITIONAL REQUIREMENTS
		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
Family Care Home	Family Care Homes	P	DH	P	DH	P	DH	C	DH	C	DH	C	DH MA	C	DH	P	DH			P	DH MA			P	DH MA					P	DH MA	5.3.1 (2) (A)
	Rooming House							C	DH	C	DH	P	DH																		5.3.1 (2) (B)	
INSTITUTIONAL USE CLASSIFICATION																																
Community Services	All (up to 25,000 sf GFA)							P	CV	P	CV	P	SF CV	P	CV SF	P	CV SF	P	CV SF WP	P	CV SF	C	CV SF WP	P	CV SF					P	CV SF WP	5.3.3 (9)
	All (more than 25,000 sf GFA)											P	SF CV	P	CV SF	P	CV SF	P	CV SF WP CR	P	CV SF WP			P	CV SF WP					P	CV SF WP	5.3.3 (9)
Educational Facilities	College or University							Z	CV			P	CV	Z	CV	P	CV			Z	CV			Z	CV					P	CV	
	School, Elementary	P	CV	P	CV	P	CV	P	CV	P	CV	P	CV	P	CV	P	CV			P	CV			P	CV							

¹ NOTE: The initial draft of the LDO classified these uses as “civic uses”. They are disaggregated here in recognition that smaller-scale educational uses may be appropriate in neighborhoods, while larger-scale uses are not located within neighborhoods.

CHAPTER 5: USES STANDARDS

5.1 USE TABLE

5.1.4 Table of Allowed Uses

TABLE 5.1.4: TABLE OF ALLOWED USES																																	
P = PERMITTED BY RIGHT C = CONDITIONAL USE PERMIT Z = CONDITIONAL ZONING				ALLOWABLE BUILDING FORMS																													
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Use Category	USE TYPE [2]	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	ADDITIONAL REQUIREMENTS	
	School, Middle & Intermediate	P	CV	P	CV	P	CV	P	CV	P	CV	P	CV	P	CV					P	CV					P	CV						
	School, Senior High	P	CV	P	CV	P	CV	P	CV	P	CV	P	CV	P	CV					Z	CV					P	CV						
	School, Trade or Vocational											P	SF CV WP	Z	CV	P	CV SF			P	CV SF	C	CV WP	P	CV SF WP	C	CV WP	C	CV WP	P	CV SF WP		
Government Facilities	All (up to 25,000 sf GFA)	P	CV	P	CV	P	CV	P	CV	P	CV	P	CV	P	CV	P	CV	P	CV	P	CV	Z	CV WP	P	CV SF	Z	CV WP	P	CV WP FX	P	CV WP		
	All (more than 25,000 sf GFA)	Z	CV	Z	CV	Z	CV	Z	CV	Z	CV	P	CV	P	CV	P	CV	P	CV WP	P	CV	P	CV WP	P	CV	P	CV WP FX						
Health Care Facilities	Hospital															C	CV	P	CV WP	C	CV			C	CV WP					P	CV WP		
	Medical Treatment Facility (up to 5,000 sf GFA)							P	DH			P	CV WP	P	DH	P	CV WP CR DH	P	CV WP CR DH	P	CV WP CR DH	P	CV WP CR	P	CV WP CR DH					P	CV SF WP		

CHAPTER 5: USES STANDARDS

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		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
	Medical Treatment Facility (up to 15,000 sf GFA)													Z	DH	P	CV WP CR DH	P	CV WP CR DH	P	CV WP CR DH	P	CV WP CR DH	P	CV WP CR DH			Z	CV WP FX			
	Medical Treatment Facility (more than 15,000 sf GFA)											P	CV WP	C	DH	P	CV	P	CV WP CR	P	CV WP			C	CV WP			Z	CV WP FX	P	CV WP	
Institutions	Assisted Living/ Nursing Home							Z	DH MA ARC V	Z	DH MA ARC V	P	DH MA ARC V	Z	DH MA CV	Z	DH MA CV			Z	DH CV WP			Z	DH CV WP					P	DH CV WP	5.3.3 (11)
	Cemetery	C	NA	C	NA	C	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	C	NA			P	NA							5.3.2 (1)
	Halfway House															C	DH															
	Religious Institution	P	DH	P	DH CV	P	DH CV	P	DH CV	P	DH CV	P	CV	P	CV	P	CV			P	CV SF											

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		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
	Civic Institution (up to 15,000 sf)	P	CV	P	CV	P	CV	P	CV			P	CV	P	CV	P	CV			P	CV			P	CV					5.3.3 (13)		
	Civic Institution (over 15,000 sf)	C	CV	C	CV	C	CV							P	CV					P	CV			P	CV							
	Fraternal Institution													P	CV	P	CV	P	CV	P	CV			P	CV						5.3.3 (13)	
Public Parks & Open Areas	Botanical or Community Garden	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA			P	NA					P	NA	
	Golf Course, Public	P	NA	P	NA	P	NA	P	NA					P	NA	P	NA	P	NA	C	NA									P	NA	
	Public Park or Square	P	CV	P	CV	P	CV	P	CV	P	CV	P	CV	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA			P	NA	

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		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
Transportation	Airport	C	CV																													
	Public Transport. Terminal or Station											P	CV	P	CV	P	CV WP	P	CV WP	P	CV	P	CV	P	CV	P	CV			P	CV	
Utilities	Telecom-munication Facility, Collocation on Existing Building	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	5.3.2 (2) (B)
	Telecom-munication Facility, Collocation on Existing Tower	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	5.3.2 (2) (C)
	Telecom-munication Facility, Free-standing	Z	NA	Z	NA	Z	NA	Z	NA	Z	NA			Z	NA	Z	NA	P	NA			P	NA	Z	NA	P	NA	P	NA	P	NA	5.3.2 (2) (E)
	Utility, Minor	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	P	NA	

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		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
	Utility, Major	C	NA	C	NA	C	NA	C	NA	C	NA	P	CV	C	NA	C	NA	P	NA	C	NA	P	NA	C	NA	P	NA	P	NA	C	NA	
	Solar Farm SES III	P	NA	P	NA											C	NA	C	NA	C	NA									C	NA	CH 14
AGRICULTURAL USE CLASSIFICATION																																
Agriculture	Farm	P	NA																													
	Plant Nursery, Wholesale	P	DHWP																												5.3.3 (10)	
	Plant Nursery, Retail	P	DH										P	DHWP	P	WP CR	P	WP CR	P	WP CR											5.3.3 (10)	
COMMERCIAL USE CLASSIFICATION																																

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		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
Adult Entertain	All																	P	CR							P	WP					5.3.3 (1)
Animal Care	Animal Shelter/Kennel-Indoor Boarding	P	DH									P	DH SF	P	DH SF	P	SF CR	P	DH SF WP CR	P	DH SF WP CR	Z	WP CR	P	SF	Z	WP CR					5.3.3 (2) (A)
	Animal Shelter/Kennel-Outdoor Boarding	C	DH															C	DH SF WP CR			C	WP CR FX			C	WP CR FX					5.3.3 (2) (A)
	Veterinary Clinic/Indoor Boarding	Z	DH											Z	DH SF	P	SF CR	P	DH SF WP CR	P	DH SF WP CR	P	WP CR FX	P	SF	P	WP CR FX					5.3.3 (2) (A)
	Veterinary Clinic/Outdoor Boarding	C	DH													P	SF CR	P	SF WP CR	P	SF WP			P	SF WP					P	SF CR	5.3.3 (2) (A)

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		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
Day Care	Day Care, Small Group	P	DH	P	DH	P	DH	P	DH					P	DH	P	SF WP			P	SF WP			P	SF WP					P	SF WP	5.3.3 (14) (A)
Day Care	Day Care, Large Group													P	DH SF WP	P	SF WP			P	SF WP	C	SF WP	P	SF WP					P	SF WP	
Hotels and Motels	Bed and Breakfast Inn	P	DH	P	DH	P	DH	P	DHS F	P	DH SF	P	DH SF	P	DH CV SF	P	DH CV SF			P	DH CV SF			P	DH CV SF							5.3.3 (3) (A)
	Hotel, Motel, and Similar Uses													Z	SF WP	Z	SF WP CR	Z	SF WP CR	Z	CV SF WP	Z	SF WP CR	Z	CV SF WP	Z	CR					

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		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
Conference & Training Ctr.	All															Z	CV	P	CV WP	P	CV	Z	CV WP	P	CV					P	CV	
Marina	All							C	DH WP					C	DH SF WP																	5.3.3 (4)
Offices	Up to 5,000 sf GFA							P	DH			P	DH SF WP	P	DH CV SF	P	DH CV SF WP	P	CV SF WP	P	DH CV SF	P	WP FX	P	DH CV SF	P	WP FX			P	CV SF WP	5.3.3 (12)
	Up to 15,000 sf GFA											P	SF WP	Z	SF WP	P	CV SF WP	P	CV SF WP FX	P	CV SF WP	P	WP FX	P	CV SF WP FX	P	WP FX			P	WP FX	
	More than 15,000 sf GFA											P	SF WP			P	CV SF WP	P	CV SF WP FX	P	CV SF WP	P	WP FX	P	CV SF WP FX	P	WP FX			P	WP FX	

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		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	
Parking, Commercial	Surface Lot As principal use													Z	NA	Z	NA	Z	NA	P	NA	Z	NA	P	NA	Z	NA	Z	NA	P	NA	
	Parking Structure											P	NA	Z	NA	Z	NA	Z	NA	Z	NA	Z	NA	Z	NA	Z	NA	Z	NA	P	NA	
Recreation, Indoor	Commercial Recreation, Indoor (Up to 5,000 sf GFA)							P	SF	P	SF	P	SF WP	P	CV SF	P	CV SF WP	P	CV SF WP CR	P	CV SF WP	P	CV SF WP	P	CV SF WP	P	CV SF WP			P	CV SF WP	
	Commercial Recreation, Indoor (under 15,000 sf GFA)													Z	CV SF	Z	CV SF WP CR	P	CV SF WP CR LR	P	CV SF WP	P	CV SF WP	Z	CV SF WP	P	CV SF WP			P	CV WP	
	Commercial Recreation, Indoor (more than 15,000 sf GFA)															Z	CV SF WP CR	P	CV SF WP CR LR	P	CV SF WP	P	CV SF WP	Z	CV SF WP	P	CV SF WP			P	CV WP	

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		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
	Country Club	P	CV	P	CV	P	CV	P	CV			P	CV	C	CV	P	CV															
	Equine Stable/ Riding Academy	P	NA	C	NA																										5.3.3 (5) (A)	
	Arena, Amphitheatre, or Stadium															C	CV CR	C	CV CR	C	CV WP			P	CV WP CR					P	CV WP CR	
Recreation, Outdoor	Commercial Recreation, Outdoor (up to 10,000 sf)											P	SF WP					Z	WP CR			Z	CV SF WP			Z	CV SF WP			P	WP CR	5.3.3 (6)
	Commercial Recreation, Outdoor (more than 10,000 sf)																	Z	WP CR LR			Z	CV SF WP			Z	CV SF WP			P	WP CR LR	5.3.3 (6)
	Golf Course, Private	P	NA	P	NA	P	NA	Z	NA					Z	NA	P	NA													P	NA	5.3.3 (6)

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		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
		Golf Driving Range															P	NA	P	NA										P	NA	
Restaurant	Restaurant without Drive-Through Service							P	SF			P	SF	P	SF WR	P	SF WP CR	P	SF WP CR	P	CV SF WP	P	SF WP CR	P	CV SF WP					P	CV SF WP	5.3.3 (7)
Restaurant	Restaurant with Drive-Through Service													Z	SF WR	Z	SF WP CR	P	SF WP CR			Z	SF WP CR			Z	WP CR			P	CV SF WP	5.3.3 (7)
Beverage Manufacturing	Small Brewery															P	SP WP CR	P	SP WP CR	P	SP WP CR	P	SP WP CR FX	P/Z	SF WP					P	SF WP CR	5.3.3 (3) (A)
	Brew Pub											P	TND SF	P	SF CV CR	P	CV SF	P	SF WP CR	P	SF WP	P	SF WP	P	SF WP							5.3.3 (3) (A)

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USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
Use Category	USE TYPE [2]																															
	Large Brewery																														5.3.3 (3) (A)	
	Retail Sales and Services	Bar, Nightclub, or Similar Establish-ment																														5.3.3 (8) (A)
		Electronic Gaming																														5.3.3 (8) (G)
Retail/Service Use with Gasoline Sales																															5.3.3 (8) (B)	
Type I Retail Use																															5.3.3 (8) (D)	

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Use Category	USE TYPE [2]	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	ADDITIONAL REQUIREMENTS
	Type II Retail Use (up to 15,000 sf GFA)										P	SF WP	Z	SF WP	P	SF WP CR	P	SF WP CR	P	CV SF WP	P	WP CR	P	CV SF WP	P	WP CR			P	SF WP CR	5.3.3 (8)E (i)	
	Type II Retail Use (15,001 to 30,000 sf GFA)										Z	SF, WP			P	SF WP CR	P	SF WP CR	P	CV SF WP	P	WP CR	P	CV SF WP	P	WP CR			P	SF WP CR	5.3.3 (8)E (i)	
	Type II Retail Use (30,001 to 60,000 sf GFA)										Z	SF, WP CR			P	SF WP CR	P	SF WP CR LR	P	CV SF WP LR	P	WP CR	P	CV SF WP LR							5.3.3 (8)E (i)	
	Type II Retail Use (60,000 to 100,000 sf GFA)														Z	SF WP LR	P	SF WP LR	Z	CV LR	Z	WP LR	Z	CV SF WP LR FX							5.3.3 (8)E (i)	
	Type II Retail Use (100,001 sf or more GFA)																Z	LR					Z	CV SF WP LR FX							5.3.3 (8)E (i)	

CHAPTER 5: USES STANDARDS

5.1 USE TABLE

5.1.4 Table of Allowed Uses

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				MA = MANSION APARTMENT						NA = NOT APPLICABLE						SF = SHOPFRONT																
Use Category	USE TYPE [2]	R-2		R-3		R-5		RMX		RMX-MH		TND-CU		NMX		CMX		HB		VC		HI		TC		GI		EI		PC-CU		ADDITIONAL REQUIREMENTS
		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
	Type III Retail Use																	Z	LR												5.3.3 (8) (F) (I)	
Automotive	Automotive Sales (Broker only)												P	SF WP	P	SF WP	P	SF WP					P	SF WP								
	Auto Dealer (Indoor Stock Only)														P	SF WP	P	SF WP LR					P	SF WP								
	Auto Dealer (Outdoor Storage)																P					P	SF WP								5.3.3 (8) (I)	
	Auto Service and Repair												Z	SF CR	Z	WP CR	P	WP CR					P	WP CR			Z	WP CR FX		P	WP CR	5.3.3 (8) (H)
INDUSTRIAL USE CLASSIFICATION																																

CHAPTER 5: USES STANDARDS

5.1 USE TABLE

5.1.4 Table of Allowed Uses

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		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
Extractive Industry	All																														5.3.4 (1)	
Industrial Services	Building, Heating, or Electrical Contractor																	P	WP FX			P	WP FX									5.3.4 (8)
	Fuel Oil/Bottled Gas Distributor																	C	WP			C	CR FX			P	CR FX	P	WP FX			
	Heavy Equipment Sales, Rental, or Repair																	Z	WP CR			P	CR FX									
	Research and Development																Z	CV WP	P	CV WP FX	Z	CV SF WP	P	WP FX	Z	CV SF WP	P	WP FX	P	WP FX	P	WP FX

CHAPTER 5: USES STANDARDS

5.1 USE TABLE

5.1.4 Table of Allowed Uses

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		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
Manufacturing and Production	Manufacturing, Heavy																					P	FX			P	FX	P	FX	P	FX	5.3.4 (2)
	Manufacturing, Light																	Z	WP FX			P	WP FX	Z	CV WP	P	WP FX	P	WP FX	P	WP FX	5.3.4 (2)
Self-Service Storage	Indoor															Z	SF WP CR	P	SF WP C			P	WP FX			P	WP FX					5.3.4 (3)
	Outdoor																					P	WP FX			P	WP FX					5.3.4 (3)
	Automotive Country Club																		Z	SF WP CR FX			P	WP FX			P	WP FX				
Warehouse and Distribution	Parcel Services															Z	CR	Z	CR FX			P	WP FX			P	WP FX	P	WP FX	P	WP FX	
	Truck or Freight Terminal																					P	FX			P	FX	P	WP FX	P	WP FX	
	Warehouse																		P	SF WP CR			P	FX			P	FX	P	FX	P	FX

CHAPTER 5: USES STANDARDS

5.1 USE TABLE

5.1.4 Table of Allowed Uses

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		USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM	USE	BLDG. FORM			
Outdoor Storage	All																	P	NA			P	FX			P	NA	P	NA	P	NA	5.3.4 (5)
Waste-Related Services	All																					C	WP FX			C	WP FX	P	WP FX			5.3.4 (6)
Wholesale Sales	All															C	SF WP	P	SF WP CR							P	WP CR					5.3.4 (7)
NOTES:																																
[1] Applicable overlay district standards (see Chapter 4: Overlay Zoning Districts) may supersede these requirements.																																
[2] Any use that requires a Conditional Use Permit must provide a Site Plan.																																
[3] Any use that requires a C.U. permit must provide a site-specific plan or other documentation if uses are being eliminated.																																
[4] All C.U. permits shall demonstrate continuity with the surrounding area in regard to scale and form.																																
Amended: (TA-2019-01 5/21/2019)(TA-2019-02 7/8/2019) Amended (TA-2021-01April 5, 2021)																																

5.2 USE CLASSIFICATIONS, CATEGORIES, AND TYPES (NEW)

5.2.1. Structure of this Section

(1) General

This section identifies each of the five Use Classifications in Table 5.1.4, Table of Allowed Uses, and includes a section under each Use Classification identifying each Use Category. There are "Characteristics" and "Examples" subsections under each Use Category (individual Use Types are defined in Chapter 13: Definitions and Rules of Interpretation).

(2) Principal Use Characteristics and Accessory Uses

The "Characteristics" subsection describes common characteristics of each Use Category. Principal uses are assigned to the Use Category that most closely describes the nature of the principal use. Also listed are examples of common accessory uses, which, unless otherwise stated in this Ordinance, are allowed in conjunction with a principal use.

(3) Examples

The "Examples" subsection lists common examples of Use Types included in the respective Use Category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Sales", but sells mostly to consumers, is included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the activity on the site matches the characteristics of the Retail Sales and Service Use Category.

5.2.2. Residential Use Classification

(1) Household Living

(A) Characteristics

The Household Living Use Category includes the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Accessory uses commonly associated with Household Living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations are accessory uses that are subject to additional regulations (see Section 5.4.3(7), Home Occupation).

(B) Examples

CHAPTER 5: USES STANDARDS

5.2 USE CLASSIFICATIONS, CATEGORIES, AND TYPES (NEW)

5.2.3 Institutional Use Classification

Example Use Types include detached residential dwellings (single-family dwellings, duplex dwellings, mobile homes, manufactured/mobile home parks, and other structures with self-contained dwelling units) and attached residential dwellings (multi-family dwellings, townhouses, and live/work dwellings).

(2) Group Living

(A) Characteristics

The Group Living Use Category includes the residential occupancy of a structure by a group of people who do not meet the definition of "household." The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment. Common accessory uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.

(B) Examples

Example Use Types include Family Care Homes and rooming houses. (amended 10/5/2015; TA-2015-11)

5.2.3. Institutional Use Classification

(1) Community Services

(A) Characteristics

The Community Services Use Category includes Use Types of a public, nonprofit, or charitable nature providing a local service to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. Community centers or facilities that have membership provisions that are open to the general public (for instance, any senior citizen could join a senior center) are included in the Community Services Use Category. The Use Type may provide special counseling, education, or training of a public, nonprofit, or charitable nature. Accessory uses may include offices, meeting, food preparation, parking, health, and therapy areas; and athletic facilities.

(B) Examples

Example Use Types include community centers, cultural facilities, libraries, museums, senior centers, and youth club facilities.

(2) Educational Facilities**(A) Characteristics**

The Educational Facilities Use Category includes Use Types such as public and private schools at the primary, elementary, middle, intermediate, or high school level that provide state-mandated basic education or a comparable equivalent. This Use Category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. In addition to administrative and instructional spaces, other uses may include offices, play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Additional uses at colleges or universities include offices, dormitories, food service, laboratories, health and sports facilities, theaters, meeting areas, athletic fields, parking, maintenance facilities, and supporting commercial. These uses may, or may not, be contained on a single campus or parcel of land.

(amended 2/2/2015)

(B) Examples

Example Use Types include public and private secondary schools that provide state-mandated basic education, colleges or universities, and vocational or trade schools.

(3) Government Facilities**(A) Characteristics**

The Government Facilities Use Category includes post offices; government maintenance, storage, and distribution facilities; and other offices and facilities for the operation of local, state, or federal government, including use that provide public safety services to the general public. Accessory uses include maintenance, storage (indoor and outdoor), fueling facilities, satellite offices, and parking areas.

(B) Examples

Example Use Types include post offices, government offices, fire and EMS facilities, police stations, substations for fire and police, government maintenance, storage, and distribution facilities.

CHAPTER 5: USES STANDARDS

5.2 USE CLASSIFICATIONS, CATEGORIES, AND TYPES (NEW)

5.2.3 Institutional Use Classification

(4) Health Care Facilities

(A) Characteristics

The Health Care Facilities Use Category includes Use Types such as uses providing medical or surgical care and treatment to patients as well as laboratory services. Hospitals and medical treatment facilities offer overnight care, as well as outpatient. Accessory uses include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.

(B) Examples

Example Use Types include hospitals, medical and dental clinics, medical and dental labs, urgent care establishments, Hospice houses, short term critical-care houses, outpatient facilities, and blood collection facilities.

(5) Institutions

(A) Characteristics

The Institutions Use Category includes Use Types that provide a variety of facilities, including buildings that provide meeting areas for religious activities, civic or fraternal club activities, convention centers or auditoriums, housing and care for the elderly or disabled, and housing related to treatment programs. Accessory uses include school facilities, limited medical treatment facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, parking, and staff residences.

(B) Examples

Example Use Types include religious institutions (with cemeteries, columbaria, and mausoleums as accessory uses), nursing homes, civic clubs or lodges, assisted living facilities, halfway houses, and psychiatric treatment facilities.

(6) Public Parks and Open Areas

(A) Characteristics

The Public Parks and Open Areas Use Category includes Use Types that focus on natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, parks, and public squares. Lands tend to have few structures. Accessory uses may include club houses,

recreational structures, statuary, fountains, maintenance facilities, concessions, and parking.

(B) Examples

Example Use Types include arboretums or botanical gardens, greenways, parks, public squares, plazas, community gardens, and public golf courses.

(7) Transportation**(A) Characteristics**

The Transportation Use Category includes Use Types such as facilities for the landing and takeoff of airplanes and helicopters, including loading and unloading areas. This Use Category also includes passenger terminals for surface transportation. Accessory uses include freight handling areas, concessions, offices, parking, maintenance, and fueling facilities.

(B) Examples

Example Use Types include airports, helicopter landing facilities, and bus and train passenger terminals.

(8) Utilities**(A) Characteristics**

The Utilities Use Category includes both Major Utilities, which are infrastructure services providing regional or community-wide service, and Minor Utilities, which are infrastructure services that need to be located in or near the neighborhood or Use Type where the service is provided. Telecommunication towers also are a type of utility. Services may be publicly or privately provided. Accessory uses may include parking and control, offices, monitoring, storage areas, or data transmission equipment.

(B) Examples

- (i) Examples of major utilities include, new waste treatment plants, potable water treatment plants, solid waste facilities, electrical substations and power plants.
- (ii) Examples of minor utilities include water towers water and sewage pump stations, stormwater retention and detention facilities, telephone exchanges, ground-based electrical/telephone/cable vaults, and surface transportation stops.

CHAPTER 5: USES STANDARDS

5.2 USE CLASSIFICATIONS, CATEGORIES, AND TYPES (NEW)

5.2.4 Agricultural Use Classification

- (iii) Examples of telecommunication towers (free-standing, collocated, and roof-mounted) include facilities for transmitting wireless phones and pager services, and television and radio broadcasting equipment.

5.2.4. Agricultural Use Classification

(1) Agriculture

(A) Characteristics

The Agriculture Use Category is characterized by general agricultural activities, including agronomy, aquaculture, horticulture (the commercial and non-commercial production of crops), honey production, silviculture (including the harvesting of timber), animal husbandry, and similar uses. Accessory uses may include offices, storage areas, barns, stables, irrigation systems, and repair facilities related to agriculture uses.

(B) Examples

Examples of Agriculture Use Types include farms, agronomy, aquaculture, horticulture, silviculture, farm markets, animal husbandry, and plant nurseries.

5.2.5. Commercial Use Classification

(1) Adult Entertainment

(A) Characteristics

The Adult Entertainment Use Category includes Use Types that sell or distribute material or provide activities with sexually explicit content, including the display of specified anatomical areas or specified sexual activities as defined by the North Carolina General Statutes. While such uses are allowed to operate within the Town's jurisdiction, they are required to be separated from other existing uses and designed to minimize impact and protect the health, safety, and welfare of the residents of the Town. No more than one sexually oriented business use may occupy a single building or lot, and such uses may not be accessory uses to another business. The sale of fuel, alcoholic beverages for off-site consumption, massage, or shower or bath services is prohibited within a sexually oriented business.

(B) Examples

Examples of Adult Entertainment uses include sexually oriented media stores (adult bookstores), sex shops (sexual paraphernalia store), sexually oriented cabarets (strip clubs), and sexually oriented motion picture theatres.

(2) Animal Care**(A) Characteristics**

The Animal Care Use Category is characterized by uses related to the provision of medical services, general care, and boarding services for domestic animals.

(B) Examples

Examples of Animal Care Use Types include animal shelters, animal grooming, kennels (outdoor and indoor), and veterinary clinics.

(3) Breweries**(A) Characteristics**

A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, on or off premises and which meets all applicable North Carolina Department of Alcoholic Beverage Control Commission (ABC) regulations. Accessory uses may include a tasting room, taproom, brewpub, or similar establishment associated with the brewery, decks and patios for outdoor seating, facilities for live entertainment, and customer and employee parking areas.

(B) Types**(i) Brewery**

An establishment that produces ales, beers, hard-ciders or similar beverages on-site; may include an accessory use in the same building, such as a restaurant, brewpub, tasting room, taproom, or similar establishment.

(a) Small Brewery- shall mean producing 15,000 barrels (465,000 US gallons) of brewed beverage, or LESS annually.

(b) Large Brewery- shall mean producing MORE than 15,000 barrels (465,000 US gallons) of brewed beverage annually.

CHAPTER 5: USES STANDARDS

5.2 USE CLASSIFICATIONS, CATEGORIES, AND TYPES (NEW)

5.2.5 Commercial Use Classification

(ii) **Brewpub**

An establishment where ales, beer, hard-ciders or similar beverages are produced on the premises in conjunction with a restaurant and where 40% or more of beverages produced on-site are sold on-site. Brewer may sell "to-go" and/or distribute off-site with appropriate ABC Permits.

(iii) **iii. Taproom or Tasting Room**

A room that is ancillary to the production of ales, beers, hard-ciders, or similar beverages at a brewery where the public may purchase/ consume only beverages produced on-site.

(4) Day Care

(A) Characteristics

The Day Care Use Category includes Use Types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence typically for less than 24 hours per day. Care can be provided during daytime or nighttime hours. Accessory uses not integral to the principal Use Type include offices, kitchens for food preparation, recreation areas, and parking.

(B) Examples

Example Use Types include adult care centers, child care centers, and preschools. Preschools are intended to provide limited educational or training services, while other child day care uses are not.

(5) Conference and Training Centers

(A) Characteristics

The Conference and Training Center Use Category is characterized by facilities used for business or professional conferences, seminars, and training programs.

(6) Hotels/Motels

(A) Characteristics

The Visitor Accommodation Use Category includes dwelling units arranged for short-term stays of less than 30 days for rent,

lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, supporting commercial, bars, meeting facilities, and offices.

(B) Examples

Examples include bed and breakfasts, hotels or motels, timeshare establishments renting units for less than 30 days, and tourist homes.

(7) Marinas**(A) Characteristics**

The Marina Use Category includes facilities related to the docking, mooring, berthing, storage, repair, and rental of boats or other watercraft. Accessory uses may include retail sales, restaurants, personal services, laundries, fuel sales, dry storage, or other goods or services associated with watercraft operation.

(B) Examples

Examples include docks, slips, mooring buoy fields, dry storage structures, and facilities for repair and outfitting of watercraft.

(8) Offices**(A) Characteristics**

The Office Use Category includes activities conducted in an office setting and that generally focus on business, professional, or financial services. Accessory uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, and supporting commercial, or other amenities primarily for the use of employees in the firm or building.

(B) Examples

Example Use Types include business services; professional services such as lawyers, accountants, engineers, or architects; financial services such as lenders, banks, brokerage houses or real estate agents; medical offices, such as doctors and dentist offices; and sales.

(9) Parking, Commercial

CHAPTER 5: USES STANDARDS

5.2 USE CLASSIFICATIONS, CATEGORIES, AND TYPES (NEW)

5.2.5 Commercial Use Classification

(A) Characteristics

The Commercial Parking Use Category includes free standing parking lots that are not accessory to a specific principal use. Accessory uses may include small structures intended to shield parking attendants.

(B) Examples

Example Use Types include short- and long-term fee parking facilities (both lots and structures) and mixed parking facilities (partially accessory to a specific use, partially for rent to others).

(10) Recreation, Indoor

(A) Characteristics

The Indoor Recreation Use Category includes privately owned uses that provide recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include offices, concessions, snack bars, parking, and maintenance facilities.

(B) Examples

Examples include country clubs, fitness centers, bowling alleys, go cart tracks, game rooms, shooting ranges, dancehalls, skating rinks, indoor commercial swimming pools, racquetball, squash, and tennis club facilities (indoor) as well as theatres, which includes cinemas, screening rooms, and stages.

(11) Recreation, Outdoor

(A) Characteristics

The Outdoor Recreation Use Category includes large, generally commercial uses that provide continuous recreation or entertainment-oriented activities that primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, parking, and maintenance facilities.

(B) Examples

Examples include privately-owned stadiums, amphitheaters, or arenas; private golf driving ranges and courses; privately-owned miniature golf facilities; go cart, race track, or dirt track; drive-in movies; privately-owned outdoor commercial tourist attractions, water, and amusement parks; swimming pools;

campgrounds; and privately-owned active sports facilities such as ball fields, courts, and archery ranges.

(12) Restaurants**(A) Characteristics**

The Restaurant Use Category includes establishments that sell food for on- or off-premise consumption. Accessory uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.

(B) Examples

Examples include restaurants, bakeries, dinner theatres, or other establishments that sell food.

(13) Retail Sales and Services**(A) Characteristics**

The Retail Sales and Services Use Category includes Use Types involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, and parking. Use Types within this Use Category have been categorized based on their intensity, scale, and function.

(B) Examples

Example Use Types include uses from the following groups:

(i) Bar, Nightclub or Similar Establishment

A use primarily devoted to the sale of alcoholic beverages for on-site consumption, along with dancing or other forms of entertainment (including live performances), and in which the sale of food is incidental.

CHAPTER 5: USES STANDARDS

5.2 USE CLASSIFICATIONS, CATEGORIES, AND TYPES (NEW)

5.2.5 Commercial Use Classification

(ii) **Crematory**

A use engaged in the cremation of human or animal remains. A crematory may be freestanding or accessory to a funeral home.

(iii) **Retail/Service Use with Gasoline Sales**

A use engaged in the retail sale of gasoline and similar vehicular fuels that may or may not provide the range of goods or services associated with a Type I or Type II Retail Use.

(iv) **Type I Retail Use**

Type I Retail Uses include small-scale uses that are 5,000 square feet in size or less, that are intended to be "convenience" retail that serves the general area or neighborhood in which they are located. Type I Retail Uses include the following types of uses:

- (a)** Service uses, such as Financial Institutions, Tax Preparation, Photographic Studios, Tailoring and shoe repair, Locksmith, repair of watches, clocks, TV's, and other personal items.
- (b)** Uses that provide services off premise such as exterminators, security services, or similar type uses. (No outside storage or display of product or material. No vehicles over 10,000GVW packed or stored on site.) (Amended 4-6-2015; TA-2015-06)
- (c)** Personal Care, such as Hair, Tanning & Nail Salons, Massage Therapy and day spas;
- (d)** Retail Uses, such as clothing. Books, and dry goods;
- (e)** Retail Food Preparation uses such as bakeries, butcher shops, and delicatessens (in which the food will be consumed off-site);

Retail uses under 5,000 square feet and similar in intensity to those listed above are Type I Retail Uses. Retail uses exceeding 5,000 square feet in size are Type II Retail Uses.

(amended 2/2/2009, TA-2009-04)

(v) **Type II Retail Use**

Type II Retail Uses can be thought of as "destination" retail that generally serves groups of neighborhoods and are appropriate near neighborhood edges and along

collector streets. Type II Retail Uses are larger in scale and intensity than Type I Retail Uses, but do not include any outdoor storage or display. Examples of Type II Retail Uses include stores selling, leasing, or renting consumer, home and business goods, whether new or used, including alcohol for off-site consumption, art, art supplies, electronic equipment, fabric, furniture, flowers, groceries and food sales, household products, jewelry, recorded music, pets, pet food, pharmaceuticals, plants, printer material, stationary, and videos; photocopy and blueprint services; psychics and mediums; funeral homes and mortuaries. Any Type I Retail Use exceeding 5,000 square feet in size is classified as a Type II Retail Use.

(amended 7/7/2008, TA-2008-02)

(vi) Type III Retail Use

Type III Retail Uses are appropriate along major thoroughfares and in primarily nonresidential areas. These types of retail uses generally provide a range of goods and services that are regional in scale, and have the highest square footage and intensities of the retail Use Types, are auto-oriented, and often include some form of outdoor storage or display. Examples of Type III Retail Uses include shopping centers with more than three tenants; home improvement, hardware, and garden supply stores; automobile, boat, mobile home sales; building material sales; car, truck, and tool rental equipment yards; farm and machinery sales.

(amended 5/4/2009, TA-2009-07)

5.2.6. Industrial Use Classification

(1) Extractive Industry

(A) Characteristics

The Extractive Industry Use Category includes businesses that are engaged in the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses also include quarrying, well operation, mining, or other procedures typically done at an extraction site. Accessory uses include offices, limited wholesale sales, security or caretakers quarters, outdoor storage, and maintenance facilities.

CHAPTER 5: USES STANDARDS

5.2 USE CLASSIFICATIONS, CATEGORIES, AND TYPES (NEW)

5.2.6 Industrial Use Classification

(B) Examples

Typical uses include quarries, borrow pits, sand and gravel operations.

(2) Industrial Services

(A) Characteristics

The Industrial Services Use Category includes the repair or servicing of industrial, business, automobile racing teams, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.

(B) Examples

Example Use Types include machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; heavy equipment sales, rental, repair, or storage; heavy equipment servicing and repair; building, heating, plumbing, or electrical contractors; fuel oil distributors; research and development facilities; and laundry, dry-cleaning, and carpet cleaning plants.

(3) Manufacturing and Production

(A) Characteristics

The Manufacturing and Production Use Category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, security and caretaker's quarters.

(i) Heavy Manufacturing

Heavy Manufacturing is the manufacture or compounding process of raw materials. These activities may involve outdoor operations as part of their manufacturing process.

(ii) Light Manufacturing

Light Manufacturing is the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration.

(B) Examples**(i) Heavy Manufacturing**

Example Use Types of heavy manufacturing include, but are not limited to: manufacture or assembly of textiles, machinery, equipment, instruments, vehicles, appliances; rendering; concrete production; asphalt plants; glass and plastic production; cardboard fabrication; and petroleum refining.

(ii) Light Manufacturing

Example Use Types of light manufacturing include: production or repair of small machines or electronic parts and equipment; sewing or assembly of textiles into consumer products; woodworking and cabinet building; publishing and lithography; computer design and development; communications equipment, precision items and other electrical items; research, development, and testing facilities and laboratories; sign making, assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

CHAPTER 5: USES STANDARDS

5.2 USE CLASSIFICATIONS, CATEGORIES, AND TYPES (NEW)

5.2.6 Industrial Use Classification

(4) Self-Service Storage

(A) Characteristics

The Self-Service Storage Use Category is characterized by uses that provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses may include living quarters for a resident manager, security and leasing offices, and outside storage of boats and campers. Use of the storage areas for sales, service, repair, or manufacturing operations is prohibited, and not considered accessory to the use.

(B) Examples

Example Use Types include facilities that provide individual storage areas for rent. These uses are also called "mini-warehouses."

(5) Warehouse and Distribution

(A) Characteristics

The Warehouse and Distribution Use Category includes establishments that are involved in the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.

(B) Examples

Example Use Types include separate warehouses used for storage by retail stores such as furniture and appliance stores; warehouses used for distribution by trucking companies; household moving and general freight storage; cold storage plants, including frozen food lockers; outdoor storage, and parcel services.

(6) Waste-Related Services

(A) Characteristics

The Waste-Related Services Use Category includes Use Types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing

of scrap or waste material. This Use Category also includes Use Types that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, outdoor storage, and repackaging and trans-shipment of by-products.

(B) Examples

Example Use Types include recycling and salvage centers, land-spreading of waste, sanitary landfills, construction and demolition debris landfills, tire disposal or recycling, waste composting, incinerators, energy recovery plants, salvage and junkyards, hazardous waste collection sites; and recycling drop-off centers.

(7) Wholesale Sales**(A) Characteristics**

The Wholesale Sales Use Category includes firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or taking of orders and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods.

(B) Examples

Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware.

(8) Heavy and Civil Engineering Construction**(A) Characteristics**

This use consists of establishments primarily engaged in heavy and engineering construction projects (excluding highway, street, bridge, and distribution line construction). The work performed may include new construction, reconstruction, rehabilitation and repairs. Specialty trade contractors are included in this group if they are engaged in activities primarily related to engineering construction projects (excluding highway, street, bridge, distribution line, oil and gas structure, and utilities building and structure construction). Construction

CHAPTER 5: USES STANDARDS

5.3 USE-SPECIFIC STANDARDS

5.3.1 Residential Uses

projects involving water resources (e.g., dredging and land drainage), development of marine facilities, and projects involving open space improvement (e.g., parks and trails) are included in this industry.

(B) Examples

Illustrative examples: Channel, dam and dock construction, dredging, earth retention system construction, flood control project construction, golf course construction, horizontal drilling, hydroelectric generating station construction, land drainage contractors, marine construction, micro-tunneling contractors, nuclear waste disposal site construction, park grounds and recreational open space construction, railroad, subway and tunnel construction.

(amended 3/9/2009, TA-2009-09)

5.3 USE-SPECIFIC STANDARDS

Use-specific standards are the requirements applied to individual Use Types regardless of the zoning district where they are located, or the review procedure under which they are approved. This section is intended to list the use-specific standards for all principal uses identified in the use tables. These standards may be modified by other applicable requirements in this Ordinance.

5.3.1. Residential Uses

Any residential use included within a structure using the Civic Building, Shopfront Building, Workplace Building, or Commercial/Retail Building Form (see Section 6.7, Specific Building Form Standards) shall be constructed in accordance with the North Carolina Commercial Building Code.

(1) Household Living

(A) Duplex Dwellings on Infill Lots

Duplex dwellings on infill lots shall comply with the following standards:

- (i) Infill lots housing a duplex dwelling shall maintain a minimum lot size no less than 75 percent of any adjacent lot housing a single family detached dwelling.
- (ii) Duplexes on lots in an R-2, R-3, R-5 or TND-C District shall maintain an above grade square footage within 125 percent of the average for single family homes along the same block face.
- (iii) Except for circular driveways, no duplex lot shall be served by more than one driveway on the same block face.

- (iv) Structures housing two duplex units on lots within the R-2, R-3, R-5, and TND-C Districts shall be served by a single common primary entrance.
- (v) Ground based, roof-based, and wall-mounted electrical equipment, HVAC equipment and other utility connection devices shall be ganged and shall be screened or located outside the view from any adjacent public street.

(B) Manufactured Home

All manufactured homes established after the effective date of this Ordinance shall comply with the following standards:

- (i) Dwellings shall be located parallel to adjacent streets.
- (ii) Any dwelling fully or partially constructed off-site shall have all wheels, axles, transporting lights, and tongue removed prior to occupancy.
- (iii) Each dwelling shall have a minimum roof pitch of 4:12 and a roof overhang of at least six inches (excluding guttering) on all sides. Requests to deviate from these requirements shall be subject to the standards in Section 2.3.6, Modification of Architectural Standard.
- (iv) Unless modified through a Modification of Architectural Standard (Section 2.3.6), each dwelling shall be located on a poured foundation or on a continuously-dug and poured concrete footing around the perimeter of the dwelling.
- (v) Unless altered through a Modification of Architectural Standard (Section 2.3.6), each dwelling 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). Nothing in this section shall prevent the use of concrete block or other masonry unit, except that exposed smooth-faced block shall be prohibited, and all block seams shall be concealed by slurry or other appropriate means.
- (vi) All porches, decks, ramps, or steps shall be wood or masonry with required guardrails, handrails, and pickets.
- (vii) All manufactured homes shall bear a valid seal indicating conformance with the 1976 National Manufactured Housing Construction and Safety Standards Act.

(C) Manufactured/Mobile Home Park

Manufactured/Mobile Home Parks shall be subject to the following conditions:

CHAPTER 5: USES STANDARDS

5.3 USE-SPECIFIC STANDARDS

5.3.1 Residential Uses

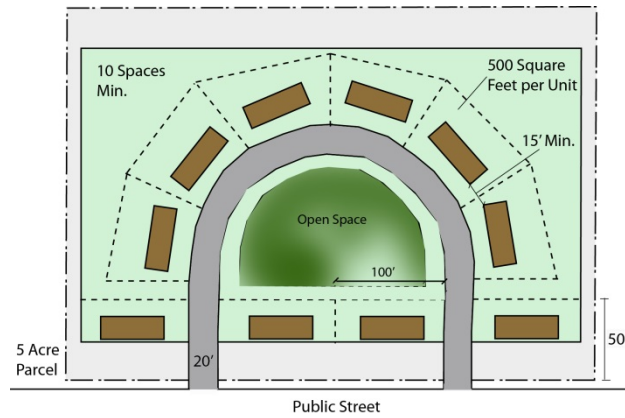


Figure 5.3.1.C: Manufactured/Mobile Home Park. This diagram shows the minimum dimensional requirements for a manufactured/mobile home park and how centralized open space can be integrated into the development.

- (i) The total size of a park shall be at least five acres and each park shall have a minimum of 10 designated dwelling unit spaces. No more than one dwelling unit per space is allowed.
- (ii) A park shall have all vehicular access from a public street.
- (iii) All development within a park shall be set back at least 25 feet from a public street right-of-way, 25 feet from the rear lot line of the park, and 15 feet from a side lot line of the park.
- (iv) Manufactured or mobile homes within a manufactured home park shall be limited to one dwelling unit per space, and shall maintain a minimum separation of at least 15 feet from any other dwelling.
- (v) Each designated dwelling unit space shall be at least 50 feet wide and have a minimum depth of 100 feet.
- (vi) Each dwelling unit and associated accessory structure shall be setback at least five feet from the perimeter of the dwelling unit space where located.
- (vii) Each dwelling unit shall be setback at least 15 feet from any other dwelling or common building (e.g. laundry facilities).
- (viii) All streets within a park shall be paved and privately maintained in accordance with Town engineering standards. The paving surface associated with each street shall be at least 20 feet in width, and graded to a width of at least 30 feet for two-way traffic.

- (ix) The park shall be designed and graded in accordance with Town engineering standards to allow for the adequate run-off of storm water. Storm drains shall be provided to adequately intersect surface water flow.
- (x) Each dwelling unit space within a park shall be served with adequate electricity, potable water, and sanitary sewer facilities in accordance with Town engineering standards.
- (xi) Each park shall comply with the applicable standards for open space provision in Section 7.3, Open Space Standards.
- (xii) Unless community parking facilities are provided, each dwelling unit space shall include a minimum of two off-street parking spaces with not less than four inches of crushed stone or other suitable material (including asphalt or concrete) on a well-compacted sub-base. In the event community parking facilities are provided, each parking space shall be a minimum of 180 square feet in size, and shall be clearly demarcated through striping or the provision of individual wheel stops. In no instance shall any parking be located within perimeter park setback areas.
- (xiii) Each mobile home within a park shall bear a valid seal indicating conformance with the 1976 National Manufactured Housing Construction and Safety Standards Act, and shall comply with the following standards:
 - (a) Each mobile home shall be placed on a permanent stand; and
 - (b) Each mobile home stand shall be located so that placement and removal of the mobile home is practical by means of customary moving equipment.
- (xiv) A Type D landscaping buffer shall be required around the perimeter of the Manufactured/Mobile Home Park.

(D) Multi-family Dwelling

- (i) Multi-family dwelling uses, where allowed by zoning, shall be located on lots of at least ½ acre.
- (ii) In HB districts, multi-family dwellings shall not be located on any street identified as a thoroughfare.
- (iii) In the Town Center district, residential densities may be increased beyond the ordinance allowance through approval of a Conditional Zoning by the Town Board of Commissioners.

(amended 4/4/2011, TA-2011-01; 6/6/2011, TA-2011-03;
5/21/2019 Ta-2019-01)

CHAPTER 5: USES STANDARDS

5.3 USE-SPECIFIC STANDARDS

5.3.2 Institutional Uses

(2) Group Living

(A) Family Care Homes and Halfway Houses

Any Family Care Home or Halfway House shall be located at least 2,640 linear feet (one-half mile) from any other Family Care Home or Halfway House. (amended 10/5/2015; TA-2015-11)

(B) Family Care Home

- (i) A family care home shall comply with the following standards:
 - (a)** a. No more than six persons with disabilities at one time;
 - (b)** b. Support and supervisory personnel must reside on site;
 - (c)** c. Must provide room and board, personal care, and habilitation services in a family environment.
- (ii) "Person with disabilities" means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b. (amended 10/5/2015; TA-2015-11)

(C) Rooming House

A rooming house shall comply with the following standards:

- (i) No more than five renters shall be permitted at any one time;
- (ii) The owner shall maintain the house as their primary residence;
- (iii) Sleeping rooms in a rooming house shall:
 - (a)** Not include individual kitchen facilities; and
 - (b)** Be accessed via a common room or hallway, and shall not have individual access to the outside (except for emergency exits).

5.3.2. Institutional Uses

(1) Cemetery

A Cemetery as a new use shall have a minimum size of three acres, and no wall, marker, or grave site shall be within 25 feet of a street right-of-way or adjacent lot under separate ownership.

(2) Utilities**(A) Major Utility**

Any major utility under private ownership shall require approval of a Conditional Use Permit (see Section 2.3.3, Conditional Use Permit).

- (i) For Solar Energy Systems III or Solar Farms, see CHAPTER 14: SOLAR ENERGY SYSTEMS

(B) Telecommunications Facility, Collocation on an Existing Building

A Telecommunications Facility may be attached to any existing building only in accordance with the following standards:

- (i) No antenna extends 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) No dish antenna with a total surface area of ten square feet or greater shall be located on the roof of a structure located in a residential district.
- (iv) 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.
- (v) All ground-based equipment shall comply with the landscaping and security fencing requirements for freestanding Telecommunications Facilities in Section 5.3.2(2)(E).

(C) Telecommunications Facility, Collocation on an Existing Tower

A Telecommunications Facility may be collocated on an existing tower only if it complies with the following standards:

CHAPTER 5: USES STANDARDS

5.3 USE-SPECIFIC STANDARDS

5.3.2 Institutional Uses

- (i) It is demonstrated the tower can accept the additional loading created by the collocation.
- (ii) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless a monopole is determined more appropriate at the specific location.
- (iii) All ground-based equipment shall comply with the landscaping and security fencing requirements for freestanding Telecommunications Facilities in Section 5.3.2(2)(E).

(D) Telecommunications Facility, Stealth

New freestanding Telecommunications Facilities designed to appear as an individual structure (church steeples, clock towers, silos, etc.) or trees are considered to be stealth facilities, and shall not be required to obtain a Conditional Zoning Permit. Such facilities minimize the appearance of all exterior equipment to the maximum extent practicable, and shall meet the standards in Section 5.3.2(2)(E)(v) through 5.3.2(2)(E)(xv) for freestanding Telecommunications Facilities.

(E) Telecommunications Facility, Freestanding

New freestanding Telecommunications Facilities shall comply with the standards in this subsection. These regulations shall not apply to 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.

(i) Conditional Use Permit Required

- (a)** In the RMX, RMX-MH, NMX, CMX, and TC districts, all new freestanding Telecommunications Facilities shall obtain a Conditional Use Permit.
- (b)** In all approved districts, applicants for a new freestanding Telecommunications Facility shall clearly demonstrate that a stealth facility is not a viable option.

(ii) Collocation

It is the intent of the Town to require providers to collocate facilities in an effort to reduce the number of telecommunication towers in the Town's jurisdiction. New freestanding Telecommunications Facilities shall be subject to the following requirements:

- (a)** No new freestanding Telecommunications Facility may be located within 3,000 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 collocation was pursued but rejected by the owner of the existing water tower, power transmission tower, or similar feature.
- (b)** No freestanding Telecommunications Facility may be located within 1,500 linear feet of an existing freestanding Telecommunications Facility unless the applicant can demonstrate that collocation is not a viable option.
- (c)** The Town may require, as a condition of approval, telecommunication service providers to notify other telecommunication service providers of the fact that space on a new freestanding Telecommunications Facility is available on a lease basis, and to negotiate in good faith with other providers to provide space on existing freestanding Telecommunication Facilities at a reasonable lease cost.

(iii) Design

- (a)** All telecommunication towers shall be of a monopole design and construction. Lattice and guyed tower design shall be prohibited.
- (b)** The Town may require the freestanding Telecommunications Facility be camouflaged to blend with its surroundings through creative placement, painting, or other approaches.

(iv) Maximum Height

- (a)** The maximum height of all wireless communication towers shall be 199 feet.
- (b)** 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 variance allow a tower to exceed 230 feet in height.

CHAPTER 5: USES STANDARDS

5.3 USE-SPECIFIC STANDARDS

5.3.2 Institutional Uses

(v) Location and Setbacks

- (a)** New freestanding Telecommunications Facilities shall be setback from all lot lines a distance equal to the collapse area or fall zone of the tower in order to prevent encroachment onto adjoining properties in the event of a collapse or structural failure. The facility's fall zone shall be determined by an engineer certified in North Carolina in a letter which includes the engineer's signature and seal.
- (b)** When located on a lot within a residential or mixed-use base zoning district, the new freestanding Telecommunications Facility may only be located to the rear of the principal structure(s); or
- (c)** When located on a lot within a nonresidential district, the new freestanding Telecommunications Facility shall be located to the side or rear of the principal structure; or
- (d)** When the new 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.

(vi) Federal Radio Frequency Emission Standards Compliance

Applicants for a new freestanding Telecommunications Facility shall provide documentation that the proposed facility will comply with all Federal Radio Frequency Emission Standards.

(vii) Design of Accessory Structures

All ground-based accessory structures shall use the same materials and architectural components of the principle 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 land, the equipment shall be located within an existing structure to the maximum extent practicable.

(viii) Screening Required

- (a)** All sides of the perimeter of the freestanding Telecommunications Facility shall be screened with a 100 percent opaque screening device pursuant to Section 9.4, Fencing and Walls.

- (b)** In addition to required landscape screening (see Chapter 7: Landscaping and Open Space), a minimum eight-foot-high fence is required around the base of the facility (and any equipment buildings(s), with the required landscape screening to be located on the outside of the fenced area. It shall be the responsibility of the provider or land owner to keep all landscape material free from disease and properly maintained. Any vegetation that constitutes part of the screening shall be replaced if it dies.

(ix) Evidence of No Negative Impact Required

Telecommunication towers can be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to demonstrate the impact on adjacent property owners will be significant. Decision makers must clearly state the reasoning and available evidence of the impact on adjacent property values if the request is denied on this basis.

(x) Lighting of Freestanding Telecommunications Facilities

- (a)** Applicants for new freestanding Telecommunications Facilities intended to include obstruction lighting shall provide documentation from the Federal Aviation Administration or other appropriate agency that obstruction lighting is required.
- (b)** 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.

(xi) Removal Due to Abandonment

Freestanding Telecommunications Facilities and related equipment shall be removed if abandoned or no longer used for its original intent for a period greater than 90 consecutive days.

(xii) Signage

Freestanding or attached signs are prohibited. Wall signs limited to identification are allowed on equipment structures of fences surrounding the facility provided

CHAPTER 5: USES STANDARDS

5.3 USE-SPECIFIC STANDARDS

5.3.3 Commercial Uses

each individual sign does not exceed nine square feet in size. Any signage must be specifically addressed during the Conditional Permit review process.

(xiii) Insurance Required

The facility owner shall demonstrate proof of insurance coverage prior to the issuance of a Conditional Use Permit.

(xiv) No Outdoor Storage

Outdoor storage is prohibited.

(xv) Application Content

All applications for a new freestanding Telecommunications Facility shall include all the following information in addition to any other required information:

- (1)** Identification of intended providers(s);
- (2)** Documentation by a registered engineer that the facility has sufficient structural integrity to accommodate more than one user, if applicable;
- (3)** A statement from the owner indicating intent to allow shared use of the facility and how others will be accommodated, if applicable;
- (4)** Evidence that the owners of residentially-zoned land within 300 feet of the site have been notified regarding the proposed facility height and design; and
- (5)** Documentation of an intended facility structural failure collapse area, if applicable.

(amended 8/3/2009, TA-2009-16)

5.3.3. Commercial Uses

(1) Adult Establishment

Adult entertainment establishments 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. Adult entertainment establishment uses shall be subject to the following separation distances:

(A) Adult Entertainment Establishment uses shall be subject to the following standards:

- (i) No lot, parcel, or tract of real property upon which an adult entertainment establishment 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 an adult entertainment establishment 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 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 (eighteen) years of age. No lot, parcel, or tract of real property upon which an adult entertainment establishment is situated shall be located within 1,000 linear feet of any other parcel, lot or tract of real property upon which an adult entertainment establishment is situated.

(B) Additional Standards

- (i) Adult Entertainment Establishment uses shall comply with the Town's Sexually Oriented Business Ordinance.
- (ii) Adult Entertainment Establishment uses must be located in a free-standing structure and shall be constructed of all brick and shall bear the appearance of a professional place of employment (i.e. Office Building).
- (iii) A lot, parcel, or tract of real property upon which an adult entertainment establishment 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 shall not be considered.
- (iv) Free standing signage shall be limited to one monument sign constructed of brick to match the principal structure. The monument shall not exceed six feet in height with a maximum copy area not to exceed 20 square feet.
- (v) Wall signage shall be limited to five percent of the front façade.
- (vi) Sign copy shall be limited to the name of the establishment only.
- (vii) All signage if lighted shall be internally lighted.

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5.3 USE-SPECIFIC STANDARDS

5.3.3 Commercial Uses

- (viii) Neon colors and lights shall be prohibited on the exterior of the building, on the monument, and all exterior doors and windows.
- (ix) There shall be a window or functional articulation for 25 percent of the front façade and 10 percent for each side façade.
- (x) All parking shall be on the side or rear of the building and shall provide a five foot wide planting strip around the perimeter of the parking area with evergreen shrubs (minimum 2 gallon in size at planting) planted five feet off center.
- (xi) No more than two (2) adult entertainment establishments shall be located on the same block.

(amended 12/6/2010, TA-2010-17)

(2) Animal Care

(A) Kennel, Outdoor

Outdoor Kennels shall comply with the following requirements:

(i) Minimum Lot Size

Outdoor Kennels shall maintain a minimum lot size based on Table 5.3.3, Minimum Lot Size for Outdoor Kennels.

TABLE 5.3.3: MINIMUM LOT SIZE FOR OUTDOOR KENNELS	
NUMBER OF ANIMALS	MINIMUM LOT SIZE (ACRES)
1-10	5
11-20	6
21-30	7
NOTES: [1] The minimum lot size requirement shall be waived by the Planning Department if a kennel is constructed to entirely enclose all facilities so as to protect adjacent uses from noise, odors, and other objectionable characteristics. [2] An additional 10 animals may be added for each additional acre of land in excess of 7 acres.	

(ii) Additional Standards

- (a)** Outdoor Kennels shall maintain a minimum setback of 500 linear feet from any residential use on a different lot. For the purposes of this section, the distance shall be measured from the edge of the use, including structures, runs, parking, etc., to the closest point of the residential property.
- (b)** All structures associated with an Outdoor Kennel shall maintain a minimum setback of 150 feet from all lot lines.
- (c)** Outdoor Kennels shall maintain sewage disposal system and sanitation control methods as approved by the Iredell County Board of Health, including but not limited to the sanitary removal or disposal of solid waste, carcasses, or any other similar items.

(amended 4/4/2011, TA-2011-01)

(3) Breweries**(A) Brewery- Brewpub, Tap Room, or Tasting Room**

- (i)** Outdoor decks and patios shall not be located between the structure and the street right-of-way and shall be screened.
- (ii)** In the GI, VC and TC Zoning Districts, no more than two (2) breweries may be located within a single block on the same side of the street.
- (iii)** Minimum size for the associated accessory use (brewpub, taproom, tasting room or similar use) shall be subordinate both in intensity and square footage of the primary use.
- (iv)** The associated brewpub, taproom, tasting room, or similar use shall be visible from, and accessible to the public or private street frontage.
- (v)** All development and design standards of the district shall apply.
- (vi)** In the TC Zoning District Small Breweries "use" shall not exceed 10,000 square feet
- (vii)** In the TC Zoning District Large Breweries "use" shall not exceed 60,000 square feet

(4) Hotel and Motel**(A) Bed and Breakfast Inns**

CHAPTER 5: USES STANDARDS

5.3 USE-SPECIFIC STANDARDS

5.3.3 Commercial Uses

- (i) Bed and breakfast inns shall be limited to lots fronting thoroughfares or collector streets, and shall only be located in a structure which was originally constructed as a single-family dwelling, except in Town Center or Village Center Districts.
- (ii) Single-family homes used as a bed and breakfast inn shall not subdivide existing rooms into individual sleeping rooms smaller than 120 square feet in size.
- (iii) A bed and breakfast inn shall be owner-occupied.
- (iv) All guest parking shall be to the rear of the home, shall include at least one off-street parking space per sleeping room, and shall be screened from adjacent residential properties.
- (v) The number of sleeping rooms shall be limited to a maximum of six.
- (vi) Residential character of structures and property must be maintained.
- (vii) Eating establishments (restaurants) open to the public must meet restaurant guidelines for the underlying zoning district.
- (viii) In a residential district, one on-premise arm sign will be allowed with a maximum sixteen (16) square feet in area and a maximum height of six (6) feet, with no internal lighting.

(amended 4/4/2011, TA-2011-01)

(5) Marina

Marina's shall comply with the following standards:

- (A)** No marina shall be established on a lot less than four acres in size.
- (B)** Each lot containing a marina shall have a minimum water frontage in compliance with Duke Energy Lake Management. Street frontage requirements are based on the Zoning District.
- (C)** Exterior lighting shall comply with the standards in Section 9.4.4, Exterior Lighting, and shall be directed and shielded so as to avoid glare on adjacent residential uses including residential uses across the body of water serving the marina.
- (D)** Dry stacking of boats outside enclosed structures shall be prohibited. Enclosed dry stacking structures shall conform to Chapter 6 Building Form Standards.

- (E)** Storage buildings and other accessory structures associated with a marina located on a lot within the RMX District shall be of a residential character.

(6) Recreation, Indoor

(A) Indoor Equine Stable/Riding Academy

Stables shall maintain a minimum setback of 50 linear feet from any residential use on a different lot.

(7) Recreation, Outdoor

Outdoor Recreation facilities are encouraged to be built adjoining school campuses, parks, greenbelts, parkways, greenways, or waterfronts, and shall be subject to the following requirements:

(A) Outdoor Equine Stable/Riding Academy

Stables shall maintain a minimum setback of 50 linear feet from any residential use on a different lot.

(B) Athletic Fields and Clubhouses

- (i) All athletic fields and clubhouses shall be setback at least 50 feet from any adjacent residential use on a different lot.
- (ii) Athletic fields that include exterior lighting facilities shall be subject to the requirements in Section 9.4.4, Exterior Lighting.

(C) Cruise/Excursion/Dinner Boat

- (i) Harboring or mooring of any existing or proposed Cruise/Excursion/Dinner Boat, whether on an incidental, occasional, routine, or permanent basis shall only occur within a commercial/nonresidential marina as classified under the provisions of the Duke Energy Lake Management Division's Shoreline Management Guidelines.
- (ii) Prior to consideration by the Town, the applicant shall obtain approval of an Operation Plan from the Lake Norman Marine Commission.
- (iii) Such uses shall provide at least one parking space per every three persons permitted on the vessel plus one space per employee.

(D) Swimming Pools

- (i) All swimming pools open to the public shall comply with Rules Governing Public Swimming Pools (15A NCAC 18A.2500) available from the Iredell County Health Department.

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5.3 USE-SPECIFIC STANDARDS

5.3.3 Commercial Uses

- (ii) All swimming pools open to the public shall be setback at least 50 feet from any adjacent residential use on a different lot.
- (iii) Pools shall be screened from any existing or proposed residential land with a Type B landscaping buffer.

(E) Tennis Courts

- (i) All lighted tennis courts open to the public shall be setback at least 50 feet from any adjacent residential use on a different lot.
- (ii) Lighted tennis courts open to the public shall be screened from any existing or proposed residential land with a Type B landscaping buffer.

(8) Restaurant

- (A)** Outdoor seating shall maintain a minimum pedestrian clearance of five feet on all rights-of-way.
- (B)** Outdoor seating shall not encroach into landscaping buffers.
- (C)** If a restaurant has a drive-through facility, it shall comply with the standards for drive-through uses in Section 5.4.3(5) Drive-Through Facilities.
- (D)** In the RMX zoning district, restaurants must be located on a corner lot.
- (E)** In the RMX zoning district, the maximum size allowed shall be 5,000 square feet.

(amended 4/4/2011, TA-2011-01)

(9) Retail Sales and Services

(A) Bars, Nightclubs, and Similar Establishments

- (i) Outdoor decks and patios shall be on the side or rear of the building and screened from the street right-of-way.
- (ii) Bars, nightclubs, or similar establishments shall not be located within 500 feet of an exclusively residential district, use or structure.
- (iii) Bars, nightclubs and similar establishments located within the VC and TC Zoning Districts are exempt from the separation requirements in Section 5.3.3(9)(A).

- (iv) In the VC and TC Zoning Districts, the maximum number of establishments allowed on the same side of the street, within the same block face, will be one (1) or a number equal to a maximum of 30% of the parcels existing on the same block face, whichever is greater. ((amended 9/6/2016, TA-2016-06)
- (v) Additional establishments above the maximum allowed for each block face may be approved subject to the issuance of a Conditional Use Permit. (amended 9/6/2016, TA-2016-06)
(amended 4/4/2011, TA-2011-01; 2/6/2017 TA-2017-01)

(B) Retail/Service Use with Gasoline Sales**(i) Convenience Stores**

- (a)** 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.
- (b)** Canopies shall comply with the standards in Section 5.4.3(4), Canopy.
- (c)** All exterior lighting for the building, parking area, gas islands, and canopies shall be 100 percent cutoff.
- (d)** Drive through windows, stacking lanes, and circulation shall be prohibited in the front of the building or in a side yard abutting a street.
- (e)** Trash containers shall be fully screened by a wall that is constructed of the same material as the principal structure. Trash containers shall be located so as to minimize their visibility from adjacent public streets or other public gathering areas.
- (f)** A wall, fence, or hedge with a minimum height of three feet shall be installed along any street frontage adjacent to any parking or vehicular use area. Such hedges, walls, or fences may be built along property lines or as a continuation of the principal structure's building wall.
- (g)** Signs attached to the canopy shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached.

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5.3 USE-SPECIFIC STANDARDS

5.3.3 Commercial Uses

(C) Tattoo Parlor/Body Piercing Establishments

Tattoo parlors and body piercing establishments shall be located at least 500 feet from any existing residential use or any lot containing a Community Service or religious or civic institution.

(D) Type I Retail Uses

- (i) Type I Retail Uses shall not exceed 5,000 square feet of gross floor area per individual use or establishment..
- (ii) Type 1 Retail Uses in the Residential Mixed Use District must be located on corner lots. (Amended 4/6/2015; TA-2015-06)

(E) Type II Retail Uses

(i) Type II Retail Uses in Town Center

Type II Retail Uses in the Town Center District shall have the primary exterior treatment of walls to be brick, cast concrete, stone, marble, or other materials comparable in appearance and durability and shall be carried to the sides and rear of the building if visible from a street. Regular or decorative concrete block, float finish stucco, EIFS-type stucco cementitious fiber board, or wood clapboard may be uses as a secondary treatment or trim but shall not be the primary treatment.

(amended 3/1/2010, TA-2010-07)

(F) Type III Retail Uses

(i) Heavy Equipment/Manufactured Home Sales or Service

The size of any single surface parking lot shall be limited to three acres, unless divided by a street, principal building, or interior landscaping. No outdoor public address system shall be allowed.

(G) Electronic Gaming

- (i) Business engaging in electronic gaming operations activities may operate from 9:00 am until 6:00 pm each day. Monday through Saturday only.
- (ii) The maximum number of machines/terminals/computers for any electronic gaming business is five (5).
- (iii) The machines/terminals must not prohibited by State or Federal law and must have all applicable permits and licenses.

- (iv) All applicable State and local permits and business licenses must be issued to the applicant prior to issuance of a zoning permit.
- (v) Use is subject to specific parking requirements. See Section 9.1.4(2) Minimum Off-street Parking Standards.
- (vi) The establishment must be a minimum of one thousand six hundred (1,600) linear feet from any residential zoning district.
- (vii) The establishment must be a minimum of one thousand six hundred (1,600) linear feet from any other organization engaged in an electronic gaming operation business.
- (viii) Distances shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structure wall of the electronic gaming establishment to the nearest lot line of the religious use, school residential district or other electronic gaming facility.

The applicant shall submit a current plot plan prepared within thirty (30) days prior to application by a registered land surveyor depicting the following:

- (a) Property lines and the structure containing any existing Electrical gaming businesses within one thousand six hundred (1,600) feet if the subject property;
 - (b) Property lines of any existing residential zoning district within one thousand six hundred (1,600) feet of the subject property.
- (ix) Maximum square footage for electronic gaming establishments shall not exceed 2,000 square feet.
- (x) No one under 21 years of age allowed on premises.
- (xi) No alcohol sales, consumption or possession allowed on premises.

(amended 5/3/2010, TA-2010-08)

(H) Automotive Repair and Service

Automotive repair and service uses shall:

- (i) Be located at least 250 feet from any residential zoning district, existing residential use, religious or civic institution, Community Service, day care, school (elementary, middle, intermediate, or senior high), or public park;
- (ii) Be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements;

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5.3.3 Commercial Uses

- (iii) Provide adequate parking for customers and employees;
- (iv) Ensure that repair and storage of all vehicles shall occur within an enclosed building (temporary outdoor vehicle storage may be allowed in an opaque fenced or walled-off area no larger than 25 percent of the lot and located behind or to the side of the principal structure), and limit outdoor storage to areas to the side or rear of buildings;
- (v) Have no outdoor speaker or public address system;
- (vi) Provide adequate, enclosed trash storage facilities on the site;
- (vii) Locate offices along the primary façade, or the building side containing the architectural front;
- (viii) Utilize a storefront design with windows along the primary façade;
- (ix) Locate service bay entrances to the sides or rear so as to minimize their visibility from public streets;
- (x) Not park or store a vehicle as a source of parts, or park or store a vehicle for the purpose of sale or lease/rent; and
- (xi) Not store or park a vehicle that has been repaired and is awaiting removal for more than 30 consecutive days. In cases where a vehicle has been abandoned by its lawful owner prior to 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 can demonstrate steps have been taken to remove the vehicle from the premises using the appropriate legal means.

(I) Auto Dealer (Outdoor Storage)

Auto Dealer (Outdoor Storage) uses shall be subject to the following criteria:

- (i) Have a fully paved lot.
- (ii) Submit a specific spatial layout on the Concept Site Plan including vehicle display spaces, customer parking including handicapped spaces, designated drive aisles, and employee parking. Vehicles must be displayed within the limits of the paved parking area. Vehicles may not be displayed in grass or landscaped areas.
- (iii) Provide a fully compliant Concept Plan including the items outlined in item (B).

- (iv) Vehicle display lot must be landscaped to the parking lot standard including front screening; landscape islands, perimeter landscaping; etc., in the customer parking and employee parking areas but not within the vehicle display area.
- (v) Must be a Stand-alone use. No colocation with other uses or with an existing use on a lot.;
- (vi) Building form for new construction must be Shopfront, Commercial Retail or Large Retail form. If an existing residential structure is to be utilized, the front façade of the structure must be altered in such a way as to present the structure as a commercial use rather than a residential use. (Options may include, but not be limited to; adding a commercial awning, installing double width glass doors, upgrading of the entry, etc.) Town Planning Staff will review and approve the proposed façade design;
- (vii) On a street where it does not already exist, install a 100 foot queue lane (50 feet in each direction) shall be provided by the developer or owner. In cases where a Traffic Impact Analysis or NCDOT Driveway Permit requires different or additional improvements, those different or additional improvements will take precedence. Any improvements will be subject to approval by NCDOT.

(10) Community Services

Community Services must be located on a collector or local street.

(amended 4/4/2011, TA-2011-01)

(11) Plant Nursery

(A) Greenhouses associated with plant nursery uses shall be considered principal structures and are subject to setbacks and site plan approval.

(B) If a plant nursery ceases operation, greenhouses must be removed within sixty (60) days of cessation of the operation.

(amended 4/4/2011, TA-2011-01)

(12) Assisted Living/Nursing Home

Must be located on a Collector or Local street as designated in the Town of Mooresville Street Classification List.

(amended 4/4/2011, TA-2011-01)

CHAPTER 5: USES STANDARDS

5.3 USE-SPECIFIC STANDARDS

5.3.4 Industrial Uses

(13) Office Uses

- (A)** In RMX zoning district, office uses must be located on a corner lot.
- (B)** In RMX zoning district, parking must be located to the side and/or rear of the structure and screened from adjacent residentially zoned properties.

(amended 4/4/2011, TA-2011-01)

(14) Civic/Fraternal Uses

- (A)** In RMX or NMX zoning districts, the maximum square footage allowed is 5,000 square feet.
- (B)** Emergency services such as Police, Fire, EMT, etc. are allowed as a use by right up to 15,000 square feet in all zoning districts.

(amended 4/4/2011, TA-2011-01)

(15) Daycare

- (A)** Building forms indicated are for new construction. Building forms for daycare uses proposed in an existing building within a residentially zoned district will be considered on a case by case basis.

(amended 4/4/2011, TA-2011-01)

5.3.4. Industrial Uses

(1) Extractive Industry

- (A)** Extractive Industry uses shall be located at least 1,000 feet from any residential district, existing residential use, religious or civic institution use, community service use, day care use, school (elementary, middle, intermediate, or senior high), or public park.
- (B)** Extractive Industry uses shall be surrounded by a solid fence that is at least eight feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property.

(2) Manufacturing and Production

(A) Concrete Plant and Asphalt Plants

- (i)** Any concrete or asphalt plant shall be located at least 50 feet from all lot lines.
- (ii)** All equipment and stockpiles shall be removed within one year of cessation of operations.

- (iii) Access roads leading to any part of the operation shall be at least 15 feet from an adjacent lot line, should be paved, and shall be maintained in such a manner so as to minimize dust creation.

(3) Self-Service Storage**(A) General**

All self-service storage uses shall comply with the following standards:

(i) Commercial Uses Permitted On-site

The only commercial uses permitted on site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on the site.

(ii) Security or Caretaker Quarters

No more than one security or caretaker quarters may be developed on the site, and shall be integrated into the building's design.

(iii) Not Legal Address

Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.

(iv) Enclosed buildings

Except as provided in this subsection, all property stored on the site shall be enclosed entirely within enclosed buildings.

(B) Self-Service Storage, Outdoor

All outdoor self-service storage uses shall comply with the following additional standards:

(i) Open Storage of Recreational Vehicles and Dry Storage of Boats

- (a)** The storage shall occur only within a designated area, which shall be clearly delineated;

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5.3 USE-SPECIFIC STANDARDS

5.3.4 Industrial Uses

- (b)** The storage area shall not exceed 25 percent of the buildable area of the site;
- (c)** Outdoor storage areas shall be located to the rear of the principal structure, measured parallel along the closest applicable rear property line and the closest point of the rear building façade;
- (d)** All open storage shall be fully screened or fenced in accordance with Section Chapter 7-Landscaping and Open Space. Any vegetation screening utilized shall be evergreen or some other variety capable of year-round foliage;
- (e)** Storage shall not occur within the area set aside for minimum building setbacks;
- (f)** Dry stacking of boats or other similar vehicles shall not be permitted on site;
- (g)** Vehicles shall be allowed on the premises for storage only.
- (h)** Vehicle or trailer rentals operating as accessory uses shall be stored within the designated area as expressed in this Section.

(ii) Facades

Stand-alone office or other similar non-storage buildings and facilities shall not utilize the Flex Industrial building form. Such facilities shall utilize other building forms allowed in the applicable district.

(iii) Lot Area

The lot area shall be a minimum of three (3) contiguous acres in size.

(iv) Spacing

No outdoor self-service storage shall be located within ½ mile of any other outdoor self-service storage operation. Outdoor self-service storage facilities legally established before the adoption of this section shall be deemed to be a legally-conforming use.

(v) Orientation of Bays

Garage doors serving individual storage units shall be screened so as to not be visible from adjacent streets. Where the site abuts a single family (R districts) zoned lot

or use, individual bay doors shall be prohibited on that side of the building.

(vi) Height

With the exception of a structure used as a security or caretaker quarters, or redevelopment of an existing structure, the maximum height of a self-service storage facility shall be 20 feet. In addition, a parapet wall shall be constructed to screen roof-mounted heating and air conditioning and other equipment, if any. The combined height of the building and the parapet wall shall not exceed 25 feet.

(vii) On-site Circulation

- (a)** Interior parking shall be provided in the form of aisle ways adjacent to the storage bays. These aisle ways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisle ways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted;
- (b)** The one-or two-way traffic flow patterns in aisle ways shall be clearly marked. Marking shall consist at a minimum of use of standard directional signage and painted lane markings with arrows; and
- (c)** Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aisle ways.

(C) Self-Service Storage, Indoor

All indoor self-service storage uses shall comply with the following additional standards.

(i) Open Storage

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.

(ii) Visibility

No indoor storage material, goods, racks, bins, shelving, or other such appurtenances shall be visible from the outside. All glass windows and doors may be tinted to the extent allowed in the applicable building form standard being utilized.

CHAPTER 5: USES STANDARDS

5.3 USE-SPECIFIC STANDARDS

5.3.4 Industrial Uses

(iii) Loading Areas

All vehicular loading and unloading areas for goods shall be to the side or rear of the building. Buildings utilizing drive-thru loading shall be located to the sides of the buildings.

Amended (TA 2018-05, June 2018)

(D) Automotive Country Club

Automotive Country Clubs are designed to be luxury housing of motorized vehicles and boats and a retreat facility for car and boat enthusiasts to store and display collectible or high-end cars, boats, and other motorized vehicles. Such facilities shall comply with the following standards..

- (a) The facility shall be within a gated and private development.
- (b) 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.
- (c) 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.
- (d) The facility shall be on a site not less than 5 acres with frontage on a public street.
- (e) The individual units 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.
- (f) In addition to individual units, 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. Except as exists in the fuel tank of the stored car or boat, storage of fuel on site is prohibited.
- (g) Wholesale and retail sales of cars, boats or other motorized vehicles is prohibited.

- (h) 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.
- (i) 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.
- (j) 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.

Amended (TA-2021-01 April 5, 2021)

(4) Warehouse and Distribution

Warehouse uses within flex buildings or in buildings using the Flex/Industrial Building Form (see Section 6.7.9, Flex/Industrial Building) shall maintain a minimum of 80 percent of the gross floor area for use as warehouse space.

(5) Outdoor Storage

Lots used for outdoor storage shall be fully enclosed with a fence or masonry wall no less than eight feet in height. The height of materials and equipment stored within 50 feet of the wall or fence shall not exceed eight feet in height. Perimeter or exterior walls visible from a public street or detached residential dwelling shall not include metal as a primary material

(6) Waste-Related Services

(A) Landfill (LCID and Sanitary)

- (i) Only land clearing and inert debris shall be allowed within a LCID landfill.
- (ii) 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.
- (iii) All landfills shall be setback at least 300 feet from any Residential or Institutional Use Type, and shall provide a Type E landscape buffer around their perimeter.
- (iv) All landfill operating permits shall be recorded with the Iredell County Register of Deeds.

CHAPTER 5: USES STANDARDS

5.4 ACCESSORY USES AND STRUCTURES

5.4.1 Purpose

- (v) Access to a landfill shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.
- (vi) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (vii) No filling associated with a landfill shall take place within any flood hazard area, drainage ways, or utility easements.

(B) Transfer Stations

- (i) Transfer stations shall be setback at least 50 feet from all lot lines.
- (ii) Access roads leading to any part of the operation shall be at least 15 feet from an adjacent lot line, and access roads shall be paved in accordance with Town standards.
- (iii) All transfer stations shall maintain a Type A landscape buffer around their perimeter.

(7) Wholesale Sales

Any outdoor storage component of a Wholesales Sales use shall comply with the standards in Section 5.3.4(5), Outdoor Storage.

(8) Industrial Services

Any outdoor storage of equipment must be screened with a Type C buffer.

(amended 4/4/2011, TA-2011-01)

5.4 ACCESSORY USES AND STRUCTURES

5.4.1. Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The Town's intent in adopting this section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, and so long as they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

5.4.2. General Standards and Limitations

(1) Compliance with Ordinance Requirements

All accessory uses and accessory structures shall conform to the applicable requirements of this Ordinance, including the district standards in Chapter 3: Base Zoning Districts and Chapter 4: Overlay Zoning Districts; the regulations of Chapter 5: Use Standards; the form standards of Chapter 6: Building Form Standards; the standards in Chapter 7: Landscaping and Open Space; the signage provisions in Chapter 8: Signage; the development standards in Chapter 9: Development Standards and Chapter 14: Solar Energy System. The provisions of this section establish additional standards and restrictions for particular accessory uses and structures.

(2) General Standards

All accessory uses and accessory structures shall meet the following standards:

- (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, parking, landscaping, or open space standards of this Ordinance;
- (G)** Not be constructed or established prior to the time the principal use or structure is constructed or established; and
- (H)** Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).
- (I)** All Accessory Structures shall comply with all applicable standards of Chapter 6 Building Form Standards.

(3) Approval of Accessory Uses and Structures

Unless otherwise specified in this section, any accessory use or accessory structure shall be treated as a permitted use in the zoning district in which it is located. An accessory use or structure may be approved in conjunction with approval of the principal use or structure.

CHAPTER 5: USES STANDARDS

5.4 ACCESSORY USES AND STRUCTURES

5.4.2 General Standards and Limitations



Figure 5.4.2.3: Accessory Structures. This image depicts an accessory structure that is subordinate in size and location to the principal use.

(4) Table of Permitted Accessory Uses

(A) Table as Guide

Table 5.4.2, Table of Permitted Accessory Uses, is established as a guide to identify the appropriateness of the more common accessory uses in each zoning district.

(B) Listed Accessory Uses

Table 5.4.2, Table of Permitted Accessory Uses, lists what types of accessory uses, structures, and activities are allowed in each of the zoning districts. If a specific accessory use is allowed in a base zoning district, the column underneath the zoning district is marked with a "P." If the accessory use or structure is not allowed in a zoning district, the column is blank. If there is a reference contained in the column entitled "Additional Requirements," refer to the cited section(s) for additional standards that apply to the specific accessory use.

(C) Interpretation of Unidentified Accessory Uses

The Planning Director shall evaluate potential accessory uses that are not identified in Table 5.4.2, Table of Permitted Accessory Uses, on a case-by-case basis, as an Interpretation (see Section 2.3.13). In making the interpretation, the Planning Director shall apply the following standards.

- (i) The definition of "accessory use" (see Chapter 13: Definitions and Rules for Interpretation), and the general accessory use standards established in Section 5.4.2, General Standards and Limitations.

CHAPTER 5: USES STANDARDS

5.4 ACCESSORY USES AND STRUCTURES

5.4.2 General Standards and Limitations

- (ii) The additional regulations for specific accessory uses established in Section 5.4.3, Specific Standards for Certain Accessory Uses.
- (iii) The purpose and intent of the zoning district in which the accessory use is located (see Chapter 3: Base Zoning Districts).
- (iv) Any potential adverse impacts the accessory use may have on other lands in the area, compared with other accessory uses permitted in the zoning district.
- (v) The compatibility of the accessory use, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.

(D) Table of Permitted Accessory Uses

Table 5.4.2, Table of Permitted Accessory Uses, specifies the zoning district where accessory uses may be permitted.

TABLE 5.4.2: TABLE OF PERMITTED ACCESSORY USES															
P = PERMITTED							SHADED CELL = PROHIBITED								Additional Requirement s
Accessory Use Type	RESIDENTIAL BASE DISTRICTS						NONRESIDENTIAL BASE DISTRICTS								
	R-2	R-3	R-5	RMX	RMX-MH	TND-CU	NMX	CMX	HB	VC	TC	GI	EI	PC-CU	
Accessory Storage Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	5.4.2(5)
Accessory Dwelling Unit	P	P	P	P		P	P	P		P	P			P	5.4.3(1)
Amateur Ham Radio/TV Antenna	P	P	P	P	P		P	P	P	P	P	P		P	5.4.3(2)
Auto Repair at a Residential Use	P	P	P	P			P							P	5.4.3(3)
Canopies				P		P	P	P	P	P	P	P	P	P	5.4.3(4)
Drive-Through Facilities							P	P	P	P	P			P	5.4.3(5)
Electrified Fences									C			C	C		9.3.6 9.3.2(7)
Fences and Walls	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9.4
Garages	P	P	P	P	P	P	P	P	P	P	P	P	P	P	5.4.3(6)
Home Occupation	P	P	P	P	P	P	P	P		P	P				5.4.3(7)
Mobile Food Vendor							P	P	P	P	P	P	P	P	5.4.3(18)

CHAPTER 5: USES STANDARDS

5.4 ACCESSORY USES AND STRUCTURES

5.4.2 General Standards and Limitations

TABLE 5.4.2: TABLE OF PERMITTED ACCESSORY USES															
P = PERMITTED							SHADED CELL = PROHIBITED								Additional Requirement s
Accessory Use Type	RESIDENTIAL BASE DISTRICTS						NONRESIDENTIAL BASE DISTRICTS								
	R-2	R-3	R-5	RMX	RMX-MH	TND-CU	NMX	CMX	HB	VC	TC	GI	EI	PC-CU	
Outdoor Display/Sales						P	P	P	P	P	P			P	5.4.3(8)
Outdoor Storage									P			P	P	P	5.4.3(9)
Produce Stand	P			P			P	P	P						5.4.3(10)
Satellite Dish	P	P	P	P	P	P	P	P	P	P	P	P	P	P	5.4.3(11)
Stable	P	P													5.4.3(12)
Storage or Parking of Heavy Trucks or Trailers							P	P	P			P	P	P	5.4.3(13)
Storage or Parking of Major Recreational Equipment	P	P	P	P			P								5.4.3(13)
Swimming Pool/Hot Tub	P	P	P	P	P	P	P	P	P	P	P				5.4.3(14)
Temp. Storage in a Portable Shipping Container	P	P	P	P						P	P				5.5.3.(2)
Water-related Structure	P	P	P	P	P	P	P	P		P					5.4.3(15)

(Amended 12/3, 2018 TA-2018-08, 12/2/2019 TA 2019-08)

See **CHAPTER 14: SOLAR ENERGY SYSTEMS.** Chapter 14.10 Solar Energy Systems as Accessory Structures

(5) Location of Accessory Uses or Structures

- (A) No accessory use, structure, or activity, except for permitted fences or walls erected on a property line or an ornamental pond shall occupy or take place in a required front setback, except that some solar energy systems may be within the front setbacks per Chapter 14: Solar Energy Systems.
- (B) Accessory structures larger than 144 square feet shall meet the minimum side yard setbacks; however, may be set back five feet from the rear property line.

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5.4 ACCESSORY USES AND STRUCTURES

5.4.2 General Standards and Limitations

- (C)** Accessory structures of 144 square feet in size or less may be set back five feet or more from the side or rear property line.
- (D)** No accessory structure shall project beyond the front building line of the principal structure or site.
- (E)** Except on waterfront lots platted prior to 1987, all accessory structures shall be located to the side or rear of the principal structure.
- (F)** Except for fences and walls, no detached accessory structures shall be located within five feet of a principal structure or any other accessory structure.
- (G)** Water-related facilities may be located where necessary to provide access to the waterfront, but shall comply with all applicable setbacks.
 - (a)** No accessory structure shall be located within any platted or recorded easement or over any known utility.

(6) Maximum Height

- (A)** Any accessory structure located within 10 feet of any lot line shall not exceed 12 feet in height at its highest point except that solar energy systems may be 20 feet in height.
- (B)** In all residential base zoning districts, accessory structures shall not exceed the height of the principal structure except that roof-mounted solar energy systems may extend above the roof line up to 12 inches. See Chapter 14: Solar Energy Systems.

(7) Maximum Size/Number

- (A)** The maximum aggregate size for all accessory structures associated with a residential principal use shall be in accordance with Table 5.4.2(7), Maximum Aggregate Accessory Structure Size. Notwithstanding, one accessory garage of no greater than six hundred (600) square feet may be permitted on any lot containing a residential use, so long as it meets all other requirements of this Ordinance. Any detached garage shall be counted toward the maximum number of structures allowed and total square footage allowed.

TABLE 5.4.2(7), MAXIMUM AGGREGATE ACCESSORY STRUCTURE SIZE		
LOT SIZE	MAXIMUM AGGREGATE ACCESSORY FOOTPRINT	MAXIMUM # OF STRUCTURES

CHAPTER 5: USES STANDARDS

5.4 ACCESSORY USES AND STRUCTURES

5.4.3 Specific Standards for Certain Accessory Uses

Less than 1 Acre	Lesser of: 1,200 square feet or 50 percent of the square footage of habitable ground floor area of the principal structure	3
1 to 2 Acres	Aggregate size shall not exceed 5% of the square footage of the lot; in no case shall a single accessory structure be more than 70% of the heated square footage of the principal structure.	3
2.1 to 3 Acres	Aggregate size shall not exceed 5% of the square footage of the lot; in no case shall a single accessory structure be more than 80% of the heated square footage of the principal structure.	3
3.1 to 5 Acres	Aggregate size shall not exceed 5% of the square footage of the lot; in no case shall a single accessory structure be more than 90% of the heated square footage of the principal structure.	4
5+ Acres	Aggregate size shall not exceed 5% of the square footage of the lot; a single accessory structure shall not exceed 125% of the heated square footage of the principal structure.	4
NOTES: Farms subject to the North Carolina Farm Tax Exemption are exempt from the maximum aggregate accessory structure size requirements. Accessory buildings shall not have a width greater than that of the principal structure. On lots greater than 5 acres, a single building may exceed the maximum size limit upon the issuance of a Conditional Use Permit approved by the Town Board of Commissioners. An upper floor may be utilized and will not count towards the aggregate size if it is contained within the roofline as shown in Figure 5.4.7.1. An upper floor not contained within the roofline will be regarded as a second story and will count towards the total square footage applied to the aggregate size as shown in Figure 5.4.7.2.		

(B) Accessory structures associated with a nonresidential use shall not exceed 30 percent of the square footage of the principal use.

(C) The maximum number of permitted accessory structures on a residential lot shall be three (3), including a detached garage.

(amended 11/3/2008, TA-2008-20; 1/2/2011, TA-2010-13; 8/1/2011, TA-2011-04)

5.4.3. Specific Standards for Certain Accessory Uses

(1) Accessory Dwelling Units

Accessory dwelling units shall comply with the following standards:

- (A) Not more than one accessory dwelling unit per lot shall be permitted.
- (B) Accessory dwelling units shall be located within (e.g., a downstairs apartment) or behind the principal structure as a freestanding building or above a detached outbuilding.
- (C) The use of mobile homes, travel trailers, campers, tractor trailers, or similar vehicles as an accessory dwelling unit shall be prohibited.
- (D) The accessory dwelling unit shall be at least 300 square feet in size, but shall not exceed 50 percent of the gross habitable floor area of the principal structure.
- (E) Accessory dwelling units shall be served by at least one off-street parking space (in addition to the required off-street parking serving the principal use), but in no instance have more than two off-street parking spaces.
- (F) Accessory dwelling units shall be of durable exterior building materials that are the same or higher quality as surrounding developments, and shall not adversely affect adjacent uses (when the principal structure is predominately brick or stone, the introduction of smooth wood or fibrous cement siding is appropriate to reinforce the ancillary and subordinate nature of the accessory dwelling unit).
- (G) Accessory dwelling units shall not be sold apart from the principal structure.
- (H) Accessory dwelling units shall not include home occupations.



Figure 5.4.7.1: Accessory Structure Building Form. This diagram shows the building form used to compute the total square footage for an accessory structure with a second story area contained in the roofline.

If the dimensions of the ground floor are 20' X 20', the total applicable square footage would be 400 square feet.

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5.4 ACCESSORY USES AND STRUCTURES

5.4.3 Specific Standards for Certain Accessory Uses



Figure 5.4.7.2: Accessory Structure Building Form. This diagram shows the building form used to compute the footprint for an accessory structure with a second story not contained in the roofline.

If the dimensions of the ground floor are 20' X 20', the total applicable square footage would be 800 square feet.

(2) Amateur Ham Radio & Television Antennas

- (A)** Towers associated with a ham radio operator or private television antenna shall not exceed 90 feet above grade.
- (B)** Towers or antennas attached to a principal structure shall be located on a side or rear elevation.
- (C)** Freestanding towers or antennas shall be located behind the principal structure.

(3) Auto Repair at a Residential Use (Auto Hobbyist)

Automobile repair at a residential use shall comply with the following standards:

- (A)** Outdoor automotive repair at a residential use shall be limited to single-family detached dwellings.
- (B)** Automobile repair activities shall be limited to vehicles owned by the person inhabiting the principal use.
- (C)** In no instance shall there be more than one inoperable vehicle located outside a fully enclosed structure.
- (D)** Activities that create objectionable noise shall not take place between the hours of 9:00 PM and 7:00 AM.
- (E)** Vehicles in repair must be stored out of sight of a public right-of-way.

(4) Canopies

- (A)** Canopies located within 100 linear feet of the principal structure, canopies covering a drive-through shall use a similar roof form, pitch, and materials to appear as an extension of the roof covering the principal structure.

- (B)** Canopies shall have a maximum height of 16 feet 6 inches measured from the finished grade to the underside of the canopy. The total maximum height of the canopy from the finished grade to the top of the canopy is 20 feet 6 inches.
- (C)** The design of the canopy, including any columns, shall match the design and exterior building materials of the principal building.
- (D)** Canopies covering fuel pumps may include logos or trademarks, but shall not include any other signage or advertising.
- (E)** In addition to meeting the standards in Section 9.4.4, Exterior Lighting, canopies shall not be internally illuminated, and any exterior lighting associated with a canopy shall be shielded so that the source of illumination is not visible from off-site areas.

(amended 12/7/09, TA-2009-24)

(5) Drive-Through Facilities

- (A)** Drive-through facilities shall be located at least 100 linear feet from any residential district or lot used for residential purposes.
- (B)** Vehicle stacking spaces for drive-through window uses shall be located outside of and physically separated from the right-of-way of any street.
- (C)** Vehicle stacking spaces shall not interfere with the efficient internal circulation of traffic on the site, adjacent property, or adjacent street right-of-way.
- (D)** Drive-through facilities shall be located to the side or rear of the principal structure they serve in the HB and CMX zoning districts. If a drive-through facility is used in the TC, VC, or NMZ zoning district it must be located to the rear of the building.
- (E)** Drive-through facilities shall meet all applicable standards in Chapter 6: Building Form Standards.
- (F)** Menu Boards shall not be visible from the road the building is fronting.
- (G)** Drive-through facilities may be subject to Town-imposed conditions relating to the location, configuration, and operational aspects of the drive-through window to ensure its compatibility with surrounding uses, its architectural consistency with the principal use, and its compliance with the building codes and all relevant state laws and regulations.

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5.4 ACCESSORY USES AND STRUCTURES

5.4.3 Specific Standards for Certain Accessory Uses

(6) Garages

- (A)** A detached garage may be constructed in the front yard of a waterfront lot platted prior to 1987 provided the garage is set back from the front line at least 50 percent of the required front setback.
- (B)** Garages shall meet all applicable standards in Chapter 6: Building Form Standards.
(amended 11/3/2008, TA-2008-24)

(7) Home Occupations

(A) Home Based Business

A home based business is a business that is operated out of the home and the service is performed out of the residence. It shall include but not be limited to business operations such as a home day care, hair salon, pet grooming, accounting office, lawyer's office and other related professional services, internet business, catalog sales, small engine repairs, upholstery, cabinet and wood working, and fire arms dealer. A home based business may be operated out of the residence provided the following requirements are met:

- (i) The business or service is located within the dwelling and does not exceed 25 percent of the heated floor area of the principal structure or 600 square feet, whichever is less.
- (ii) If in the R-2 Zoning District, the business or service is located within the dwelling or an associated accessory building (but not an accessory dwelling unit), and does not exceed 25 percent of the heated floor area of the principle structure.
- (iii) The principal person or persons providing the business or service resides in the dwelling on the premises.
- (iv) The home occupation employs no more than one person on the premises who does not reside on the premises.
- (v) The home occupation causes no change in the external appearance of the existing dwelling and structures on the property.
- (vi) There are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building.
- (vii) The property contains no outdoor display or storage of goods, materials, equipment, or services that are associated with the home occupation.

- (viii) Wholesale or retail sales of goods do not occur on the premises. All items sold from the premises shall be shipped or drop shipped.
- (ix) The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

(B) Home Based Office

A home based office is where typical office operations occur for a business; however, the actual business operations are performed off premise. It shall include but not be limited to business operations such as independent contractors or subcontractors, such as a caterer's office. A home based office may be operated out of the residence provided the following requirements are met:

- (i) All the above requirements listed in (7) (A) for a home based business are met.
- (ii) A home based office shall not have more than one (1) vehicle with a maximum GVW (gross vehicle weight) of 20,000 pounds. Such vehicle shall not have a bed, box or cargo component greater than fourteen (14) feet and no more than six (6) wheels. Each vehicle can only be used/driven by a person who resides at the property where the home occupation is located.
- (iii) No more than one open or enclosed trailer, with no more than four (4) wheels, may be associated with the home based office and stored on the property.
- (iv) No vehicles or trailers associated with the home based office shall be parked in the front yard on an unimproved parking surface of the home based office.
- (v) Vehicles associated with the home based office shall not be parked in any public right-of-way for the primary purpose of advertising.
- (vi) Employee parking shall not be allowed at the residence of the home based office.

(amended 7/7/2008, TA-2008-07; 1/4/10, TA-2009-20)

(8) Outdoor Display/Sales

Outdoor display or sales may be allowed as an accessory use for all Retail Sales and Service Uses and Wholesale Sales Uses. It is the intent of this Ordinance to allow the display of merchandise for

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5.4 ACCESSORY USES AND STRUCTURES

5.4.3 Specific Standards for Certain Accessory Uses

sale, but not where the display of such items impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. The outdoor display of goods shall meet all of the following standards:

Outdoor display/sales areas shall be depicted upon a Site Plan (see Section 2.3.9).

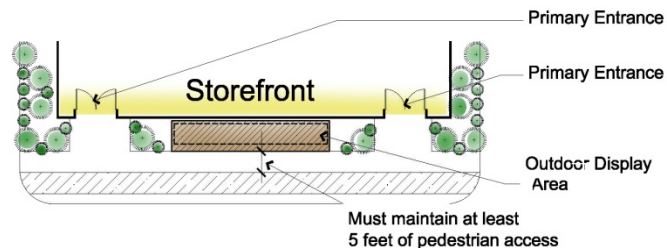


Figure 5.4.3.8: Outdoor Display Area. This diagram depicts allowable locations and configurations for outdoor display areas.

- (A) All outdoor display of goods shall be located immediately adjacent to the storefront, or building sides, and not in drive aisles, loading zones, fire lanes, or parking lots.
- (B) Outdoor display areas shall be limited to no more than one-half of the length of the store front or building side.
- (C) In the case of a shopping center, the “storefront” shall include the entire frontage of the shopping center facade, meaning that the total amount of display for all the in-line tenants combined shall not exceed 50 percent of the aggregate store front of the total shopping center.
- (D) The area of outdoor display or sales shall not encompass the width of the entrance doors to the establishment as projected straight out from the facility. (For example, if the width of the entrance doors is ten feet, there shall be at least a ten-foot clearance from the doors as projected straight out and away from the facility.)
- (E) No goods shall be attached to a building’s wall surface.
- (F) The height of the outdoor display shall not exceed six feet.
- (G) The outdoor display area shall take place on an improved surface such as the sidewalk or pavement.
- (H) At least five feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.

- (I) Outdoor sales shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides and similar items.

(9) Outdoor Storage

Outdoor storage may be allowed as an accessory use in accordance with the following standards:

- (A) Each outdoor storage area shall be incorporated into the overall design of the principal structure on the site and shall be located at the side or rear of the principal structure.
- (B) Goods stored in an outdoor storage area intended for sale or resale shall be limited to those sold on the premises as part of an associated, additional principal use.
- (C) Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six feet in side yard areas and eight feet in rear yard areas that incorporates at least one of the predominant materials and one of the predominant colors used in the primary structure. Materials may not be stored higher than the height of the primary structure. A landscaped earth berm may be used instead of or in combination with a fence or wall.
- (D) 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.
- (E) Flammable liquids or gases in excess of one 1,000 gallons shall be stored underground.
- (F) No materials may be stored in areas intended for vehicular or pedestrian circulation.

(10) Produce Stand

A produce stand shall:

- (A) Be limited to the retail sale of agriculture and horticulture products;
- (B) Be located to minimize the visual impact of the structure from adjacent public streets;
- (C) Not remain in the same location for more than six months;
- (D) Not exceed 750 square feet in area;
- (E) Provide adequate ingress, egress, and off-street parking areas; and
- (F) Be subject to the sign standards in Chapter 8: Signage.

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5.4 ACCESSORY USES AND STRUCTURES

5.4.3 Specific Standards for Certain Accessory Uses

(11) Satellite Dishes

- (A)** Satellite dishes less than 12 inches in diameter may be located anywhere on a lot.
- (B)** Satellite dishes larger than 12 inches in diameter but smaller than 48 inches in diameter shall:
 - (i)** Be located to the side or rear of the principle use they serve; and
 - (ii)** Be limited to a maximum height of 15 feet above grade unless the applicant can demonstrate that a lower mounting height will cause significant disruption in signal.
- (C)** In no instance shall a satellite dish exceed 48 inches in diameter.

(12) Stable

A stable for the keeping of horses or ponies shall be permitted provided:

- (A)** One acre of pasture or grazing land shall be provided for each horse or pony maintained in the stable; and
- (B)** The stable is located at least 300 linear feet away from any residential dwelling on a lot under separate ownership.

(13) Storage or Parking of Heavy Trucks, Trailers, or Major Recreational Equipment

(A) Intent

It is the intent of this subsection to prohibit the customary or continual parking of certain vehicles and equipment on streets and within yards adjacent to streets in residential neighborhoods since the presence of such vehicles runs contrary to the intended residential character of such neighborhoods. It is not the intent of these standards to prevent the occasional or temporary parking of such vehicles or equipment as necessary for the purposes of loading, unloading, or cleaning; however, the continual or customary overnight parking of such vehicles or equipment for a portion of the day followed by removal the following day is prohibited.

(B) Applicability

The standards in this subsection apply to heavy trucks with more than two axles or that exceed 20,000 pounds of gross vehicle weight, trailers with more than one axle, or major

recreational equipment, including, but not limited to, boats, campers, recreational vehicles, motor homes, and travel trailers.

(C) Standards

- (i) Heavy trucks, trailers, or major recreational equipment shall not be parked or stored on public rights-of-way in a residential zoning district for longer than four days over any calendar year.
- (ii) No heavy truck, trailer, other major recreational equipment shall be parked or stored for longer than four days over any calendar year in any front yard or side yard immediately adjacent to a street.
- (iii) Boats, campers, and recreational vehicles shall be parked or stored only to the side or rear of the dwelling they are associated with.

(14) Swimming Pool/Hot Tub

Swimming pools and hot tubs shall comply with the following standards:

- (A)** Swimming pools having a depth greater than two feet, and hot tubs and spas shall be enclosed by fencing of a type that is not readily accessible by children and that contains no openings larger than four inches.
- (B)** Fencing shall be at least four feet in height and, if equipped with a gate, shall have a latch.
- (C)** In lieu of fencing, spas and hot tubs may have a lockable cover capable of supporting a minimum of 150 pounds, and such cover shall be locked in place when the spa or hot tub is not in use.
- (D)** Swimming pools and decks shall adhere to the same setback requirements as accessory structures; however, swimming pools shall not exceed 50 percent of the yard (side or rear) in which it is located.

(15) Water-related Structure

Water-related structures shall comply with the following requirements:

- (A)** All water-related structures shall be approved by the Duke Power Shoreline Management Division prior to construction.

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5.4 ACCESSORY USES AND STRUCTURES

5.4.3 Specific Standards for Certain Accessory Uses

- (B)** Water-related structures intended to serve residential lots shall be limited to lots containing single-family dwellings. An individual private water-related structure may be configured to serve up to two adjacent waterfront lots containing single-family detached dwellings provided:

 - (i) The structure is held in common ownership;
 - (ii) The landowners record joint access and maintenance agreements with the Iredell County Register of Deeds; and
 - (iii) The structure does not cross any side lot lines.
- (C)** No Certificate of Occupancy for a water-related structure shall be issued until after the Certificate of Occupancy is issued for the principal use.
- (D)** Water-related structures intended for common use by the public or for commercial use shall be permitted only on publicly-owned lots, lots held in common ownership, or community access lots.
- (E)** All water-related structures shall be constructed with established lot lines that extend underwater or that are projected in accordance with these standards.
- (F)** In cases where existing underwater lot lines do not exist, a lot line projection over the water may be established at each of two lot lines on the shoreline. Each projection shall be perpendicular to a line connecting two points on the existing 760 foot contour line where a ten foot radius from the lot corner intersects the 760 foot contour line.
- (G)** Where adjacent land under separate ownership is located between the rear lot line and the existing 760 contour, and is leased or otherwise granted for use by the adjoining land owner for waterfront access, then the lot projection lines are to be extended directly from the rear property corners to the existing 760 contour and then projected over the water.
- (H)** All water-related structures shall be set back a minimum of ten feet from all adjacent lots and lot corners (unless the facility is under common ownership).

- (I)** Water-related structures, including piers, may be extended by up to 120 feet from the shoreline within the prescribed projection area from the existing 760 contour line to achieve a maximum draw depth of 10 feet as measured at full pond level. In no instance shall a water-related structure be extended more than one-third the width of the cove where located (as measured from the existing 760 contour at the location of the proposed facility to the closest point on the opposite shore).
- (J)** Requests for variances from these standards shall be forwarded to the Lake Norman Marine Commission and the Duke Power Shoreline Management Division for review and recommendation prior to consideration by the Board of Adjustment.

(16) Residential Accessory Structures

- (A)** Any residential accessory structure that exceeds 600 square feet shall have a minimum building separation of 50 feet.
- (B)** In the event that minimum building separation distance cannot be met due to the shape of the lot, an alternative site plan may be reviewed and approved by the Planning Director.
- (C)** Additional screening may be required for accessory structures larger than 600 square feet in order to minimize the impact on the residential character of the neighborhood.
- (D)** Residential accessory structures larger than 600 square feet shall be located in the rear yard. Detached garages only shall be exempt from the 50 foot required building separation.

(17) Solar Accessory Structure See Chapter 14.10 Solar Energy Systems as Accessory Structure**(18) Mobile Food Vendors**

- (A)** Mobile Food Vendors shall be located on private property and not serve as a principal use. Such uses shall only serve as an accessory use to an existing principal use. No more than 3 vendors may operate from the same lot at the same time.

CHAPTER 5: USES STANDARDS

5.4 ACCESSORY USES AND STRUCTURES

5.4.3 Specific Standards for Certain Accessory Uses

- (B)** All setbacks applicable to the zoning district where the Mobile Food Vendor is located must be met. No portion of the vendor operation (including appurtenances and equipment) will be permitted to encroach into any street right-of-way. In addition, Mobile Food Vendors shall be located a minimum of 200 feet from the main entrance(s) to any eating establishment use or similar prepared food service business, unless written permission from the applicable owner(s) or manager(s) is provided as part of the application.
- (C)** Mobile Food Vendors shall be located so as not to impede, endanger or interfere with any driveway or sidewalk, utility box or vault, handicapped ramp, building entrance, exit, or emergency call box or fire hydrant, or otherwise interfere with vehicular or pedestrian traffic.
- (D)** Mobile Food Vendors shall not occupy any parking spaces required to fulfill the minimum requirements of the principal use of the owner or lessee and shall not occupy any handicapped accessible parking spaces.
- (E)** No audio amplification is permitted as part of the Mobile Food Vendor operation. The vendor will be subject to the outdoor lighting and noise ordinance standards established by the Town.
- (F)** Vendors may not bring temporary facilities such as tents, shade cloths, temporary restrooms, or other such appurtenances to the mobile food site.
- (G)** Any freestanding signage shall be limited to one sandwich board sign no larger than 12 square feet in area, 4 feet in height, and located to more than 5 feet from the vendor. No roof or electronic (digital) signs are permitted.
- (H)** Hours of operation of Mobile Food Vendors are limited to the hours of operation of the principal use. In the case of multiple principal uses, the most restrictive shall apply. In the case of sites with 24-hour operations, the hours shall be limited to 7:00 AM to 10:00 PM. All mobile food vendors shall move all equipment and appurtenances from the site daily when they are not in operation or not part of a designated, approved special event.

- (I)** The Mobile Food Vendor operator is responsible for the proper disposal of waste and trash associated with the operation. Town trash receptacles on public property are not to be used for this purpose. Operators must remove all trash and waste from the location at the end of each day or more often as needed to maintain the health and safety of the public. The operator must keep all area of the permitted lot free and clean of grease, trash, paper, cups, cans, or other materials associated with the operation. No liquid waste or grease shall be discharged by the vendor.
- (J)** All equipment required for the operation must be contained within, attached to, or within 10 feet of the Mobile Food Vendor.
- (K)** Mobile Food Vendors will be limited to the sale of food and non-alcoholic drinks. The sale of other merchandise or services will not be permitted. All food preparation, storage, and distribution must be in compliance with all applicable, county, state, and federal health and sanitary regulations.
- (L)** A Town zoning permit is required prior to the retail operation of any individual Mobile Food vendor on a property. Permits must be renewed annually. A Mobile Food Vendor is permitted to vend at more than a single site, but each location must be approved by individual permit.
- (M)** To obtain or renew a zoning permit, the operator of the Mobile Food Vendor must provide:
 - (i)** a plot plan showing compliance with these regulations,
 - (ii)** written permission from surrounding establishments, if applicable (see 5.4.17(B))
 - (iii)** evidence of a permit from the Iredell County Environmental Health Department
 - (iv)** a North Carolina Sales and Use Certificate for collecting and paying sales tax, and
 - (v)** a means for the disposal of grease in an approved grease disposal facility.
- (N)** If at any time the operation violates the provisions of this Section or if at any time the Iredell Count Environment Health Department revokes or suspends their applicable permit, the Town zoning permit is automatically revoked, and operations must cease. At which time, the vendor must submit a new application.

CHAPTER 5: USES STANDARDS

5.5 TEMPORARY USES AND STRUCTURES

5.5.1 Purpose

- (0) Mobile food vendors utilized for private events (such as catering weddings or private parties) where food is not sold or vended to the general public are exempt from Town zoning permit requirements if the event lasts no longer than 2 successive calendar days. Time extension may be made at the discretion of the Planning and Community Development Director up to a maximum of 3 additional days.

(amended 1/3/2011, TA-2010-13; 2/2/2015 TA 2015-01)

5.5 TEMPORARY USES AND STRUCTURES

5.5.1. Purpose

This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

5.5.2. General Standards for Temporary Uses and Structures

Temporary uses, structures, or events shall:

- (1) Obtain the appropriate permit from the Town (if required);
- (2) Only 4 temporary uses and/or structures per lot in a calendar year;
- (3) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (4) Be compatible with the principal uses taking place on the site;
- (5) Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
- (6) Not include permanent alterations to the site;
- (7) Meet all the setbacks of the underlying base and overlay zoning districts;
- (8) Comply with the maximum signage size for temporary signs in Chapter 8: Signage;
- (9) Not maintain temporary signs associated with the use or structure after the activity ends;
- (10) Not violate the applicable conditions of approval that apply to a site or use on the site;

- (11)** Not interfere with the normal operations of any permanent use located on the property; and
- (12)** Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

5.5.3. Specific Regulations for Certain Temporary Uses and Structures

(1) Carnival or Circus

- (A)** The total amount of expected off-street parking shall not exceed 15 percent of the required parking for the establishment or use where the carnival/circus is located.
- (B)** If located on an undeveloped or vacant lot, the lot shall be a minimum of two acres and at least one-third of the area shall be designated for parking.
- (C)** All activities shall be located a minimum of 25 feet from all lot lines.
- (D)** Carnivals and circuses shall obtain an operating permit from the Town Board of Commissioners.

(2) Temporary Storage in a Portable Shipping Containers

Temporary storage in a portable shipping container shall be permitted to serve an existing residential use, subject to the following standards:

- (A)** Containers shall not be located in the front yard;
- (B)** Containers shall not be located within ten feet of any lot line; and
- (C)** Containers shall not be located on an individual parcel or site for more than 14 consecutive days per site per calendar year. The standards in this sub-section related to container location shall not apply to lots not served by alleys, or to lots with a frontage of 70 feet or less.

(3) Seasonal Sales

Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

CHAPTER 5: USES STANDARDS

5.5 TEMPORARY USES AND STRUCTURES

5.5.3 Specific Regulations for Certain Temporary Uses and Structures

(A) Location

- (i) The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking-space availability.
- (ii) The sale of goods shall not occur within the public right-of-way, or within 200 feet of a dwelling.
- (iii) A minimum pedestrian walkway of at least five feet in width along the front of the display shall be maintained.

(B) Range of Goods Limited

The range of goods or products available for sale shall be limited to products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, firewood, and pine straw; bees and beekeeping products; seafood; and dairy products. For the purposes of this subsection, processed or prepared food products of any kind shall not be considered to be agricultural products.

(C) Sales from a Vehicle

Sale of products that do not involve the display or short-term storage of products on site for a period of two days or longer or which are accomplished solely from a vehicle shall not be considered to be seasonal agricultural sales.

(D) Hours of Operation

The hours of operation of the seasonal sale of agricultural products shall be from no earlier than 7:30 A.M. to no later than 10:00 P.M., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

(E) Duration

Seasonal sales shall be allowed on an individual lot for no more than 120 days per calendar year.

(4) Temporary Construction Trailers

- (A)** All temporary construction trailers (including recreational vehicles used as temporary construction trailers) shall meet the minimum setbacks of the zoning district where located, or shall be set back at least 20 feet from all lot lines.

- (B)** Temporary construction trailers may remain on site as long as there is a valid Building Permit in place, but shall be removed upon issuance of the last Certificate of Occupancy.
- (C)** Temporary construction trailers for public use shall include restroom facilities and utility connections.

(5) Temporary Sales Trailers

- (A)** All temporary sales trailers shall be set back at least 20 feet from all lot lines.
- (B)** Temporary sales trailers shall be removed once the project is completed or the lots are sold.
- (C)** All temporary sales trailers shall be underpinned and meet all applicable parking and screening requirements.

(6) Tent Sales

Sale of commercial goods may be conducted within a tent located on lot with a legally established principal use provided the following criteria are met:

- (A)** The tent sale obtain a Temporary Use Permit in accordance with this section prior to construction of the tent;
- (B)** The tent is located in an area outside the normal flow of traffic or areas of ingress and egress;
- (C)** The tent be located on an improved surface such as asphalt, gravel, or other improved surface and not within areas devoted to required landscaping, tree protection, or open space;
- (D)** The tent be located in such a way as to ensure the minimum number of required parking spaces for the principal use are maintained over the duration of the tent sale;
- (E)** The tent sale does not include any signage other than that allowable as temporary signage;
- (F)** Tents not be illuminated past the hour of 10:00 PM; and
- (G)** The total number of tent sale occurrences per site be limited to a maximum of five days per calendar year.

5.6 INCLUSIONARY HOUSING

CHAPTER 5: USES STANDARDS

5.6 INCLUSIONARY HOUSING

5.6.1 Purpose and Intent

5.6.1. Purpose and Intent

This section is intended to promote the public health, safety and welfare of the Town by promoting quality housing in neighborhoods throughout the Town for households of a variety of income levels, ages and sizes to meet the Town's goal of preserving and promoting a culturally and economically diverse population in our community.

The regulations set forth in this Section further a key goal of the Town's Comprehensive Housing Strategy to create and preserve workforce housing opportunities. These regulations also support other goals of the Town including the reduction of traffic congestion and associated air pollution and the prevention of sprawl. These regulations are intended to provide a structure for cooperative participation by the public and private sectors in the production of workforce housing. These regulations are also intended to promote voluntary action on the part of the developer when requesting additional density beyond the stated by-right density in any district, where provided.

5.6.2. Applicability

This Section applies to all new development (including phases) for all residential types within the Town and Extra-Territorial Jurisdiction (ETJ).

5.6.3. Development Bonuses and Incentives

(1) Density Bonuses. It is the intent of the Town to facilitate the provision of workforce housing and compliance with these requirements by incorporating development bonuses to accompany and support the workforce housing requirements.

- (i) In any instance where additional residential density may be granted through the issuance of a Conditional Use Permit (CUP) as identified in Table 3.4..2 of the Town's Zoning Ordinance, the additional stated density may be allowed without a Conditional Use Permit when the total number of additional units are Workforce Dwelling Units as contemplated by this section and the requirements of this Section are otherwise met.
- (ii) The additional density as contemplated in 5.6.3(1)(i) may be included as part of a conditional rezoning request. In such case, the additional density may be approved through a conditional rezoning request without the need for a separate Conditional Use Permit approval when the total number of additional units are Workforce Dwelling Units as contemplated by this section and the requirements of this Section are otherwise met.

(2) Development Fees. The Town agrees to refund certain development-related fees for projects that are subject to these requirements. If an application proposes development in compliance with the provisions of this Section, all Town-related development fees and costs which would otherwise be due to the Town may be refunded for the Workforce Dwelling Units component of the Application.

- (i) This refund does not apply to any Payment-in-Lieu made pursuant to Section 5.6.4(1), and does not apply to any market rate units, or to any fees associated with water, wastewater, storm water, or other utilities.
- (ii) Refund requests for development-related fees must be submitted in writing and shall only be granted upon approval and issuance of the Certificate of Occupancy and when the Workforce Housing Performance Agreement is fully executed and recorded. If application fees are paid for a proposed development that subsequently adds additional workforce dwelling units to the applicant upon approval and issuance of the Certificate of Occupancy to reflect the additional workforce units.

(3) Composition of workforce units. To calculate the number of Workforce Dwelling Units, the total number of all units for the entire development shall be used and shall be distributed in accordance with Table 5.6.1 below. If the product contains a fraction, a fraction of .5 or more shall be rounded up, and a fraction of less than .5 shall be rounded down.

TABLE 5.6.1 DISTRIBUTION TABLE	
% OF AMI	PERCENTAGE
LOW INCOME (50-80% AMI)*	0-70% (as % of total)
MODERATE INCOME (80-100% AMI)*	0-40% (as % of total)

*Income limits may be exceeded by 10% upon approval of the Planning Director

(4) Character of Workforce Dwelling Units

- (i) **Location.** Except as otherwise specifically authorized by this Section, the Workforce Dwelling Units shall be located within the development subject to these regulations and shall be sited and dispersed in multiple locations with the development, as approved by the Planning Director.

CHAPTER 5: USES STANDARDS

5.6 INCLUSIONARY HOUSING

5.6.4 Alternative Compliance.

- (ii) **Phasing of Construction.** A Workforce Housing Plan and a Workforce Housing Performance Agreement as set out in Section 5.6.5 herein shall include a phasing plan that provided for the timely and integrated development of the Workforce Dwelling Units as the development project subject to these regulations is built out. The phasing plan shall provide for the development of the Workforce Dwelling Units concurrently with the market rate units.
- (iii) **Appearance.** The interior and exterior appearance of the Workforce Dwelling Units in any development subject to these regulations shall be compatible in style, materials, and quality with the market rate units in the development.
- (iv) **Bedrooms in Workforce Units.** The Workforce Dwelling Units shall have a number of bedrooms in the Workforce Dwelling Units in the same proportion as the market rate units.
- (v) **Floor Area.** The Workforce Dwelling Units shall have a floor area comparable to market rate units in the same building and found throughout the development.

5.6.4. Alternative Compliance.

This Section provides alternatives to the construction of Workforce Dwelling Units onsite as a way to comply with this Section. Sections 5.6.4(2), (3), and (4) are subject to review and approval by the Town Board of Commissioners.

(1) Payment-In-Lieu. In any instance where additional residential density may be granted through the issuance of a Conditional Use Permit (CUP) as identified in Table 3.4.2 of the Town's Zoning Ordinance, the additional stated density may be allowed without a Conditional Use Permit if a payment-in-lieu is provided for each unit approved above the base density. The payment-in-lieu shall be made in accordance with the following:

- (i) Where permitted by this ordinance, the applicant may make a payment in-lieu of providing the Workforce Dwelling Units. The Town shall establish the in-lieu, per-unit payment on written recommendation of the Planning Director and adopt it as part of the Town's fee schedule. At least once every three years, the Town Board shall, with the written recommendation of the Planning Director, review the per unit payment and, if necessary, amend the fees.

- (ii) Payments made in lieu of providing the Workforce Dwelling Units shall be received by the Town and placed in a separate fund used solely and exclusively for workforce housing activities, including the acquisition of land for, or the construction and marketing of, Workforce Dwelling Units. These funds shall not be commingled with the Town's General Fund.
- (iii) For purposes of determining whether an applicant may make a payment-in-lieu pursuant to this subsection, all adjacent parcels under common ownership shall be considered. Parcels shall not be subdivided in order to avoid compliance with this Section.

(2) Land Dedication. Subject to Board approval, land may be dedicated in-lieu of providing workforce housing on-site under the following requirements:

- (i) The land must be conveyed to the Town or its designee;
- (ii) The land must be located within the Town of Mooresville's planning jurisdiction, and shall be suitable for development as determined by the Town Board;
- (iii) The value of land to be transferred in satisfaction of this alternative means of compliance and its suitability shall be determined, at the cost of the developer, by an independent certified appraiser and by such alternative and means of valuation as approved by the Town Board;
- (iv) Land deeded to the Town must be zoned as to allow construction of at least that number of dwelling units for which the obligation of constructing is being satisfied by the transfer of land. Land so deeded to the Town or its designee shall be of equivalent or greater value than the payment-in-lieu contribution that would be allowed under this Section; or, if the land is of lesser value, the transfer of the land shall be accompanied by a payment-in-lieu equivalent to the difference.
- (v) The land shall be served by adequate infrastructure (water, sewer, roads) to allow construction of residential dwelling units. The deed shall convey a fee simple interest, at no cost to the Town, without any liens or encumbrances.

(3) Dedication of Existing Units: Subject to Board approval, existing units may be dedicated as Workforce Dwelling Units in-lieu of providing workforce housing on site under the following requirements:

CHAPTER 5: USES STANDARDS

5.6 INCLUSIONARY HOUSING

5.6.5 Workforce Housing Plan

- (i) The off-site units must be restricted through covenants, contractual arrangements, or other restrictions as suitable Workforce Dwelling Units. The Town Attorney shall determine whether the form and content of the restrictions comply with this Section.
- (ii) The off-site units must be located within the Town of Mooresville's planning jurisdiction;
- (iii) The restriction of such existing units must result in the creation of units that are of equivalent value, quality, and size of the Workforce Dwelling Units that would have been constructed on-site if this alternative had not been utilized. Where a proposed development consists of ownership units, units created under this Section shall be ownership units.
- (iv) The value of dwellings units created pursuant to this Section as a way of meeting the Workforce Dwelling Unit requirement shall be determined, at the expense of the developer, by a certified appraiser or by such alternative means of valuation as approved by the Town Board.

(4) Alternative Plan. Subject to Board approval, an applicant may submit an alternative proposal that directly provides or enables the provision of workforce housing units within the Town, or ETJ, as contemplated by this Section.

5.6.5. Workforce Housing Plan

(1) Applicability. Applications made pursuant to this Section shall include a Workforce Housing Plan as described below. A Workforce Housing Plan describes how the application complies with each of the applicable requirements of this Section.

(2) Approval.

- (i) The Workforce Housing Plan along with the application must be considered together and both must be approved to become valid.
- (ii) Workforce Housing Plans that specify an alternative means of compliance through Land Dedication (Section 5.6.4(2)), Dedication of Existing Units (Section 5.6.4(3)), or Alternative Compliance (Section 5.6.4(4)), are subject to approval by the Board of Commissioners. All other Workforce Housing Plans made pursuant to this Section are subject to approval by the Planning Director.

(3) Contents. The Workforce Housing Plan shall include at least all of the following:

- (i) General information about the nature and scope of the development subject to these regulations.
- (ii) For applicants that request an alternative to on-site provision of workforce housing, evidence that the proposed alternative will further workforce housing opportunities in the Town to an equivalent or greater extent than compliance with the otherwise applicable on-site requirements of this Section.
- (iii) The total number and location of market rate units and Workforce Dwelling Units in the development.
- (iv) The number of bedrooms and bathrooms in each unit.
- (v) The approximate square footage of each unit.
- (vi) The approximate location within any development of each Workforce Dwelling Unit.
- (vii) The pricing or rent for each Workforce Dwelling Unit. The pricing or rent of each unit shall be determined at time of approval.
- (viii) The order of completion or phasing of the market rate versus Workforce Dwelling Units.
- (ix) Documentation and specifications regarding the interior and exterior appearance, materials and finishes of the development for the entire project.
- (x) Documentation of features incorporated into the design of the Workforce Dwelling Units that accommodate lifelong living and aging in place. Examples of such features, also referred to as components of "Universal Design," are elements that provide increased accessibility to and throughout the dwelling such as accessible points of entrance to the dwelling, wider doorways, and bedrooms accessible without steps.
- (xi) Any and all other information that the Planning Director may require that is needed to achieve the Board's Workforce Housing Goals.

5.6.6. Recorded Agreements, Conditions and Restrictions

CHAPTER 5: USES STANDARDS

5.6 INCLUSIONARY HOUSING

5.6.6 Recorded Agreements, Conditions and Restrictions

- (1)** A Workforce Housing Performance Agreement shall be executed between the Town and the Applicant, in a form approved by the Town Attorney, based on the Workforce Housing Plan described in Section 5.6.5, which formally sets forth development approval and requirements to achieve workforce housing in accordance with this ordinance. The Agreement shall identify:
- (i) the location, number, type, and size of Workforce Dwelling Units to be constructed;
 - (ii) sales and/or rental terms;
 - (iii) occupancy requirements;
 - (iv) a timetable for completion of the units;
 - (v) restrictions to be placed on the units to ensure their Permanent Affordability;
 - (vi) any land to be conveyed as part of compliance with these requirements, including a description of the land to be conveyed, its fair market value, and the time at which the land will be conveyed;
 - (vii) any payment-in-lieu shall identify the amount to be paid and the time of payment.
 - (viii) the long-term management strategy for the project.
- (2)** The applicant or owner shall execute any and all documents deemed necessary by the Planning Director, including, without limitation, restrictive covenants and other related instruments, to ensure the Permanent Affordability of the workforce housing units in accordance with this Section. Any deed conveying title to the Workforce Dwelling Unit shall reference the restrictions and state that the property is income restricted.
- (i) The applicant or owner must prepare and record all documents, restrictive covenants, and/or agreements that are specified by the Town as conditions of approval of the application prior to issuance of a Zoning Compliance Permit for any development subject to this Section.
 - (ii) Documents described above shall be recorded in the Iredell County Register of Deeds and shall create an obligation that runs with the land.

Amended May 7, 2018 (TA 2018-04)

Chapter 6: Building Form Standards

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CHAPTER 6: BUILDING FORM STANDARDS

6.1 PURPOSE AND INTENT

The purpose for this section is to establish the requirements for building form, or external building design, for new and redeveloped structures constructed within the Town's jurisdiction. These standards are proposed not to promote the replication of the existing built form of Mooresville, but rather to encourage new imaginative design that helps to better define the Town's "sense of place" while also helping to maintain compatibility and continuity with existing development form and configuration. More specifically, the purposes of this section are to:

- (1)** Encourage high quality development as a strategy for investing in the Town's future;
- (2)** Emphasize the Town's unique community character;
- (3)** Maintain and enhance the quality of life for the Town's citizens;
- (4)** Promote housing diversity, variety, and choice;
- (5)** Shape the Town's appearance, aesthetic quality, and spatial form;
- (6)** Protect and enhance property values; and
- (7)** Encourage a pedestrian-oriented built environment.

6.2 APPLICABILITY

Unless exempted in accordance with Section 6.3, Exemptions, or modified in accordance with the standards in Section 2.3.6, Modification of Architectural Standard, the standards in this section shall apply to all development in Town's jurisdiction.

6.3 EXEMPTIONS

The following forms of development are exempted from the requirements of this section:

6.3.1. Changes of Use

Changes of use or redevelopment of a lawfully established existing structure provided the total cost of all construction (including labor and materials) does not exceed 50 percent of the structure's assessed value at the time of construction;

6.3.2. Historic Structures

Structures located within a national or local historic district or local landmark designations;

CHAPTER 6: BUILDING FORM STANDARDS

6.4 CONFLICT WITH OTHER STANDARDS

6.3.3 Utilities

6.3.3. Utilities

Uses listed in the Utilities Use Category (see Section 5.3.2(2));

6.3.4. Agricultural Uses

Agricultural uses and stables; and

6.3.5. Uses without Habitable Structures

Uses without habitable structures such as surface parking lots (as a principal use), golf courses, driving ranges, parks, athletic fields, and similar uses.

6.3.6. One- and Two-Family Dwellings (Including Townhomes)

Pursuant to the provisions of NCGS 160A-381(h) any structure regulated by the North Carolina Residential Code for one-or two-family dwellings (including townhomes) shall be exempted from the following building design requirements:

- (1)** Exterior building color
- (2)** Type or style of exterior cladding material
- (3)** Style or materials of roof or porches
- (4)** Exterior nonstructural , architectural ornamentation
- (5)** Location or architectural style of windows or doors (including garage doors)
- (6)** Number, type, or interior layout of rooms

Any design standard not specifically exempted in this subsection nor in NCGS 160A-381(h) shall conform with the design standards in this Chapter.

6.4 CONFLICT WITH OTHER STANDARDS

6.4.1. Conflict with Overlay Standards

In the event the standards of this section conflict with the overlay district standards in Chapter 4: Overlay District Standards, the standards in Chapter 4 shall control.

6.4.2. Conflict with Other Provisions in this Ordinance

In the event the standards of this section conflict with any other provision of this Ordinance, the more stringent provisions shall control.

6.4.3. Conflict with Other Town Standards

In the event the standards in this section conflict with any Town standard not included within this Ordinance, the more restrictive standard shall control.

6.5 HOW TO USE THESE STANDARDS**6.5.1. Application of Standards**

This section includes standards that address the form and configuration of new structures and substantial redevelopment of existing structures. The General Form Standards in Section 6.6 are applied to all new structures subject to the requirements of this section. In addition to the General Form Standards, there are a series of nine different sets of Specific Building Form Standards that are applied based upon the type of structure being built or redeveloped. The allowable type(s) of Specific Building Form standards are established in the Use Table (see Section 5.1.4, Table of Allowed Uses) based on the Use Type and the base zoning district where it is located. In cases where a single Building Form is listed, then new development shall be built according to the standards for that Building Form. In some cases, more than one type of Specific Building Form may be allowable for a particular Use Type, and in these cases, the applicant may select the desired Building Form from the options identified in the Use Table. For example, live/work dwellings are a permitted use in the RMX District, but must be configured using the Shopfront Building Form standards if located within the RMX District; live/work dwellings are also a permitted use in the TND-C District, but they may be configured using either the Attached Residential or Shopfront Building Form Standards. Applicants seeking to develop a live/work dwelling within the TND-C District may follow either the Attached Residential Building Form requirements or the Shopfront Building Form requirements in that district.

6.5.2. Modification of Architectural Standard

Section 2.3.6, Modification of Architectural Standard, includes a procedure that allows an applicant to request a minor deviation from the General Building Form Standards and the Specific Building Form Standards on a case-by-case basis during the development review process.

6.5.3. Sequential Re-Use and Redevelopment of Existing Structures

In cases where multiple changes of use, redevelopment, or other forms of construction are completed on the same existing structure over a five-year period, the assessed value amount used to determine the applicability of the standards in this section shall be the assessed value figure in place at the time of the initial change of use, redevelopment, or other construction.

CHAPTER 6: BUILDING FORM STANDARDS

6.6 GENERAL FORM STANDARDS

6.5.4 Time of Review

6.5.4. Time of Review

Review of proposed development to ensure compliance with the standards of this section shall occur at the time of Concept Plan (Section 2.3.8), Site Plan (Section 2.3.9), or Subdivision Preliminary Plat (Section 2.3.10) review, whichever occurs first.

6.6 GENERAL FORM STANDARDS

Except in the HB, GI, and EI districts or where otherwise provided in this section, all buildings shall comply with the following standards. In the event of conflict between these standards and the Specific Building Form Standards, the Specific Building Form standards shall control.

6.6.1. Frontage

For multi-building nonresidential, multi-family, or townhouse developments, the primary facade of all buildings shall front directly onto a street or open space area.

6.6.2. Orientation

Development shall be parallel to the street it fronts, or built to condition, or be consistent with existing development patterns rather than being sited at unconventional angles.

6.6.3. Architectural Front

Except for structures in multi-building developments, at least one architectural front shall be provided on the façade facing the primary street the structure fronts. For the purposes of this section, the primary street shall be the street from which a structure derives its street address. Buildings on corner lots are encouraged to locate the architectural front on the building corner closest to the adjacent street intersection.



Figure 6.6.3: Corner Entrance. This photograph depicts how a corner building should locate its architectural front adjacent to the street corner.

6.6.4. Windows

Except for the storefront portion of a Shopfront Building or unless an alternative arrangement is justified based upon historical precedent, doors and windows on front building facades shall be vertically oriented (i.e., the vertical dimension is greater than the horizontal dimension) and vertically aligned between floors.

(amended 12/1/2008, TA-2008-25)

6.6.5. Materials**(1) Prohibited Materials**

The following materials shall be prohibited from off-site view:

- (A)** Corrugated metal siding;
- (B)** Exposed smooth-finish concrete block; or
- (C)** Synthetic stucco within 18 inches of the grade.

(2) Solar

Solar Energy integrated building materials are encouraged in all zoning districts. Solar Energy Systems that are roof-mounted are permitted on all building forms, but may be restricted as to the roof location per HOA or Ownership Association covenants in place prior to this Ordinance, per Historic Districts, and Neighborhood Overlay Districts.

(3) Arrangement

- (A)** 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).
- (B)** Material changes shall occur along a horizontal line or where two forms meet; material changes may occur as accents around windows, doors, cornices, at corners, or as a repetitive pattern.
- (C)** 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.

6.6.6. Compatibility

- (1)** Except within the TND-C, VC, and TC Districts, building forms on lots that front across a street from one another shall be similar in scale form and massing, to the maximum extent practicable.

CHAPTER 6: BUILDING FORM STANDARDS

6.7 SPECIFIC BUILDING FORM STANDARDS

6.6.7 All Accessory Structures

- (2)** Structures on corner lots shall maintain consistent average setbacks with buildings on either side regardless of the building form used.
- (3)** Infill development shall utilize the same building form as development on either side, to the maximum extent practicable.

6.6.7. All Accessory Structures

- (1)** Accessory structures All Accessory Structures shall be of the same or complementary materials as the principal structure(s) and the architectural style of the Accessory Structure shall be compatible or complementary to that of the principal structure(s). Building elevations and/or a materials list will be required for approval by the Staff.

6.7 SPECIFIC BUILDING FORM STANDARDS

In addition to the general building form requirements (see Section 6.6, General Building Form Standards), uses subject to the requirements of this section shall comply with the following specific form standards (as applicable).

6.7.1. Detached House Building

The Detached House Building is the most common building form in the Town. It is flexible in use (where permitted) accommodating single-family uses, live/work uses, home occupations, professional offices, and very low intensity retail uses. The uses permitted within a building are determined by the base and overlay zoning districts in which it is located.

(1) Orientation

Except on lots fronting arterial streets, all structures using the Detached House Building Form on lots within the RMX, TND-C, NMX, VC, and TC Districts shall comply with the following standards:

- (A)** Reverse frontage shall be prohibited, except where the lot fronts either Williamson Road, Highways 150, 152, 3, 115, or US 21. Where allowed, reverse frontage lots shall be screened with a berm and landscaping but shall not be screened with opaque fencing;
- (B)** Lots along the perimeter of a residential subdivision shall be oriented so that the front of the dwelling will face the perimeter streets instead of backing up to streets around the outside of the subdivision;

- (C) Residential subdivisions shall not be designed to circumvent the intent of this subsection through the use of open space or other lands located between perimeter lot lines and adjacent public street rights-of-way located outside the subdivision.

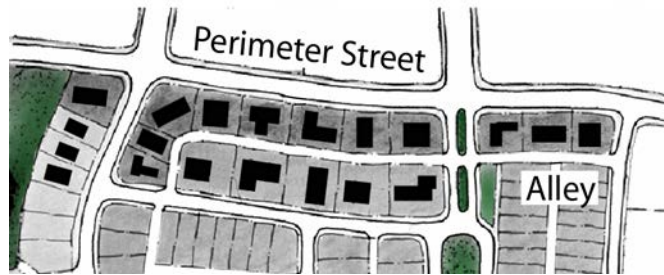


Figure 6.7.1.1: Reverse Frontage Alternative. This diagram illustrates an alternative to reverse frontage through the use of alleys.

(2) Roofs and Overhangs

- (A) To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from an adjacent street.

(3) Foundations

- (A) The finished floor elevation shall be designed to allow for positive drainage flow of water away from any structure on the lot

(amended 7/7/2008, TA-2008-1)

6.7.2. Mansion Apartment Building

The Mansion Apartment is a building form that accommodates between two and six dwelling units within a structure designed to appear as a typical single-family detached home. It is intended for use by multi-family buildings with six or fewer units, and small-scale Family Care Homes. The uses permitted within a building are determined by the base and overlay zoning districts in which it is located.

(amended 10/5/2015, TA-2015-11)

CHAPTER 6: BUILDING FORM STANDARDS

6.7 SPECIFIC BUILDING FORM STANDARDS

6.7.2 Mansion Apartment Building



Figure 6.7.2.1: Mansion Apartment Buildings.

(1) Compliance with Design Standards

Structures using the Mansion Apartment Building Form shall be subject to the following standards.

(2) Maximum Number of Units

Structures using the Mansion Apartment Building Form shall be limited to a maximum of six dwelling units.

(3) Maximum Length

The maximum length of any structure using the Mansion Apartment Building Form, regardless of the quantity of dwellings, shall be 200 feet.

(4) Architectural front

Regardless of the number of dwelling units, all structures using the Mansion Apartment Building Form shall include at least one single primary entrance on the front façade. Nothing in this subsection shall limit the ability of each dwelling unit to have a secondary form of ingress or egress on side or rear facades.

(5) Façade Design

- (A)** All sides of a structure using the Mansion Apartment Building Form 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 a single structure using the Mansion Apartment Building Form, including roof forms, siding materials, windows, doors, and trim shall reflect a consistent architectural style.



Figure 6.7.2.2 Façade Design. This photograph depicts a Mansion Apartment with similar levels of architectural details on each façade facing a street.

(6) Garages

Any street-facing garage serving a structure using the Mansion Apartment Building Form shall be recessed behind the front façade of the building and shall not visually or architecturally dominate the front façade elevation.

(7) 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 structure using the Mansion Apartment Building Form shall:

- (A)** Be fully screened from view, or located to the sides or rear of the structure they serve; and
- (B)** Be placed in close proximity to one another.

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6.7.3 Attached Residential Building

(8) Driveways and Off-Street Parking Areas

- (A)** Except on corner lots, all structures using the Mansion Apartment Building Form 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 a structure using the Mansion Apartment Building Form and the street it fronts.
- (C)** Off-street parking areas (including access and travel ways) located to the side of a building shall not occupy more than 30 percent of the lot's frontage.

(9) Multiple-Building Developments

Developments with two or more structures using the Mansion Apartment Building Form shall incorporate different surface materials, differing heights, and differing window and door placement on the front façade of each structure along the same block face.

6.7.3. Attached Residential Building

The Attached Residential Building Form includes residential dwelling units arranged in two different styles: Townhouse-style or Apartment-style. The Townhouse-style Attached Residential Building includes residential dwelling units that are located side-by-side, and each unit is located on its own lot. The Apartment-style Attached Residential Building includes multiple dwelling units in a stacked configuration where units are located side-by-side and one atop the other. Dwelling units within an Apartment-Style Attached Residential Building may be for rental or for condominium ownership, but such units are not located on individual lots. Townhouse-style and Apartment-style uses may be mixed within a single development. The uses permitted within an Attached Residential Building are determined by the base and overlay zoning districts where it is located.

(1) Frontage and Orientation

(A) Single-Building Developments

Development composed of a single structure using the Attached Residential Building Form shall comply with the frontage and orientation standards in Section 6.6, General Form Standards.

(B) Multi-Building Developments

The primary entrance and front façade of individual buildings within a multi-building development shall be oriented towards the following (listed in priority order):

- (i) Perimeter streets;
- (ii) Primary internal streets;
- (iii) Parks or other common open space; and
- (iv) Secondary internal streets.

Primary entrances or facades shall not be oriented towards off-street parking lots, garages, or carports.

(2) Maximum Size

- (A)** No more than six side-by-side townhouse-style dwelling units shall be attached in any single row within a single building.
- (B)** Except for structures using the Attached Residential Building Form on lots within the TND-C, TC, and VC Districts, buildings located within 100 feet of lands occupied by or designated solely for single-family detached residential development shall not exceed three stories.

(3) Materials

- (A)** Exterior building walls of structures using the Apartment-Style Building Form 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.
- (B)** Structures using the Apartment-Style Building Form shall have roofs clad in wood shingles, standing seam metal, slate, asphalt shingles or similar material or combination of materials.
- (C)** Accessory buildings for Apartment-Style developments shall be constructed out of similar materials as used on the principle structure(s).

(4) Porches & Balconies

Porches and balconies for Apartment-Style developments shall be configured to avoid views into rear yards of lots containing single-family detached dwellings to the maximum extent practicable.

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6.7.3 Attached Residential Building

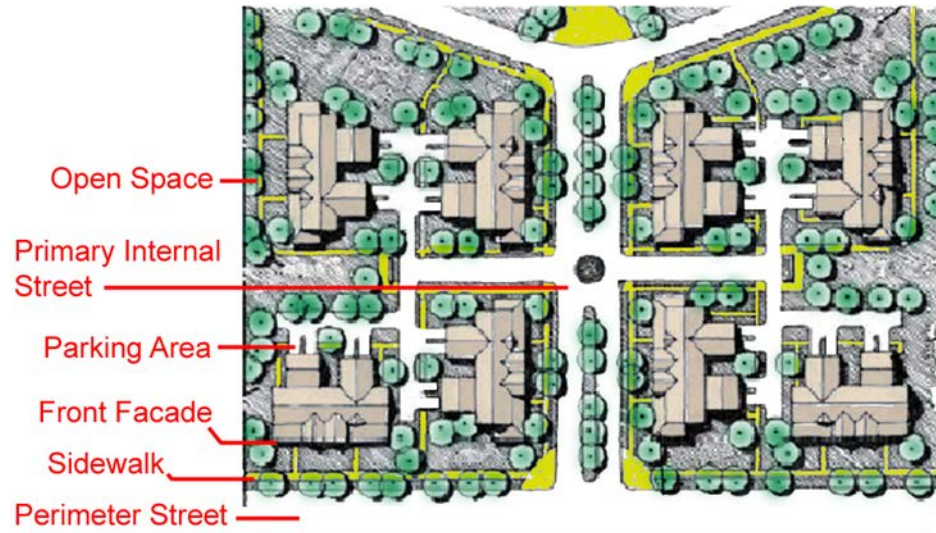


Figure 6.7.3.2: Multi-Building Orientation. This graphic demonstrates orientation options for buildings in a multi-building development.

(5) Roofs for Apartment-Style Developments

- (A)** Except on lots within the TND-C, TC, and VC Districts, roofs covering the main body of a structure using the Attached Residential Building Form shall be symmetrical gables, hip-style, or monopitch- (shed) style, but alternative roof forms or pitches may be used over porches, entryways, and similar features.
- (B)** Structures using the Attached Residential Building Form within the TND-C, TC, and VC Districts may utilize flat roofs provided the roof and any roof-mounted equipment is fully screened by a parapet wall that includes a three-dimensional cornice treatment.
- (C)** Monopitch roofs shall maintain a minimum pitch of 4:12.
- (D)** Gable and hip-style roofs shall maintain a minimum roof pitch of 6:12.
- (E)** Roof forms shall be designed to correspond and denote building elements and functions such as entrances and arcades.
- (F)** To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from an adjacent street.

(6) Foundations

Foundations associated with a structure using the Attached Residential Building Form shall comply with the standards in Section 6.7.1(3), Foundations.

(7) Facades for Apartment-Style Developments

(A) All elevations of structures using the Attached Residential Building Form visible from a street shall provide doors, porches, balconies, or windows in the following amounts:

- (i) A minimum of 60 percent of front elevations; and
- (ii) A minimum of 30 percent of side and rear building elevations.

(B) For the purposes of this subsection, a building elevation shall include the entire wall surface on a building side from grade level to underneath an overhanging eave or to the top of a cornice.

(C) For the purposes of this section, an elevation is measured as the full horizontal distance of a façade wall from the grade to the underside of an overhanging eave or cornice.

(D) Facades of structure using the Attached Residential Building Form facing streets or containing the architectural front(s) to dwellings shall provide a minimum of three of the following design features for each residential unit fronting onto a street:

- (i) Projections or recesses in the façade plane every 30 feet (with a minimum depth of two feet);
- (ii) Different exterior building materials or colors;
- (iii) Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features);
- (iv) One or more dormer windows, cupolas, turrets, or towers;
- (v) A recessed entrance;
- (vi) A covered porch or balcony;
- (vii) Pillars, posts, or pilasters;
- (viii) One or more box or bay windows with a minimum twelve-inch projection from the façade plane;
- (ix) Eaves with exposed rafters or a minimum six-inch projection from the façade plane;
- (x) A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
- (xi) Multiple windows with a minimum four-inch wide trim.

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6.7 SPECIFIC BUILDING FORM STANDARDS

6.7.3 Attached Residential Building

(8) Garages and Driveways

- (A)** Garages or car ports serving structures using the Attached Apartment-Style Residential Building Form shall be located to the side or rear of such buildings, and shall be oriented perpendicular to the primary streets located around the perimeter of the development.
- (B)** Driveways serving structures using the Townhome-Style Residential Building Form shall be located in the rear of the building and shall serve the rear of building. Such driveways shall be oriented perpendicular to the primary streets, drive aisle, or accessway located around the perimeter of the development.
- (C)** Notwithstanding (B), a development utilizing the Townhome Style Residential Building Form that is located in the Town Center Zoning District may have a driveway located in front of the building with a garage door in the front façade of the building, provided that:
 - (i)** The total area of the development in which the Townhomes Style Residential Building is located is less than two acres, and
 - (ii)** The street on which the building fronts is an internal street, and
 - (iii)** The front-loaded residential garage is consistent with the architecture and design of the principal building.
- (D)** Townhomes facing a street classified as a minor thoroughfare street must be rear loaded with the front façade facing the thoroughfare street.

(9) Off-Street Parking Location

- (A)** Except for lots fronting an arterial street, no off-street surface parking shall be located between a structure using the Apartment-Style Residential Building Form and the street it fronts.
- (B)** Structures using the Apartment-Style Residential Building Form located on lots fronting an arterial street (outside the TC and VC Districts) may have up to 30 percent of the total off-street parking provided located between the structure and the street it fronts.
- (C)** Lots containing a structure using the Attached Residential Building Form within the TC and VC Districts shall not have off-street surface parking between the structure and the street it fronts regardless of the street type.

- (D)** Off-street surface parking (including access and travel ways) located on the side of a structure using the Apartment-Style Residential Building Form shall not occupy more than 30 percent of the lot's street frontage.

6.7.4. Civic Building

The Civic Building Form is a specialized building type intended to serve as public meeting space and support institutional uses such as governmental offices, schools, libraries, government centers, post offices, or civic clubs and organizations.



Figure 6.7.4: Civic Building Form Examples.

(1) Orientation

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6.7.4 Civic Building

- (A)** The building side containing the architectural front shall be oriented to the street from which the building obtains its street address.
- (B)** Accessory buildings shall be located behind the front facade of the principal structure, and arranged to create secondary gathering space within the lot.

(2) Location

- (A)** Structures using the Civic Building Form are encouraged to locate on lots that terminate a street vista or other significant view.
- (B)** Except where exempted, structures using the Civic Building Form shall be located to terminate a vista or reinforces the significance of the building. Lots within the R-2, HB, GI, EI Districts, and lots fronting an arterial street are exempt from this standard.

(3) Materials

- (A)** The primary exterior treatment of walls on a structure using the Civic Building Form shall be brick, cast concrete, stone, marble, or other materials similar in appearance and durability. Regular or decorative concrete block, EIFS-type stucco, cementitious fiber board, or wood clapboard may be used on the front building façade as a secondary treatment or trim not a primary treatment. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
- (B)** Exposed sloped roofs of structures using the Civic Building Form shall be clad in slate, standing seam metal, corrugated metal, or asphalt shingles, or other material similar in appearance and durability.
- (C)** Gutters and down spouts shall be made of copper or galvanized painted metal or other material similar in appearance and durability.
- (D)** Low sloped non-exposed roof forms shall be drained by interior means and shall not use down spouts.
- (E)** In addition to the materials listed in (A), structures located within the R-2, R-3, and R-5 zoning districts may also be clad in cementitious fiberboard, wood clapboard, stone or stucco veneer or other similar materials as a primary treatment when the Civic Building Form is required.

(amended 12/6/2010, TA-2010-18)

(4) Facades

- (A)** Side and rear facades on structures using the Civic Building Form, if visible from a street, shall have a similar architectural treatment as utilized on the primary or front façade.
- (B)** Blank building walls facing streets are prohibited.
- (C)** Stained glass or other decorative window treatments are encouraged.

(5) Roofs

- (A)** Structures using the Civic Building Form and located within 100 feet of single-family detached structures shall:
 - (i)** Be limited to a maximum of two stories or 25 feet in height; and
 - (ii)** Have pitched roofs or similar architectural features to ensure compatibility.
- (B)** All rooftop equipment shall be screened from view.

(6) Off-Street Parking

- (A)** Except on lots fronting arterial streets, no off-street parking associated with a structure using the Civic Building Form shall be located between the front façade and the primary street it fronts.
- (B)** Structures using the Civic Building Form located on lots fronting an arterial street (outside the TC and VC Districts) may have up to 40 percent of the total off-street parking provided located between the structure and the street it fronts.
- (C)** Lots containing a structure using the Civic Building Form within the TC and VC Districts shall not have off-street surface parking between the structure and the street it fronts regardless of the street type.
- (D)** Structures using the Civic Building Form on lots over three acres shall provide at least 90 percent of the required off-street parking on site.

(7) Loading and Service Areas

Loading and service areas shall not front a street right-of-way, and shall be screened in accordance with the standards in Section 7.2.9, Screening.

6.7.5. Shopfront Building

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6.7 SPECIFIC BUILDING FORM STANDARDS

6.7.5 Shopfront Building

The Shopfront Building Form is typically employed on small-scale structures intended to accommodate a variety of uses, including a ground-level storefront on one or more facades. Shopfront Buildings can be used by retail or service uses such as a neighborhood store or dry cleaners within and in close proximity to residential neighborhoods. Multi-story structures using the Shopfront Building Form can accommodate live/work dwellings and vertically-integrated mixed-uses over ground-floor nonresidential uses. The uses permitted within a structure using the Shopfront Building Form are determined by the base and overlay zoning districts in which it is located.



Figure 6.7.5.1: Shopfront Building Examples.

(1) Residential Uses

If live/work units or residential uses are included with commercial uses in a structure using the Shopfront Building Form, the residential portion of the structure shall conform to the North Carolina Commercial Building Code to permit future conversion to a non-residential use.

(2) Retail Uses

Retail uses within a structure using the Shopfront Building Form shall be located only on the ground floor.

(3) Orientation

The front façade of a structure using the Shopfront Building Form shall be oriented to the primary street it fronts.

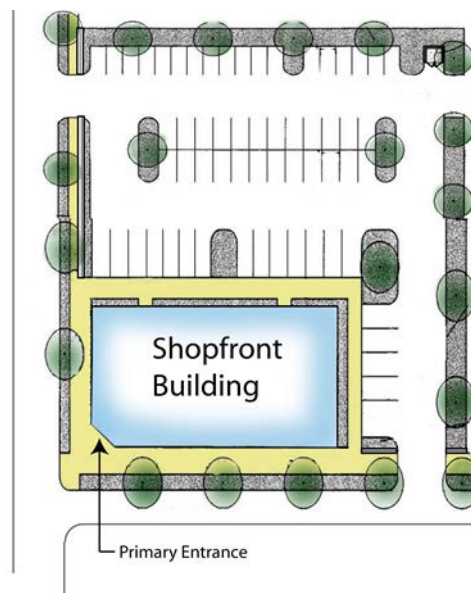


Figure 6.7.5.2: Shopfront Building Orientation. This diagram depicts Shopfront Building placement and entrance location.

(4) Location

- (A) Except on lots fronting arterial streets, structures using the Shopfront Building Form shall be built to the edge of the street-right-of-way. In the case of corner lots, the structure shall be built to both street rights-of-way.
- (B) Structures using the Shopfront Building Form located on lots fronting arterials (except within the TC and VC Districts) shall be setback from the street right-of-way a distance within 25 percent of the average front setback for structures along the same block face.
- (C) Lots containing a structure using the Shopfront Building Form within the TC and VC Districts shall be built to the edge of the street right-of-way regardless of the street type.

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6.7.5 Shopfront Building

(5) Architectural front

A principal, functional doorway for public or direct-entry access into a building shall be from the fronting street. Corner entrances shall be provided on corner lot buildings or have dual entries. A secondary entrance may be oriented towards off-street surface parking.

(6) Materials

- (A)** The primary exterior treatment of walls on a structure using the Shopfront Building Form shall be brick, cast concrete, stone, marble, or other materials similar in appearance and durability. Regular or decorative concrete block, float finish stucco, EIFS-type stucco, cementitious fiber board, or wood clapboard may be used on the front façade as a secondary treatment or trim but shall not be a primary treatment. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
- (B)** Pitched roofs on structures using the Shopfront Building Form shall be clad in wood shingles, standing seam metal, corrugated metal, slate, asphalt shingles, or similar material.

(7) Facades

- (A)** Structures using the Shopfront Building Form with front façades of 60 feet in width or more shall incorporate one or more of the following details:
 - (i)** Wall offsets of at least one foot in depth and 10 feet in width a minimum of every 40 feet;
 - (ii)** Façade color changes following the same dimensional standards as the offset requirements;
 - (iii)** Pilasters having a minimum depth of eight inches, a minimum width of eight inches, and a minimum height of 80 percent of the façade's height;
 - (iv)** Roofline changes coupled with correspondingly aligned façade material changes. (A stepped façade should have a corresponding step in the roof line).
 - (v)** Structures using the Shopfront Building Form shall include at least one storefront on the front façade.
 - (vi)** Structures using the Shopfront Building Form shall provide a building canopy, awning, or similar weather protection extending at least four feet from the façade, to the maximum extent practicable.

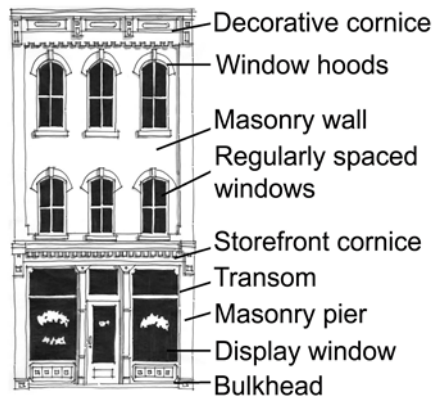


Figure 6.7.5.3: Shopfront Details. This diagram depicts some of the basic architectural components on the primary façade of a Shopfront building.

(8) Base and Top

All structures using the Shopfront Building Form with facades visible from a street shall have:

- (A)** A base course consisting of, but not limited to 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
- (B)** A top course consisting of, but not limited to 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.

(9) Glazing

- (A)** Structures using the Shopfront Building Form that are built to the edge of the street right-of-way or located within the TC and VC Districts shall comply with the following glazing requirements:
 - (i) At least 40 percent of the width of the street-level frontage shall be occupied by windows or doorways.
 - (ii) All street-level windows shall be visually permeable.
 - (iii) Mirrored, shadow, or display glasses are prohibited.
 - (iv) Front facade walls shall include a window or functional articulation a minimum of 25 percent of the building façade.
 - (v) Windows should be set to the inside of the building face wall.

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6.7.5 Shopfront Building

- (B)** Structures using the Shopfront Building Form that are located on lots fronting arterial streets (outside the TC and VC Districts) shall be subject to the same glazing requirements in (A) above, except that the minimum amount of glazing required shall be 30 percent of the width of the street-level frontage.

(10) Roofs

- (A)** Flat or low-pitched roofs with parapet walls are encouraged on structures using the Shopfront Building Form on lots within the TND-C, TC, and VC Districts.
- (B)** All rooftop equipment shall be screened from view from any adjoining street.

(11) Off-Street Parking

- (A)** Except for lots fronting arterial streets, no off-street parking associated with a structure using the Shopfront Building Form shall be located between the front façade and the primary street it fronts.
- (B)** Structures using the Shopfront Building Form located on lots fronting an arterial street (outside the TC, VC, CMX, and NMX Districts) may have up to 25 percent of the total off-street parking provided it is located between the structure and the street it fronts.
- (C)** Lots containing a structure using the Shopfront Building Form within the TC, VC, CMX, and NMX Districts shall not have off-street surface parking between the structure and the street it fronts regardless of the street type.

(12) Loading and Service Areas

Loading and service areas shall not front a street right-of-way, and shall be screened in accordance with the standards in Section 7.2.9, Screening.

(13) Drive-Through Facilities

- (A)** Where permitted, drive-through facilities associated with a structure using the Shopfront Building Form shall:
 - (i)** Be prohibited along any side with street frontage; and
 - (ii)** Be covered with a roof that mirrors the roof form of the principal structure;
 - (iii)** Be architecturally integrated with the building; and
 - (iv)** Allow remote drive-through structures so long as they are located to the rear of the property.

(amended 11/3/2008, TA-2008-19)

6.7.6. Workplace Building

The Workplace Building Form is a flexible building style intended for a variety of nonresidential and employment-related uses. It is flexible in use (where permitted), accommodating offices, limited retail, light manufacturing, warehouse, and other employment-related uses. The uses permitted within a building are determined by the base and overlay zoning districts in which it is located.



Figure 6.7.6.1: Workplace Building Examples.

(1) Orientation

- (A) In cases where a structure using the Workplace Building Form includes office uses along the front façade, such offices shall front the primary street.
- (B) In no instance shall a gasoline or fuel sales use associated with a structure using the Workplace Building Form be located adjacent to a street intersection.
- (C) Developments on arterial streets with multiple structures using the Workplace Building Form shall be configured in a manner that breaks the site into a series of smaller “blocks” defined by on-site streets, vehicle accessways, pedestrian walkways, or other circulation routes.

(2) Architectural front

Structures using the Workplace Building Form shall have clearly-defined, highly visible architectural fronts that include at least two of the following design features:

- (A) Canopies/porticos above the entrance;
- (B) Roof overhangs above the entrance;

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6.7.6 Workplace Building

- (C) Entry recesses/projections;
- (D) Raised corniced parapets above the entrance;
- (E) Gabled roof forms or arches above the entrance; or
- (F) Architectural details, such as tile work and moldings, integrated into the building structure and above or directly adjacent to the entrance.

(3) Minimum Height

- (A) A structure using the Workplace Building Form may be one story in height only when:
 - (i) It is located on a lot fronting an arterial street outside of the TC or VC Districts; or
 - (ii) No off-street parking is provided between the primary façade and the street it faces.
- (B) In no instance shall the building height exceed two stories or 35 feet in height when located within 100 feet of existing single-family detached dwellings.

(4) Materials

- (A) All exterior walls on a structure using the Workplace Building Form visible from a street shall be brick, cast concrete, stucco, float finish, EIFS, stone, marble, or other materials similar in appearance and durability. Decorative concrete masonry unit and EIFS may be used as an accent material only.
- (B) Pitched roofs serving a structure using the Workplace Building Form shall be clad in wood shingles, standing seam metal, corrugated metal, slate, diamond tab asphalt shingles or similar material.

(5) Facades

Buildings shall be constructed (through the use of materials, design elements, or architectural details) to emphasize the proportion of height to width so that building facades are vertically oriented.

(6) Base and Top

Structures using the Workplace Building Form shall be configured with a clearly-recognizable base, middle, and top configured in accordance with the following standards:

(A) Building bases shall incorporate one or more of the following features:

- (i) Thicker walls, ledges, or sills;
- (ii) Integrally-textured materials such as stone or other masonry;
- (iii) Integrally-colored and patterned materials such as smooth-finished stone or tile; or
- (iv) Lighter or darker colored materials, mullions, or panels.

(B) Building tops shall include two or more of the following features:

- (i) Three-dimensional cornice treatments with integrally-textured materials such as stone or other masonry or differently colored materials;
- (ii) Sloping roof with overhangs and brackets;
- (iii) Stepped parapets; or
- (iv) Aligned openings and articulations.



Figure 6.7.6.2: Base, Middle, and Cap. This photograph depicts how Workplace Buildings should have a discernible base, middle, and cap.

(7) Glazing

- (A)** At least 40 percent of the width of street level frontage shall be occupied by windows or doorways.
- (B)** All street-level windows shall be visually permeable.

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6.7.6 Workplace Building

(C) Windows shall be set to the inside of the building face wall.

(8) Roofs

(A) All rooftop equipment associated with a structure using the Workplace Building Form shall be screened from view from all streets.

(B) Skylights shall be flat (non-bubble).

(9) Off-Street Parking

(A) Except for lots fronting arterial streets, off-street surface parking associated with a structure using the Workplace Building Form shall be limited to a maximum of 40 percent of the total off-street parking located between the front façade and the primary street it fronts.

(B) Lots containing a structure using the Workplace Building Form within the TC and VC Districts shall be limited to a maximum of 25 percent of the off-street parking provided located between the front façade and the primary street, regardless of the street type the lot fronts.

(C) Nothing in this subsection shall be construed to supersede the Minimum Height standards in Section 6.7.6(3).

(10) Loading and Service Areas

Loading and service areas shall not front a street right-of-way, and shall be screened in accordance with the standards in Section 7.2.9, Screening.

(11) Drive-Through Facilities

(A) Structures using the Workplace Building Form that include drive-through facilities shall be prohibited within TND-C, TC, and VC Districts.

(B) Where permitted, drive-through facilities associated with a structuring using the Workplace Building Form shall:

- (i) Be prohibited along any side with street frontage; and
- (ii) Covered with a roof that mirrors the roof form of the principal structure; and
- (iii) Be architecturally integrated with the building.
- (iv) Allow remote drive-through structure so long as they are located to the rear of the property.

(amended 11/3/2008, TA-2008-19)

(12) Pedestrian Circulation

Structures using the Workplace Building Form shall provide full pedestrian access across the front facade in the form of a sidewalk at least six to eight feet wide.

6.7.7. Commercial/Retail Building

The Commercial/Retail Building Form is specifically designed for small and moderate scale commercial and retail uses, including automobile-oriented uses typically found in shopping areas and along major thoroughfares. This building type provides convenient automobile access from the fronting thoroughfare, while minimizing the negative impacts of parking lots upon the pedestrian. The uses permitted within a building are determined by the base and overlay zoning districts in which it is located.

(1) Compliance with Large Retail Standards

Structures using the Commercial/Retail Building Form that are larger than 60,000 square feet shall also comply with the Large Retail Building Form standards in Section 6.7.8.

(2) Orientation

(A) Single Building Development

Development composed of a single structure using the Commercial/Retail Building Form shall be oriented so that the front façade faces the street from which the building derives its street address.



Figure 6.7.7.1: Commercial/Retail Building Examples.

(B) Multi-Building Development

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6.7.7 Commercial/Retail Building

Development composed of multiple buildings totaling 100,000 square feet or more and using the Commercial/Retail Building Form shall be configured to:

- (i) Break up the site into a series of smaller "blocks" defined by on-site streets, vehicle accessways, pedestrian walkways, or other circulation routes;
- (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;
- (iv) Frame and enclose on at least three sides of parking areas, public spaces, or other site amenities; or
- (v) Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings.

(C) Outparcel Development

- (i) To the maximum extent practicable, outparcels and their buildings shall be clustered in order to define street edges, entry points, and intimate spaces for gathering or seating between buildings.
- (ii) The even dispersal of outparcel sites in a widely-spaced pattern along streets is strongly discouraged.
- (iii) Spaces between buildings on outparcels shall be improved to provide small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, gathering spaces, or well-landscaped parking areas.

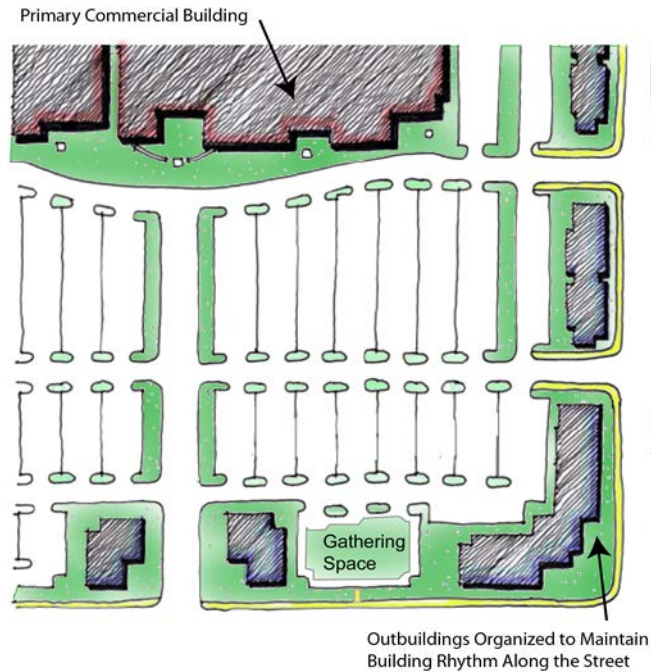


Figure 6.7.7.2 Outbuilding Configuration. This diagram depicts how outbuildings can be configured to define street and development edges.

(3) Architectural Fronts

Primary building entrances on structures using the Commercial/Retail Building Form 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;
- (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; or
- (E) Architectural detailing such as tile work and moldings integrated into the building structure.

(4) Unity

The architectural design within a single multi-building development of structures using the Commercial/Retail Building Form (including freestanding outparcel structures), shall be organized around a consistent architectural theme in terms of the character, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures shall adjust their

CHAPTER 6: BUILDING FORM STANDARDS

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6.7.7 Commercial/Retail Building

standard architectural model to be consistent with a development's architectural character.

(5) Materials

- (A)** Exterior building walls on structures using the Commercial/Retail Building Form shall be brick, cast concrete, stone, marble, or other materials similar in appearance and durability. 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.
- (B)** Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, asphalt shingles or similar material.

(6) Façades

- (A)** A building canopy, awning, or similar weather protection shall be provided along any storefronts, and should project a minimum of four feet from the façade.
- (B)** All outparcel structure facades should include a similar level of architectural detail and treatment consistent with the front façade.

(7) Glazing

Structures using the Commercial/Retail Building Form shall comply with the following glazing requirements:

- (A)** All street-level windows shall be visually permeable.
- (B)** Mirrored glass is prohibited.
- (C)** Front facade walls shall include a window or functional general access doorway a minimum of:
 - (i) Every 24 feet for structures of 40,000 square feet or less in size; and
 - (ii) Every 32 feet for structures larger than 40,000 square feet in size.
- (D)** Windows shall be set to the inside of the building face wall.

(8) Roofs

- (A)** Structures using the Commercial/Retail Building Form with a flat roof shall include parapet walls with a decorative three-dimensional cornice.
- (B)** All rooftop equipment shall be screened from view from all streets.

(9) Outdoor Gathering Spaces

Sites containing multiple structures using the Commercial/Retail Building Form, or a single structure using the Commercial/Retail Building Form over 100,000 square feet shall include an outdoor gathering space equal to five percent of the building area. Outdoor gathering spaces shall have direct access to the sidewalk and pedestrian walkway network, and shall provide at least three of the following features per space:

- (A) Lighted bollards;
- (B) Movable tables and chairs;
- (C) Fountains or other water features;
- (D) Benches;
- (E) Seat walls and/or raised landscape planters;
- (F) Shade trees lining the gathering space;
- (G) Pots or hanging baskets filled with seasonal plant material;
- (H) Information kiosks; or
- (I) Sculptures or other public art features.

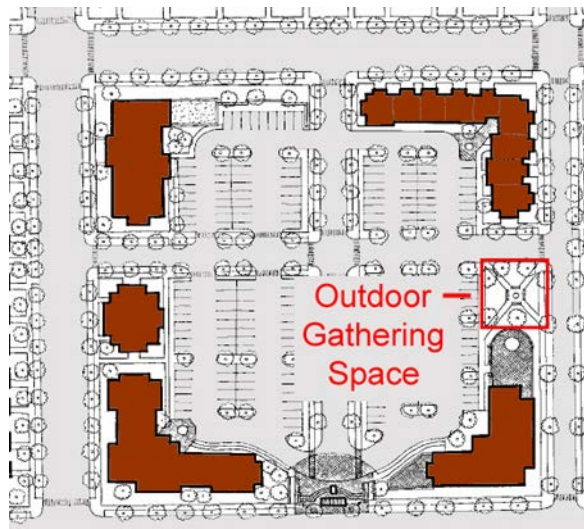


Figure 6.7.7.3: Gathering Space. This diagram shows how public gathering spaces can be configured as a destination point within a commercial development.

(10) Off-Street Parking

- (A) Except for lots fronting arterial streets or lots within the HB and CMX districts, off-street surface parking associated with a structure using the Commercial/Retail Building Form may have up to 15 percent of the parking located between the structure and the street it fronts.

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6.7.7 Commercial/Retail Building

- (B)** Structures using the Commercial/Retail Building Form located on lots fronting an arterial street (outside the TC and VC Districts) may have up to 60 percent of the total off-street parking located between the structure and the street it fronts.
- (C)** Lots within the HB and CMX Districts shall not be subject to limits on the percentage of parking in the front of the building, but shall site buildings to maintain a consistent front setback with adjacent structures. The amount of off-street surface parking shall be no greater than the amount of spaces on adjacent lots.
- (D)** Lots containing a structure using the Commercial/Retail Building Form within the TC and VC Districts shall place all parking to the sides or rear of the building.
- (E)** Surface parking lots of 100 or more spaces serving structures using the Commercial/Retail Building Form shall be organized into a series of parking bays or "rooms" surrounded by buildings, landscaping, or access ways designed to appear as streets.

(11) Side and Rear Loading and Service Areas

- (A)** Loading, service, and equipment areas serving structures using the Commercial/Retail Building Form shall be located in a manner that minimizes their visibility from off-site areas.
- (B)** Loading, service, and equipment areas that are associated with an outparcel structure should be screened through the use of structural elements and similar materials attached to and integrated with the building.

(12) Drive-Through Facilities

- (A)** Structures using the Commercial/Retail Building Form that include drive-through facilities shall be prohibited within the TND-C, TC and VC Districts.
- (B)** Where permitted, drive-through facilities associated with a structure using the Shopfront Building Form shall
 - (i)** Be prohibited along any side with street frontage.
 - (ii)** Be covered with a roof that mirrors the roof form of the principal structure.
 - (iii)** Be architecturally integrated with the building.
 - (iv)** Allow remote drive-through structures so long as they are located to the rear of property.

(amended 11/3/2008, TA-2008-19)

(13) Pedestrian Circulation

Developments containing structures using the Commercial/Retail Building Form shall comply with the following pedestrian standards:

- (A)** Continuous internal pedestrian walkways shall be provided to connect off-street surface parking areas with primary building entrances.
- (B)** At least one internal pedestrian walkway with a minimum width of five feet shall be provided from the on-site pedestrian network to the public sidewalk system. In the case of corner lots, a connection shall be made to the sidewalk of both streets.
- (C)** All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (D)** Internal pedestrian walkways are encouraged to connect with planned or existing private trail systems with a contiguous development.

(14) Compatibility with Single-Family Development

Structures using the Commercial/Retail Building Form located on lots adjacent to single-family residential development shall comply with the following standards:

- (A)** Maintain a landscaped berm with a minimum height of five feet above the surrounding grade along all lot lines adjacent to single-family development and consistent with landscaping standards of Section 7.2;
- (B)** Limit ingress and egress onto residential streets to the maximum extent practicable;
- (C)** Limit building height to a maximum of 14 feet within 100 linear feet of any land containing an existing single-family dwelling; and
- (D)** Locate service and loading areas as far from single-family residential uses as possible.

6.7.8. Large Retail Building

The Large Retail Building Form is intended for buildings containing single-tenant retail sales uses that exceed 60,000 square feet in size. These building form standards are intended to address the visual impact and compatibility issues related to large-scale retail establishments.

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6.7 SPECIFIC BUILDING FORM STANDARDS

6.7.8 Large Retail Building



Figure 6.7.8.1: Large Retail Building Examples.

(1) Applicability

- (A) New buildings of 60,000 square feet in size or more that are occupied by a single retail sales establishment shall comply with the standards in this section.
- (B) These standards shall also apply to structures of 60,000 square feet in size or more that contain two principal retail sales establishments.
- (C) Structures that contain an accessory retail use such as a coffee shop, restaurant, bank, or other similar accessory use in addition to a principle retail sales establishment shall not be exempted from these standards.
- (D) In addition to new development, these standards shall apply to any retail building larger than 60,000 square feet that existed on the adoption date of this Ordinance. If any expansion or alteration exceeds 25 percent of the structure's assessed value at the time of expansion or alteration. The standards in this section shall be applied to newly expanded or altered portions of the structure

(2) Redevelopment

Redevelopment of an existing building that results in a Large Retail Establishment shall comply with the standards in this section. Approval of a Conditional Use Permit (see Section 2.3.3) shall be required in the event the redeveloped structure cannot comply with all the requirements in this section. Alternative forms of compliance shall be considered by the Town Board of

Commissioners in accordance with the standards for a Conditional Use Permit (see Section 2.3.3).

(3) Compliance with Commercial/Retail Standards

In addition to the standards in this section, all structures using the Large Retail Building Form shall comply with the following Commercial/Retail Building Form standards:

- (A)** Section 6.7.7(2), Orientation;
- (B)** Section 6.7.7(4), Unity;
- (C)** Section 6.7.7(5), Materials;
- (D)** Section 6.7.7(11), Side and Rear Loading and Service Areas;
- (E)** Section 6.7.7(12), Pedestrian Circulation; and
- (F)** Section 6.7.7(13), Compatibility with Single-Family Development.

(4) Customer Entrances

- (A)** Each side of a structure using the Large Retail Building Form facing a street shall include at least one customer entrance, except that no structure shall be required to provide entrances on more than two sides of the structure which face streets.



Figure 6.7.8.2: Large Retail Entrance Features. This comparison shows good and bad examples of entry features serving Large Retail buildings.

- (B)** Each structure using the Large Retail Building Form shall have clearly-defined, highly visible customer entrances that include no less than three of the following design features:
 - (i) Canopies/porticos above the entrance;
 - (ii) Roof overhangs above the entrance;
 - (iii) Entry recesses/projections;

CHAPTER 6: BUILDING FORM STANDARDS

6.7 SPECIFIC BUILDING FORM STANDARDS

6.7.8 Large Retail Building

- (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) An outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
- (viii) Display windows that are directly adjacent 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 directly adjacent to the entrance; or
- (x) Integral planters or wing walls that incorporate landscaped areas or seating areas.

(5) Facades

As a means of reducing the perceived mass and scale of such structures, structures using the Large Retail Building Form shall incorporate two or more of the following design elements on each façade visible from a street:

- (A)** Variations in roof form and parapet heights;
- (B)** Pronounced building wall recesses and projections with a minimum depth of two feet;
- (C)** Distinct changes in texture and color of wall surfaces;
- (D)** Ground level arcades and second floor galleries/balconies;
- (E)** Protected and recessed entries; and
- (F)** Vertical accents or focal points.

(6) Glazing

- (A)** Structures using the Large Retail Building Form shall provide glazing in the following amounts:
 - (i) Thirty-five percent of the ground floor façade area when it faces a street; and
 - (ii) Twenty percent of the ground floor façade area when it faces lands containing or intended solely for residential uses.
- (B)** Reflective or heavily tinted glass that obstructs views into the building shall not be used on the primary façade or a secondary façade fronting a street.

(7) Roofs

- (A)** Except for mansard roofs, cupolas, and steeples, sloped roofs on structures using the Large Retail Building Form shall include two or more sloping roof planes with greater than or equal to one foot of vertical rise for every three feet of horizontal run, and less than or equal to one foot of vertical rise for every one foot of horizontal run.
- (B)** When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane.
- (C)** All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with a parapet wall having a three-dimensional cornice treatment.

(8) Off-Street Parking

- (A)** Except for lots fronting arterial streets, off-street surface parking associated with a structure using the Large Retail Building Form may have up to 15 percent of the parking located between the structure and the street it fronts.
- (B)** Structures using the Large Retail Building Form located on lots fronting an arterial street (outside the TC and VC Districts) may have up to 60 percent of the total off-street parking located between the structure and the street it fronts.
- (C)** Lots containing a structure using the Large Retail Building Form within the TC and VC Districts shall be limited to a maximum of a two single-loaded rows and an associated drive aisle regardless of the street type the lot fronts.
- (D)** Surface parking lots of 100 or more spaces serving structures using the Large Retail Building Form shall be organized into a series of parking bays or "rooms" surrounded by buildings, landscaping, or accessways designed to appear as streets.

6.7.9. Flex/Industrial Buildings

The Flex/Industrial Building Form is intended for manufacturing, light industrial, flexible employment-related uses, and automotive country club uses. In many cases, the form of the building is established based on the function of the uses taking place within it. The focus of these standards is to minimize potential negative impacts on adjacent land from uses housed in these buildings. The uses permitted within a building are determined by the base and overlay zoning districts in which it is located.

CHAPTER 6: BUILDING FORM STANDARDS

6.7 SPECIFIC BUILDING FORM STANDARDS

6.7.9 Flex/Industrial Buildings

Amended(TA-2021-01, July 6, 2021)



Figure 6.7.9: Flex/Industrial Building Examples.

(1) Orientation

- (A)** Developments composed of a single structure using the Flex/Industrial Building Form shall be oriented so the primary façade faces the street from which the building derives its street address.
- (B)** Developments with multiple structures using the Flex/Industrial Building Form shall be configured to conceal operations from off-site views.

- (C) Accessory structures or uses shall not front a street, and shall be located in a manner that minimizes their impacts on adjacent uses such as in the side or rear yard.

(2) Architectural fronts

- (A) Architectural fronts shall be clearly demarcated through signage, architectural elements, or other features, and building facades containing customer entrances should be oriented towards the street from which the structure derives its street address.
- (B) Any office portion of a structure using the Flex/Industrial Building shall utilize human-scale design along with a variety of architectural detail to break up large walls or enhance visual quality.



Figure 6.7.9.2: Industrial Building Entrances. These photographs depict good examples of flex/industrial building entrances.

(3) Materials

- (A) All exterior walls of a structure using the Flex/Industrial Building Form shall be clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including, but not limited to:
- (i) Natural or synthetic stone;
 - (ii) Brick;
 - (iii) Stucco;
 - (iv) Integrally-colored, textured, or glazed concrete masonry units;
 - (v) High-quality pre-stressed concrete systems;
 - (vi) Float finish EIFS; or
 - (vii) Glass.

CHAPTER 6: BUILDING FORM STANDARDS

6.7 SPECIFIC BUILDING FORM STANDARDS

6.7.10 Recreational and Sports Facilities (Tension Fabric Structures) (RS)

- (B)** Exterior building materials shall be continued to the finished grade on any elevation.
- (C)** Building facades utilizing metal siding, unfinished or untreated tilt-up concrete panels, or standard single- or double-tee concrete systems should only be utilized on rear facades not visible from public rights-of-way or adjacent residential, institutional, or commercial uses.

(4) Roofs

Roof-based mechanical equipment shall be screened from streets and off-site views.

(5) Rear and Side 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.

(6) Compatibility with Single-Family Development

Structures using the Flex/Industrial Building Form located on lots adjacent to single-family residential development shall comply with the following standards:

- (A)** Maintain a landscaped berm with a minimum height of five feet above the surrounding grade along all lot lines adjacent to single-family development;
- (B)** Restrict all access to residential streets;
- (C)** Limit building height to a maximum of 14 feet within 100 linear feet of any land containing an existing single-family dwelling; and
- (D)** Locate service and loading areas as far from single-family residential uses as possible.

6.7.10. Recreational and Sports Facilities (Tension Fabric Structures) (RS)

The Recreational and Sports Facilities Building Form is intended for sports and recreational complexes including but not limited to tennis centers, soccer complexes, gymnastics facilities, gymnasiums, parks, multi-use practice fields, indoor swimming complexes, and skating facilities. All recreational and sports facilities using a Tension Fabric Structure Building Form shall be built with a front façade in compliance with either the Shopfront (6.7.5) Workplace (6.7.6) or Commercial/Retail (6.7.7) Building Forms and housing any office, commercial, or retail spaces as well as restrooms facilities.

(1) Orientation, Parking

- (A)** The front façade of the building, including the main entrance, shall be constructed in accordance with the Shopfront (6.7.5) Workplace (6.7.6) or Commercial/Retail (6.7.7) Building Form. This façade will face or be visible from the street fronting the building. Parking will be determined by the building form that is utilized for the front façade.
- (B)** The remaining facades may be constructed with a fabric over steel structure of the types specified below.

(2) Materials**(A) Exterior Walls and Roof**

The exterior walls and roof on a tension fabric structure (RS) are composed of fire resistant polyethylene fabric. This durable fabric resists corrosion and has an average lifespan of at least 20 years. It is treated for UV protection and is fire retardant and in compliance with NFPA 701-210. This fabric can be variable in translucency and color. The exception will be the front façade which shall incorporate a conventional building structure as detailed above.

(B) Framework

The support structure framework shall be constructed of approved material including, but not limited to galvanize or epoxy coated steel and shall meet all applicable requirements of the International Building Code with regard to design loads.

(C) Foundations

Tension Fabric Structures can be installed on a variety of foundations including but not limited to:

- (i) Poured-in-place concrete
 - (ii) Cast concrete
 - (iii) Helical augers
 - (iv) Screw piles
- (D)** Exterior building materials shall be continued to the finished grade on any elevation. Should the foundation be exposed above grade, the exterior will be clad in face brick, stone, stucco, or similar masonry material accurately imitation these materials.

CHAPTER 6: BUILDING FORM STANDARDS

6.7 SPECIFIC BUILDING FORM STANDARDS

6.7.10 Recreational and Sports Facilities (Tension Fabric Structures) (RS)



Figure 6.7.10.2: Tension Fabric Structures Exterior Samples

(E) Egress and Open Panel Ventilation

Tension Fabric Structures should offer conventional paths of egress through the building façade and through standard doorways in the Fabric Structures itself. They may also offer paths of egress and natural ventilation through either roll-up or pull-aside panels which can be opened along the side and/or rear walls of the building, but not along the front façade. These may be constructed of the same fabric material as the remainder of the walls and roof or be conventional garage door style opening. Such panels shall not occupy more than 50% of the linear footage of any wall.

(3) Rear Service Areas

Service area shall be separated from customer parking, pedestrian areas, and main drive aisles, and be configured to avoid disruption of primary vehicular access and circulation.

(4) Compatibility with Single-Family Development

Structures using the Recreational and Sports Facilities Tension Fabric Structures Building Form located on lots adjacent to single-family residential development shall comply with the following standards:

- (A)** Maintain a landscaped berm with a minimum height of five feet above the surrounding grade along all lots lines adjacent to single-family development and consistent with landscaping standards of Section 7.2;
- (B)** Limit egress onto residential streets to the maximum extent practicable;
- (C)** Limit building height to a maximum of 14 feet within 100 linear feet of any land containing an existing single-family dwelling; and
- (D)** Locate service and loading areas as far from single-family residential uses as possible.

(amended 3/3/2014. TA-2014-01)

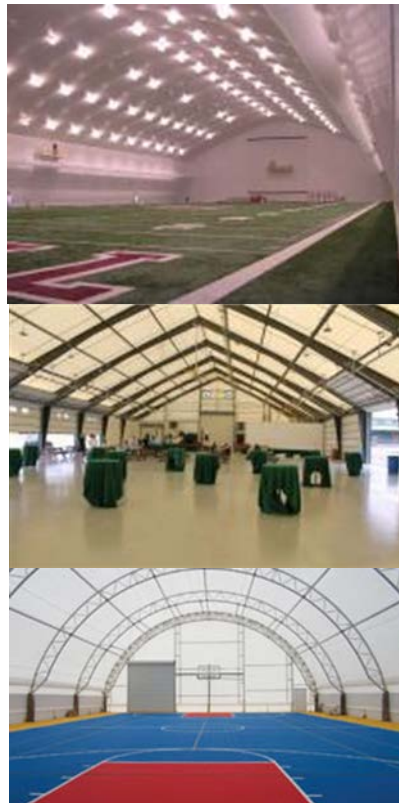


Figure 6.7.10.1: Tension Fabric Structure Interior Samples

Chapter 7: Landscaping and Open Space

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CHAPTER 7: LANDSCAPING AND OPEN SPACE

7.1 TREE PROTECTION

7.1.1. Purpose and Intent

The purpose for this section is to establish a series of standards and measures necessary to retain and protect portions of the existing tree canopy cover and significant trees, in order to:

- (1) Prevent clear cutting;
- (2) Protect existing tree canopy on developing sites;
- (3) Preserve the visual and aesthetic qualities of the Town;
- (4) Maintain and enhance the quality of life in the Town;
- (5) Encourage site design techniques that preserve the natural environment and enhance the developed environment;
- (6) Provide for a separation of space and establish a sense of privacy;
- (7) Minimize the impact of incompatible land uses;
- (8) Reduce glare, dust, heat, and noise;
- (9) Preserve and enhance air and water quality;
- (10) Increase slope stability, and control erosion, and sediment run-off into streams and waterways; and
- (11) Conserve energy by reducing heating and cooling costs.

7.1.2. Applicability

Development Services Staff reserves the right to review unique situations on a case by case basis and to make necessary modifications to ensure that the CHAPTER 7: Landscaping and Open Space Ordinance is administered in a practical manner that still meets the performance goals as set forth in the Ordinance. Unless exempted in accordance with Section 7.1.4, Exemptions, the standards in this section shall apply to:

- (1) All new commercial development and any new major single family residential subdivisions in the Town; and
- (2) Any alteration to an existing lawfully-established use or structure resulting in an expansion of gross floor area or impervious surface coverage by 50 percent or more; and

CHAPTER 7: Landscaping and Open Space

7.1 TREE PROTECTION

7.1.3 Definitions See Chapter 13

- (3) Existing commercial development and single family residential subdivisions along with the development that is required in 7.1.2 are required to maintain the landscaping which was approved at the time of the development and anything that is recorded on the record plat.

7.1.3. Definitions See Chapter 13

7.1.4. Exemptions

The following tree removal activities are exempt from the standards of this section:

- (1) Tree removal activities not requiring a Tree Removal Permit as specified in Section 2.3.12, Tree Removal Permit, are exempted from the standards in Section 7.1.6, Retention of Existing Tree Canopy, but shall not be exempted from the standards in Section 7.1.7, Protection of Specimen Trees;
- (2) The removal of dead or naturally fallen trees or vegetation as well as the selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections; Documentation must be provided that the removed vegetation qualifies within the above guidelines. Commercial properties, Residential Subdivision HOAs (and their common open space, associated buffers, screening, and berms) must obtain permission from the Development Services Department before removing any trees or shrubs.
- (3) Single family detached residential subdivision lots provided that the trees or vegetation are not part of the required open space, buffer screening, other required landscape area, or otherwise required by the record plat.
- (4) The tree trimming and removal actions of public and private utility companies on trees and limbs located solely within their utility easements;
- (5) Tree trimming and removal by the Town on public lands, including street rights-of-way and easements;
- (6) Tree trimming and removal by the North Carolina Department of Transportation within street rights-of-way owned by the state; and
- (7) Any legally established silviculture use conducted in accordance with North Carolina Division of Forestry requirements.

7.1.5. Modifications to Standards

Where necessary to accommodate creativity in site design, or where topographic or physical site conditions make strict adherence impractical, the Development Services Department may consider requests to modify these requirements through the approval of Alternative Landscaping Plan (see Section 7.2.10, Alternative Landscaping Plan), provided that the type and amount of landscaping or other features are equivalent in effectiveness and meet the performance criteria of the purpose and intent of these standards.

7.1.6. Authority to Contract Arborist Services

The Development Services Department shall have the authority to contract services from a certified Arborist on a case-by-case basis as needed for education, review, and recommendation of tree preservation, protection, removal, cutting, pruning, planting, treatment, or removal of diseased or infected trees.

7.1.7. Retention of Existing Tree Canopy

(1) When Required

Review for compliance with the standards in this section shall occur at the time of review for a Concept Plan (see Section 2.3.8), Site Plan (see Section 2.3.9), Subdivision Preliminary Plat (see Section 2.3.10(4)), or Tree Removal Permit (see Section 2.3.12), as appropriate.

(2) Tree Inventory Required

Prior to beginning any tree clearing, development work, or land disturbance, the owner of land subject to this section shall prepare and submit an inventory of trees on the parcel, subject to the following requirements:

(A) General

The inventory shall identify any canopy tree 12 inches or larger in diameter at breast height (DBH), and any understory tree (e.g., Dogwood, Redbud, Ironwood, American Holly, etc.) with a caliper measurement of four inches or more. The survey should depict any individual trees and areas of existing tree canopy that are to be saved in accordance with this section. Known dead or diseased trees shall be identified, where practical. Groups of trees in close proximity (i.e., those within five feet of each other) may be designated as a clump of trees, with the predominant species, estimated number, and average diameter or circumference indicated.

CHAPTER 7: Landscaping and Open Space

7.1 TREE PROTECTION

7.1.7 Retention of Existing Tree Canopy

TABLE 7.1.7: TREE CANOPY RETENTION STANDARDS			
EXISTING TREE CANOPY COVER (AS A PERCENTAGE OF THE TOTAL SITE SIZE)	MINIMUM REQUIRED TREE CANOPY RETENTION (AS A PERCENTAGE OF THE TOTAL TREE CANOPY COVER)		
	BASE ZONING DISTRICTS		
	R-2, R-3, R-5, RMX-MH	RMX, TND-C, NMX, CMX, PC-C	VC, TC, HB, GI, EI
60% to 100%	10%	10%	10%
Below 60%	10%	15%	15%
Illustrative example: The tree survey required in Section 7.1.7 reveals that the existing tree canopy on a hypothetical 100,000 square foot lot covers 75% of the lot. The site is proposed for use as a residential subdivision in the R-3 District. The minimum required tree canopy retention for this hypothetical site is 10% of the site's total area (.75 x .10 = 7.5%), yielding a Tree Protection Zone of 7,500 square feet.			

(B) Professionally Prepared Tree Survey or Aerial Photo

All tree surveys for lots larger than one acre in size shall be prepared by a licensed landscape architect, surveyor, arborist, registered forester, or engineer registered in the state and shall have an accuracy of plus or minus three feet. For a parcel or site that is greater than one acre, an aerial photograph, or a print of equal quality, may be substituted instead of the inventory if it provides essentially the same information as the tree survey provided species, composition, and size are consistent.

(3) Tree Canopy Retention Standards

(A) Minimum Percentage

In no case shall less than the percentage of the existing tree canopy indicated in Table 7.1.7, Tree Canopy Retention Standards, be retained on a parcel of land during any tree clearing or development process on land subject to this section:

(B) Existing Tree Canopy Defined

For the purposes of this section, the "existing tree canopy" shall be composed of significant trees. The crowns of all healthy self-supporting canopy trees with a diameter of 12 inches or

greater and understory trees with a caliper size of four inches or greater are considered "significant trees".

(C) Priority Retention Areas

Priority areas for retention of existing trees and vegetation shall include the following (listed in priority order):

- (i) Areas containing Specimen Trees, and their associated critical root zones;
- (ii) Areas containing stands or groups of mature trees;
- (iii) Riparian buffers, wetlands, or wetland protection areas;
- (iv) Areas with natural grades of 15 percent or more;
- (v) Areas needed for required landscaping (i.e., perimeter buffers, perimeter landscape strips around vehicular use areas, and streetscape landscaping); and
- (vi) Wildlife habitat and other sensitive natural areas.

(4) Tree Protection Zone

- (A)** For purposes of this section, the area containing the canopy and critical root zones of trees composing the existing tree canopy to be retained shall be known as the "Tree Protection Zone."
- (B)** The Tree Protection Zone shall be depicted on the Concept Plan (see Section 2.3.8), Site Plan (see Section 2.3.9), or Subdivision Preliminary Plat (see Section 2.3.10(4)), whichever is appropriate. The Tree Protection Zone shall also be depicted on the Subdivision Final Plat (see Section 2.3.10(5)) if it is required prior to development.

(5) Credit towards Open Space and Landscaping Requirements

- (A)** Any designated Tree Protection Zone within a commercial subdivision, commercial lot, or residential subdivision, shall be located within common open space and not 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.

(amended 9/2/2008, TA-2008-18)
- (B)** The geographic area occupied by a Tree Protection Zone shall be credited towards the passive recreation open space standards in Section 7.3.3, Open Space.

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7.1 TREE PROTECTION

7.1.7 Retention of Existing Tree Canopy

- (C)** Trees located within the Tree Protection Zone of a lot or site being developed and meeting the species, health, and minimum size requirements for new landscaping materials (see Section 7.2.3(3), New Planting Standards) along with the following location standards shall be credited towards the landscaping requirements of this Ordinance. The applicant shall be responsible for demonstrating how retained trees meet the standards of this Ordinance.
- (i) Existing viable trees within ten feet of the perimeter edge of a surface off-street parking area shall be credited towards the vehicular use area perimeter landscaping requirements (see Section 7.2.5, Vehicular Use Area Landscaping).
 - (ii) Existing viable trees within ten feet of a lot line shall be credited towards the planting requirements for a perimeter buffer (see Section 7.2.6, Perimeter Buffers) along that same lot line.
 - (iii) Existing viable trees within ten feet of the edge of the right-of-way of an arterial, collector, or local street shall be credited towards the planting requirements for streetscapes (see Section 7.2.8, Streetscape Landscaping).

(6) Replacement/Mitigation Standards

(A) Accidental Damage

When development of a site causes accidental damage or disturbance to trees inside the Tree Protection Zone, the disturbed area shall be re-vegetated to preexisting conditions in one or more of the following ways. In cases when adequate room on the development site is not available, mitigation must be approved by the Development Services Staff in accordance with section 7.2.10, Alternative Landscaping Plan.

(i) Inch-for-Inch Replacement Required

Any tree (12 " DBH or greater or ornamental trees 4' DBH or greater) that is damaged or removed from the Tree Protection Zone shall be replaced with one or more trees that have a caliper of at least two inches and a cumulative caliper equal to or greater than the tree that is damaged or removed.

(ii) Location of Replacement Trees

Replacement trees shall be either planted in the Tree Protection Zone or, in cases where adequate room is not available within the Tree Protection Zone, on the development site outside of the Tree Protection Zone. If

adequate space is not available on the site the Staff may at its discretion allow the trees to be planted on nearby public land.

(B) Damage/Removal in Violation

Proper tree maintenance is described in Section 7.2.11(2), Maintenance. In cases where tree clearing, development work, land disturbance as part of construction, or intentional damage to trees (including severe pruning or “topping”) occurs without a Tree Removal Permit (Section 2.3.12), remedies shall be applied in accordance with Section 12.6.11, Remedies for Disturbance or Destruction of Vegetation.

(C) Temporary Suspension or Stay on Approvals

Following notice of violation of a Tree Removal Permit, the Town shall not review or approve development permit applications for the site from the date of the violation until a replacement plan has been approved by the Development Services Department and a guarantee for the associated replacement has been established in accordance with Section 10.4, Performance Guarantees.

(D) Damage Following Construction

In cases where trees located within a Tree Protection Zone die within 36 months following the completion of construction activities on a site or portion of a site, and the death of the trees in the Tree Protection Zone can be linked to the construction activities, then replacement shall be required in accordance with Section 7.1.7(6)(A), Accidental Damage.

7.1.8. Protection of Specimen Trees

All development within the Town shall be required to protect Specimen Trees on a development site in accordance with the following standards:

(1) General Requirement

No Specimen Tree may be removed during development, except in accordance with Section 7.1.7(2), Removal of a Specimen Tree. In addition, all Specimen Trees shall have the following protections, whether located on public or private commercial land:

(A) Cutting, Removal, or Harm Prohibited

Specimen Trees shall not be cut, severely pruned, removed, pushed over, killed, or otherwise harmed; and

(B) Paving or Soil Compaction Prohibited

CHAPTER 7: Landscaping and Open Space

7.1 TREE PROTECTION

7.1.8 Protection of Specimen Trees

Except when authorized by an approved Alternative Landscaping Plan (see Section 7.2.10), paving within the drip line of a Specimen Tree shall be prohibited. When authorized, the area within the drip line of any Specimen Tree shall not be subject to paving or soil compaction greater than ten percent of the total drip line square footage or within 12 feet of the tree trunk.

(2) Removal of a Specimen Tree

The Development Services Staff shall allow removal of Specimen Trees under one of the following conditions:

(A) Removal of a Healthy Specimen Tree

Except on lots containing lawfully-established single-family detached dwellings (provided that the trees are not within a recorded buffer, berm, or other tree save area) a healthy Specimen Tree may only be removed if the landowner demonstrates all of the following standards are met:

- (i) The landowner is otherwise in compliance with this section;
- (ii) The Specimen Tree is not located within a Tree Protection Zone;
- (iii) Mitigation is provided in accordance with Section 7.1.7(6), Replacement/ Mitigation of Specimen Trees.
- (iv) The Specimen tree(s) are in the right-of-way.

(B) 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 shall be exempt from Section 7.1.7(6), Replacement/Mitigation of Specimen Trees. To be exempt, supporting evidence must be provided to the Development Services Department prior to the removal of the subject tree.

(3) Replacement/Mitigation of Specimen Trees

Those causing the destruction or removal of a healthy Specimen Tree shall be responsible for the following mitigation:

(A) Replacement Trees Required

Except on lots containing single-family detached dwellings, each healthy Specimen Tree removed or destroyed shall be replaced with three replacement trees, measuring at least 2 ½ inches in diameter by American Nurseryman Standards, and

shall be replanted within 6 months of the removal or destruction of the Specimen Tree.

(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 Section 7.2.10, Alternative Landscaping Plan.

(C) Maintaining Required Landscaping

The applicant shall guarantee the survival and health of all required landscaping as well as any replacement trees and guarantee any associated replacement costs (see Section 10.4, Performance Guarantees). If the replacement trees do not survive, the applicant shall purchase and install new replacement trees.

7.1.9. Tree Protection during Construction

(1) Owner's Responsibility

During development, the owner or developer shall be responsible for the erection of any and all barriers necessary to protect any existing or installed vegetation from damage both during and after construction. The tree protection fencing shall be clearly shown on the Site Plan or Subdivision Preliminary Plat, and shall be maintained until the final site inspection prior to the Certificate of Occupancy is scheduled.

(2) Tree Protection Fencing

(A) Where Required

Specimen Trees, trees retained in a Tree Protection Zone (see Section 7.1.7(3), Tree Canopy Retention Standards), and other existing trees being used for credit towards landscaping requirements in accordance with Section 7.1.10(1)(A), Credit Applied Towards Required Plantings, shall be fenced with a sturdy and visible fence before grading or other development activity begins. Fencing should be erected outside the critical root zone. The Development Services Department shall consider the existing site conditions in determining the exact location of tree protection fencing.

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7.1 TREE PROTECTION

7.1.9 Tree Protection during Construction

(B) Type of Fencing

All fencing required by this section shall be a minimum four feet high and of durable construction (i.e., chain link or wooden post with 2x4 wire mesh). Posts shall be located no more than ten feet on-center. Chain link or wire fencing utilized as tree protection fencing shall not be required to be vinyl coated. Passive forms of tree protection may be utilized to delineate Tree Protection Zones that are remote from areas of land disturbance. These must be surrounded by plastic fencing, continuous rope, or durable taping (minimum four inches wide). No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area.

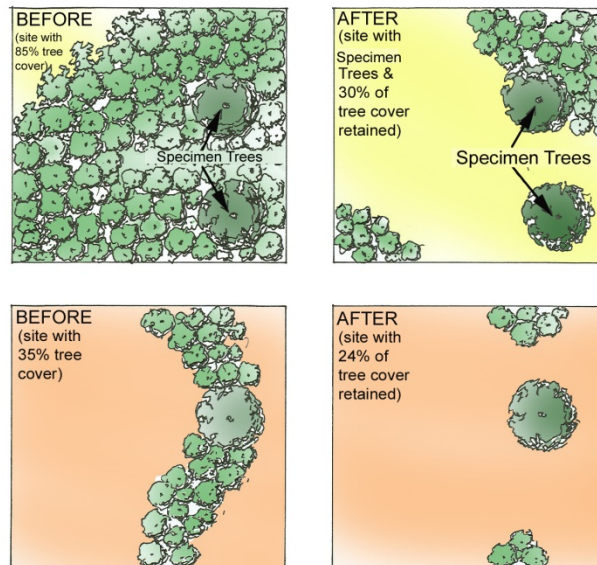


Figure 7.1.9.: Tree Protection Fencing Location. This diagram depicts the location of tree protection fencing

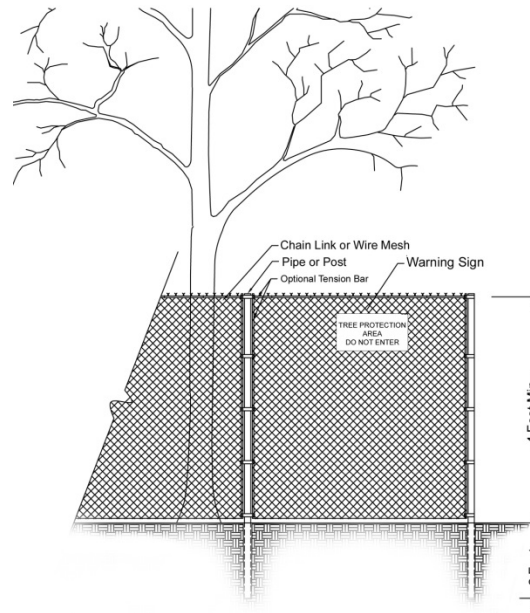


Figure 7.1.8.2: Tree Protection Fencing Detail. This diagram illustrates appropriate tree protection fencing configuration.

(C) 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 must be a minimum of two feet by two feet and shall contain the following language: "TREE PROTECTION ZONE: KEEP OUT."

(D) Trenching Prior to Clearing

The removal of trees adjacent to Tree Protection Zones can cause inadvertent damage to the protected trees. Prior to clearing activities, trenches with a minimum width of one-and-one-half inches and a minimum depth of 12 inches shall be cut along the limits of land disturbance, so as to cut, rather than tear tree roots.

(E) Inspection

Development Services Staff may inspect the Tree Protection Zone at any time during construction. If the site is not in compliance a notice of violation may be issued.

(3) Encroachments into Tree Protection Zones

Encroachments within the Tree Protection Zones of trees protected in accordance with this section shall occur only when no other alternative exists as determined by the Development Services

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7.1 TREE PROTECTION

7.1.10 Tree Preservation Incentives

Department. If such an encroachment is anticipated, the following preventive measures shall be employed:

(A) Soil Compaction

Where compaction might occur due to traffic or materials through the Tree Protection Zone or other protection areas associated with Specimen Trees, or retained existing vegetation, the area must first be mulched with a minimum four inch layer of wood chips. Equipment or materials storage shall not be allowed within a Tree Protection Zone.

(B) Fill

No fill shall be placed within a Tree Protection Zone without adequate venting to allow air and water to reach the roots.

(C) 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.

(D) Paving Limitations

Except for driveway access points, sidewalks, curb, and gutter, no paving shall occur within five feet of a Tree Protection Zone unless authorized through an Alternative Landscaping Plan (see Section 7.2.10, Alternative Landscaping Plan).

7.1.10. Tree Preservation Incentives

(1) Tree Preservation Credits

In order 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 Specimen Trees or part of the tree canopy located inside a Tree Protection Zone shall be granted in accordance with the following standards:

(A) Credit Amount

A credit of one-to-one multiplied by the aggregate caliper inches of trees that are not Specimen Trees or part of the tree canopy located inside a Tree Protection Zone shall be credited

and applied towards the other on-site landscaping standards when the existing trees that are saved comply with the following minimum size standards:

(i) Canopy Trees

Canopy trees, whether deciduous or evergreen, of six inches in caliper or greater, measured six inches above ground level.

(ii) Understory/Ornamental Trees

Understory or ornamental trees, whether deciduous or evergreen, of six inches in caliper or greater, measured four inches above ground level.

(B) Towards Required Plantings

The tree preservation credit may be applied to the aggregate tree caliper inch standards for site landscaping (see Section 7.2.4), perimeter buffers (see Section 7.2.6), streetscapes (see Section 7.2.8), or vehicular use areas (see Section 7.2.5), in that order. In no case shall tree preservation credits substitute for more than 50 percent of the required landscaping material.

(2) 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 eight 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 must be agreed upon by both the applicant and the Development Services Department.

7.2 LANDSCAPING STANDARDS

7.2.1. Purpose and Intent

It is the purpose of this section 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. The intent of this section is to promote this purpose by:

- (1)** Ensuring and encouraging the planting, maintenance, restoration and survival of trees, shrubs and other plants;

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7.2 LANDSCAPING STANDARDS

7.2.2 Applicability

- (2)** Ensuring the protection of 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 therewith;
- (5)** Preserving and protecting the water table and surface waters;
- (6)** Restoring soils and land denuded as a result of construction and grading;
- (7)** Protecting and enhancing property values and aesthetic qualities; and
- (8)** Providing visual screening, where appropriate.
- (9)** Providing a buffer distance to mitigate undesirable effects of a developing use where appropriate.

7.2.2. Applicability

These standards shall apply to all new development in the Town such as commercial, mixed-use, multi-family, and major residential subdivisions. Review for compliance with the standards of this section shall occur at the submittal time of Concept Plan (Section 2.3.8), Site Plan (Section 2.3.9), or Subdivision Preliminary Plat (Section 2.3.10(4)), as appropriate.

7.2.3. General Requirements for Landscaping

(1) Landscape Plan

- (A)** In order to ensure compliance with the standards of this section, a Landscape Plan that demonstrates how landscaping will be planted on a development site shall be included with or as a part of any application for a Concept Plan (Section 2.3.8), Site Plan (Section 2.3.9), or Subdivision Preliminary Plat (Section 2.3.10(4)), as appropriate.
- (B)** Minor revisions to approved Landscape Plans may be necessary due to lack of plant availability, and may be approved by the Development Services Department if:
 - (i)** There is no reduction in the quantity of plant material;
 - (ii)** There is no significant change in size or location of plant materials; and

- (iii) The new plants are of the same general category (e.g., shade tree, ornamental tree, evergreen, or shrub) and have the same general design characteristics (e.g., mature height, crown spread) as the materials being replaced.

(2) Existing Vegetation and Site Features

- (A) Existing viable trees located within a required landscaping area shall be preserved and credited toward standards for the type of landscaping required, to the maximum extent practicable.
- (B) Existing berms, walls, or fences (excluding chain link fencing) located within a required landscaping area may be credited towards the required landscaping provided these elements are in good repair, as determined by the Development Services Staff.
- (C) If existing vegetation and other site features do not fully meet the standards for the type of landscaping required, then additional vegetation or site features (including fences) shall be planted or installed within the required landscaping area.
- (D) Other existing site features located within a required landscaping area which do not assist in meeting the standards of this section shall be screened or removed.

(3) New Planting Standards

New plantings shall comply with the following standards:

(A) Minimum Size

- (i) Deciduous canopy or shade trees shall have a minimum height of eight feet and be a minimum of two inches in caliper at the time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004, as amended.
- (ii) Understory, small maturing, or ornamental trees shall have a minimum height of six feet and be a minimum of one-and-one-fourth (1¼) inches in caliper at time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004, as amended.
- (iii) Evergreen trees shall have a minimum height of six feet and be a minimum of two inches in caliper at the time of planting.

CHAPTER 7: Landscaping and Open Space

7.2 LANDSCAPING STANDARDS

7.2.3 General Requirements for Landscaping

- (iv) Multi-stem trees, whether canopy or understory, shall have at least three stalks and be a minimum of eight feet in height above ground level at the time of planting.
- (v) Large shrubs shall be at least three feet in height at the time of planting, and shall reach the required minimum performance height within four years of installation.
- (vi) Small shrubs shall be at least two feet in height at the time of planting, and shall reach the required minimum performance height within five years of installation.
- (vii) In cases where an aggregate caliper inch (ACI) requirement is utilized to derive a required amount of vegetation, and the ACI figure includes a fraction, an applicant may:
 - (a) Utilize a tree or trees with a caliper inch measurement exceeding the minimum size at time of planting standard of this subsection in order to meet the required ACI; or
 - (b) Round the ACI figure upwards until the figure corresponds with a whole number of trees meeting the minimum size at time of planting standard.
- (viii) In cases where application of the requirements in this subsection 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.

(B) Quality

- (i) All new plant material shall be of good quality and free from disease. All trees shall be properly guyed and staked at the time of planting, and mulched and meet the standards set forth in the American Standard for Nursery Stock by the American Association of Nurserymen. The selection of plants, planting methods, minimum height, root ball and container size, number of branches, and width, shall conform to the American Standard for Nursery Stock published by the American Association of Nurserymen for that type of tree or shrub at the time of installation. Plant material shall be of standard quality or better, true to name and type of species or variety.
- (ii) The use of native, drought tolerant vegetation is encouraged to reduce dependency upon irrigation.
- (iii) All planting materials shall be included on the list of Town-approved planting materials unless alternative materials are proposed as part of an Alternative Landscaping Plan (Section 7.2.10).

(C) Plant Diversity

To curtail the spread of disease or insect infestation in a plant species, new plantings shall comply with the following standards:

- (i) When fewer than 20 trees are required on a site, at least two different genres shall be used, and no more than 60 percent of the trees shall be of a single genus.
- (ii) When more than 20 but fewer than 40 trees are required to be planted on site, at least three different genres shall be used, and no more than 40 percent of the trees shall be of a single genus.
- (iii) When 40 or more trees are required on a site, at least four different genres shall be used, and no more than 20 percent of the trees shall be of a single genus.
- (iv) Required shrubs shall use the same plant diversity requirements.
- (v) Nothing in this subsection shall be construed so as to prevent the utilization use of a larger number of different genres than specified above.

(D) Prohibited Materials

CHAPTER 7: Landscaping and Open Space

7.2 LANDSCAPING STANDARDS

7.2.3 General Requirements for Landscaping

Only those materials listed on the Town's approved plant list (available on the Town's web site) shall be credited towards the requirements of this section. The Developer may submit other landscape material for review and possible approval from the Development Services Staff.

(E) Stabilization

- (i) 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.
- (ii) Trees shall not be planted on slopes exceeding a 4:1 horizontal-to-vertical distance.

(F) Location of Plant Material

- (i) No required landscaping shall be planted within a sight distance triangle at an intersection, or driveway access points unless an unobstructed view is maintained by requiring the landscape material to be below 30 inches in height based on the predicted mature height.
- (ii) In cases where overhead utility lines exist, understory or small maturing trees planted a maximum of 20 feet on-center may be substituted for canopy trees.
- (iii) Landscaped areas within parking lots 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.

(G) Berms

Berms may only be utilized when the applicant can demonstrate that a traditional screening method would be insufficient or impractical only because of slope, soil conditions, or other physical constraints. When authorized, all berms shall comply with the following design 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 five 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 in no case damage 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 subsection.
- (vi) Berms shall not count towards the open space requirements in Section 7.3.

(H) Easements

- (i) Nothing except groundcover shall be planted or installed within any underground or overhead utility, drainage, or gas easement without the consent of the utility provider, easement holder, or the Town.
- (ii) Landscaping shall not impede the ability of the easement holder to conduct maintenance activities within the easement.

(I) Irrigation

The use of irrigation is permitted 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;
- (ii) Irrigation must be installed in accordance with all Town and State regulations with regard to backflows; and
- (iii) The use of drought tolerant vegetation that is native to the area or xeriscape practices is encouraged to reduce dependency upon irrigation.

7.2.4. Site Landscaping**(1) Purpose**

Site landscaping 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. Compliance is determined at the issuance of a final zoning inspection.

CHAPTER 7: Landscaping and Open Space

7.2 LANDSCAPING STANDARDS

7.2.4 Site Landscaping

(2) General

Site landscaping, for the purpose of this section, is landscaping that is not:

- (A) Required vehicular use area landscaping;
- (B) Located within a required perimeter buffer;
- (C) Required streetscape landscaping; or
- (D) Required screening.

(3) Site Landscaping Standards

Site landscaping shall be required for all commercial development, and shall be supplied in the amounts identified in Table 7.2.4, Required Site Landscaping Plantings. Site landscaping shall meet the minimum size standards for new planting specified in Section 7.2.3(3)(A), Minimum Size.

In cases where the configuration or topographical constraints of an existing site make the placement of all required site landscaping impractical, the Development Services Staff may approve an Alternative Landscaping Plan (see Section 7.2.10) for placement of trees on nearby public lands.

TABLE 7.2.4: REQUIRED SITE LANDSCAPING PLANTINGS

USE TYPE	TYPE OF LANDSCAPING MATERIAL		
	MINIMUM # CANOPY TREES	MINIMUM # UNDERSTORY TREES	MINIMUM # OF LARGE SHRUBS
Attached Residential Use	4/acre	2/acre	1/every 10 feet [2]
Institutional Use	3/acre	3/acre	1/every 10 feet [2]
Commercial Use and Industrial Use	2/acre	2/acre	1/every 10 feet [2]
NOTES:			
[1] Existing trees located outside of a Tree Protection Zone may be credited towards these requirements provided the vegetation is not prohibited and meets the minimum size requirements in Section 7.2.3(3)(A), Minimum Size.			
[2] Per linear foot of bldg. frontage and each portion of the side that can be seen from the public right-of-way.			
[3] Required shrubs shall be placed around building foundations visible from public rights-of-way with adequate on-center spacing to allow proper growth. Required shrubs not needed for foundation screening shall be dispersed across the site.			
[4] Required plantings shall be located as appropriate to provide maximum screening from residential uses and public rights-of-way.			
[5] All required vegetation will comply with the minimum size requirements of section 7.2.3(3)(A)			

7.2.5. Vehicular Use Area Landscaping**(1) Interior Landscaping Standards****(A) Applicability**

The standards in this subsection shall apply to all surface parking lots with nine or more parking spaces.

(B) Interior Landscaping Standards

All parking lots shall provide and maintain landscaped planting areas within the interior of the parking lot. These standards shall not apply to parking structures or vehicle display areas.

(C) Size

Each planting area shall contain minimum areas in accordance with Section 7.2.5(1)(D), Design, and in all instances, the planting area shall be adequate to accommodate the root growth of the plant material used. The size of the planting area and size of plant material at maturity shall allow for a two-and-one-half (2½) foot bumper overhang from the face of the curb.

(D) Design

- (i) Interior planting areas shall be configured to divide parking lots into separate bays or pads, and designed within parking areas as:
 - (a) 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;
 - (b) Islands located mid-way in parking bays with 40 or more spaces such that no more than 15 spaces shall be located in a continuous row without being interrupted by a landscaped island with a minimum size of 135 square feet for single loaded bays and 270 square feet for double loaded bays.
 - (c) Islands located at least every four parallel rows of cars.
 - (d) Islands used to visually separate parking areas and accommodate required pedestrian pathways in surface parking lots with 250 or more parking spaces.
- (ii) 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 deciduous or evergreen trees.

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7.2 LANDSCAPING STANDARDS

7.2.5 Vehicular Use Area Landscaping

- (iii) Interior landscaping areas shall be configured to maintain appropriate site distances within the parking lot and adjacent travel ways.

(E) Planting Rates

Each interior planting area shall contain trees and shrubs at the following rates:

- (i) Trees shall be required at the minimum rate of two caliper inches of canopy tree for every 2,000 square feet, or portion thereof, of the total vehicular use area, except for location directly under overhead utilities, where understory trees may be substituted for canopy trees;
- (ii) Large shrubs shall be required at the minimum rate of one shrub per every 500 square feet, or portion thereof, of the total parking lot area;
- (iii) As a general guide, one tree island should be located at approximately 15 space intervals, in accordance with Section 7.2.5(1)(D), Design;
- (iv) No parking space shall be separated from the trunk of a shade or canopy tree by more than 60 feet (perimeter vehicular use area landscaping or other required landscaping may be used to meet this requirement); and
- (v) All landscape planting areas shall be stabilized and maintained with ground covers, mulches, or other approved materials (See Approved Tree List on the Town's web site) to prevent soil erosion and allow rainwater infiltration.



Figure 7.2.5.1: Parking Lot Islands. *This graphic demonstrates proper placement of parking lot landscaping islands.*

(F) Screened Backfill

Soil utilized in parking lot islands, driveway medians, and other areas internal to a vehicular use area shall be screened prior to deposition in planting areas.

(G) Distribution

Landscaped planting areas shall be distributed throughout the parking area for the purpose of heat abatement.

(H) Protection of Planting Areas

All planting areas shall be protected from vehicle damage by the installation of curbing, wheel stops, or other comparable methods.

(2) Perimeter Landscaping Standards

In addition to the interior vehicular use area landscaping standards set forth in Section 7.2.5(1)(B), Interior Landscaping Standards, vehicular use areas shall be screened from view of public streets and adjacent residential uses. Where a vehicular use area abuts a street right-of-way, vacant land within a residential district, or existing residential development, the following standards shall apply:

CHAPTER 7: Landscaping and Open Space

7.2 LANDSCAPING STANDARDS

7.2.5 Vehicular Use Area Landscaping

(A) Continuous Visual Screen

Perimeter landscaping for vehicular use areas shall form a continuous evergreen visual screen, excluding required sight clearances at driveways.

(B) Minimum Width

- (i) Within the Town Center District, the perimeter landscaping strip shall have a minimum average width of five feet measured at ten-foot intervals along the property lines, with the minimum width for any perimeter landscaping strip being no less than two feet.
- (ii) For development in all other base zoning districts, the minimum average width for any perimeter landscaping strip shall be ten feet measured at ten-foot intervals along the property lines, with the minimum width for any perimeter landscaping strip being five feet.
- (iii) 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 Development Services Staff.

(C) Location

Perimeter landscape strips for screening vehicular use areas shall be located on the lot, and shall be placed to assure visibility and safety of pedestrians on the public street, as well as those within the vehicular use area.

(D) Minimum Height

Plant materials shall be maintained at a minimum height of three feet above the surface elevation of the adjacent vehicular use area, provided the installation meets all state and federal highway sight distance standards.

(E) Required Materials

- (i) Evergreen shrubs shall be used to form the continuous visual screen in the perimeter landscaping strip.
- (ii) In addition to the evergreen shrub requirements, each perimeter landscaping strip shall include at least 3 canopy and 2 understory trees per every 100 linear feet of landscaping strip.

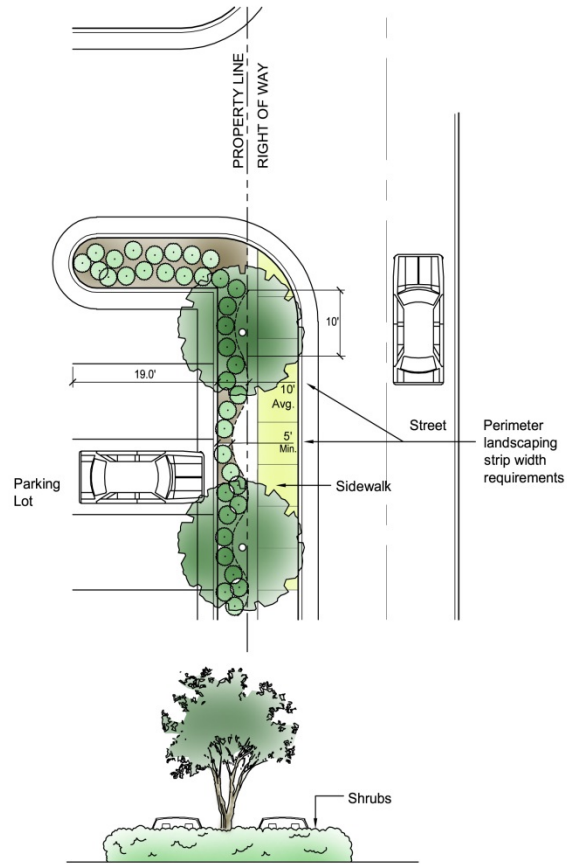
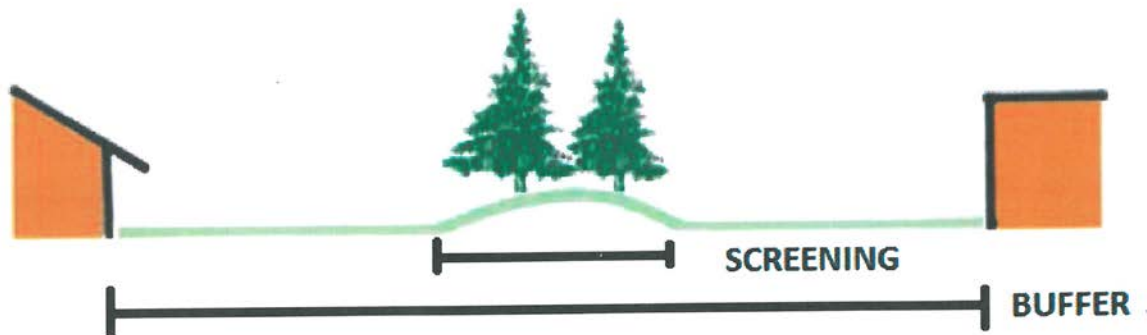


Figure 7.2.5.2: Perimeter Landscaping Standards. This diagram illustrates parking lot perimeter landscaping requirements.

(F) Adjacent to Perimeter Buffers or Streetscape Landscaping Areas

Perimeter landscape strips may be credited towards perimeter buffer (see Section 7.2.6) or streetscape landscaping (see Section 7.2.8) standards provided that the minimum standards of this subsection are maintained.



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7.2 LANDSCAPING STANDARDS

7.2.6 Perimeter Buffers

Figure 7.2.5.3: Difference between Screening and Buffers. Screening is a function of vision (blocking or limiting the view); Buffers are a function of distance.

(G) Adjacent to Off-street Surface Parking on Other Lots

In cases where two or more off-street surface parking lots are located adjacent to one another, but upon different lots, no perimeter landscaping materials shall be required.

7.2.6. Perimeter Buffers

(1) Applicability

Buffers are used to provide distance and mitigate negative impacts (such as noise, smoke, vibration, dust, etc.) between two dissimilar uses. Unless exempted in accordance with an approved Alternative Landscaping Plan (see 7.2.3(3)(G) 7.2.10), all development shall provide a perimeter buffer to separate that use from adjacent uses in accordance with the standards in this subsection. The buffer shall have the width, amount of vegetation, and other features to properly mitigate the negative effects of contiguous incompatible uses. Any buffer required as part of a subdivision, commercial or residential, shall be located within open space and not part of a deeded residential lot.

(amended 9/2/2008, TA-2008-17B)

(2) Buffer Type Application

Table 7.2.6(2), Buffer Application, below, specifies the type of perimeter buffer that must be installed by a developing use based upon the adjacent base zoning district.

TABLE 7.2.6(2), BUFFER APPLICATION					
BASE ZONING DISTRICT OF PROPOSED DEVELOPMENT	ADJACENT BASE ZONING DISTRICT				
	R-2, R-3, R-5	RMX, RMX-MH, TND-C, NMX	CMX, TC, VC	HB, HI	GI, EI, PC-C
R-2, R-3, R-5	N/A	N/A	N/A	N/A	N/A
RMX, RMX-MH, TND-CU, NMX	D	N/A	N/A	N/A	N/A
CMX, TC, VC	C	D	N/A	N/A	N/A
HB, HI	B	B	C	N/A	N/A
GI, EI, PC-CU	A	A	A	B	N/A
NOTES: [1] Letters in the cells correspond to the buffer types depicted in Table 7.2.6(3), Buffer Types. [2] N/A = Not Applicable [3] Type D Buffer is required for single family residential if the rear lot line is adjacent to a right-of-way. (amended 10/7/2013, TA-2013-07, April 6, 2015 TA-2015-05)					

(3) Types of Buffers

Table 0, Buffer Types, describes the four different types of buffers and their configurations. In cases where a buffer includes a berm or fence, the berm or fence shall comply with the standards of Section 7.2.3(3)(G), Berms, or Section 9.4, Fences and Walls. The following table sets out the minimum buffer width, and the minimum opacity, or the degree to which the buffer can block views into the site providing the buffer. There are no minimum planting standards in terms of plant counts, and applicants are encouraged to be flexible in meeting the table's performance objectives.

(A) Required Perimeter Buffers for Outdoor Recreation Fields, Sports Facilities, and Performance Areas

- (i) Perimeter buffers shall be required and located for the purpose of glare abatement.
- (ii) All new outdoor recreation, sports facilities and performance areas, whether classified as either a primary or accessory use, including but not limited to baseball/softball fields, football, soccer, lacrosse, track fields, basketball/volleyball/tennis courts, and go cart tracks, shall incorporate perimeter Type A capacity vegetative buffers of (20) twenty feet in height upon maturity as defined under the provisions of Section 7.2.6 of this Ordinance with a minimum width of (30) thirty feet along the common boundary associated with a residential use of district supporting residential uses.
- (iii) All for facility renovations or reconstruction, or substantial improvements to existing outdoor recreation, sports facilities, and performance areas, whether classified as either a primary or accessory use, including but not limited to baseball/softball fields, football, soccer, lacrosse, track fields, basketball/volleyball/tennis courts, and go cart tracks, constructed prior to 2/1/2016 shall incorporate perimeter Type A opacity vegetative buffers of (20) twenty feet in height upon maturity as defined under the provisions of Section 7.2.6 of this Ordinance with a minimum width of (10) ten feet along the common boundary associated with a residential use or district supporting residential uses. (amended TA-2015-13; 2/1/2016)

CHAPTER 7: Landscaping and Open Space

7.2 LANDSCAPING STANDARDS

7.2.6 Perimeter Buffers

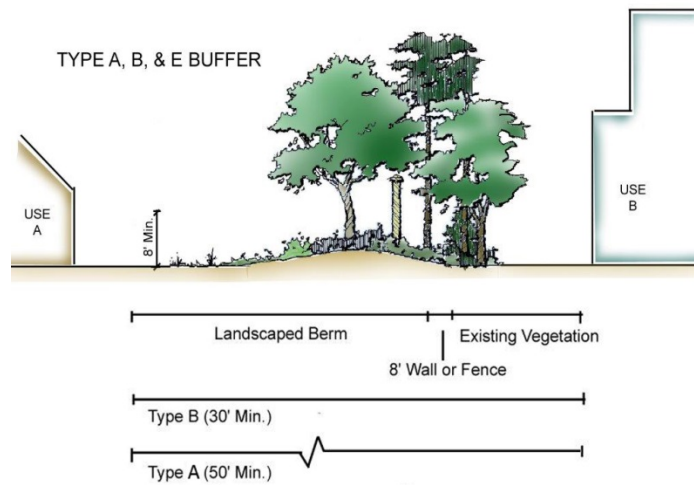


Figure 7.2.6.1: Type A & B Buffers. This diagram demonstrates the appropriate perimeter buffer configuration for the Type A and Type B buffers.

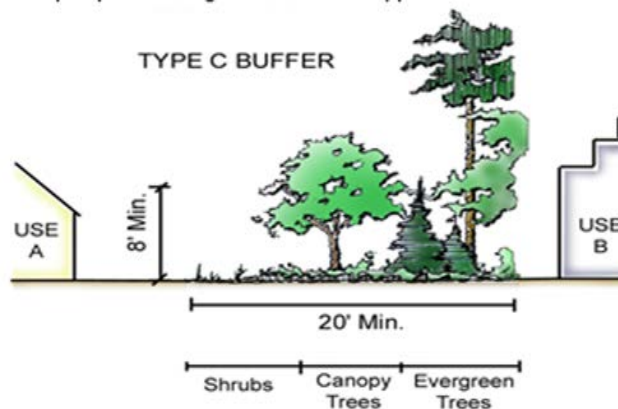


Figure 7.2.6.2: Type C Buffer. This diagram demonstrates the appropriate perimeter buffer configuration for the Type C buffer.

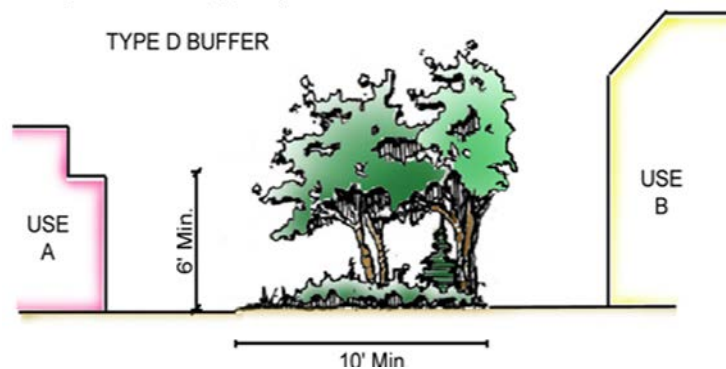


Figure 7.2.6.2: Type D Buffer. This diagram illustrates the proper configuration for a Type D buffer.

TABLE 7.2.6(3): BUFFER TYPES

BUFFER TYPE	MINIMUM WIDTH (FEET)	MINIMUM OPACITY	MIN. TREE HEIGHT AT MATURITY (FEET)	OPACITY ELEMENTS
A	50	100%	30	Zero visibility through the buffer from grade to a height of eight feet
B	30	80% - 100%	30	Intermittent visibility through the buffer from grade to a height of seven feet. Openings in vegetative material should be no larger than two square feet.
C	20	60% - 80%	20	Moderate visibility through the buffer to a height of six feet. Openings in vegetative material may not exceed four square feet
D	10	40% - 60%	10	Substantial visibility through buffer. Plantings intended for softening, not obstructing views

NOTES:

[1] Each buffer type may be supplemented with a wall, fence, or vegetated berm provided installation of such features shall not damage or destroy existing vegetation located within the perimeter buffer.

[2] Existing viable vegetation meeting the minimum size requirements of Section 7.2.3(3)(A), Minimum Size, shall be retained and credited towards the plant count requirements.
(amended 11/3/2008, TA-2008-21)

(iv) Responsibility for Buffer Installation**(a) Vacant Parcels**

Where a developing parcel is adjacent to a vacant parcel that is in a less intense zoning district, the developing parcel shall provide all of the perimeter buffer required adjacent to the vacant land.

(b) 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 in accordance with Table 7.2.6(2), Buffer Application, unless a portion or all of a perimeter buffer that complies with the standards of this section already exists between the lots. Where all or part of a perimeter buffer exists, but the buffer does not fully comply with the standards of this section, the developing parcel shall be responsible for providing all the additional planting material necessary to meet the standards of this section.

(v) 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

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7.2 LANDSCAPING STANDARDS

7.2.7 Street Trees

located along shared access easements between parcels in nonresidential developments.

(vi) Development within Required Buffers

- (a)** The required 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 otherwise permitted in this Ordinance.
- (b)** Sidewalks and trails may be placed in perimeter buffers if damage to existing vegetation is minimized to the maximum extent practicable.
- (c)** Overhead and underground utilities, if allowed by the Town, are permitted in 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 buffer, the landowner shall be responsible for replanting all damaged or removed vegetation necessary to ensure the buffer meets the standards in the Ordinance.

(vii) 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 (Section 7.2.10), 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 Concept Plan (Section 2.3.8), Site Plan (Section 2.3.9), or Subdivision Preliminary Plat (Section 2.3.10(4)), as appropriate.

7.2.7. Street Trees

(1) Where Required

- (A)** Street trees shall be planted on both sides of every street (except alleys).

- (B)** In cases where street trees cannot be provided along a street due to overhead utilities, slope conditions, or other existing site conditions, the applicant will be required to provide an Alternate Landscaping Plan with a comparable amount of landscaping elsewhere on the site for review and approval by Town Staff. (Amended 4-6-2015 TA-2015-05)

(2) Maximum Spacing

For Public, Commercial, and Mixed Uses canopy street trees shall have average on-center spacing of 40 feet. Understory street trees shall maintain a maximum average on-center spacing of 30 feet. Staff shall have the discretion to adjust the spacing if necessary to avoid conflicts with utilities, site triangle, traffic/pedestrian signals, and signage.

- (A)** For Subdivisions with Single Family Residential, Duplex, and Townhome uses, canopy street trees and understory street trees shall have spacing that considers the location of driveways, street lights, utility lines, street signs, and sight triangles. Typically, canopy street trees shall have a maximum average on-center spacing of 50 feet along open space and amenities. Street trees will be spaced at a minimum of one per residential lot. Understory street trees shall have a maximum average on-center spacing of 30 feet along open space areas or amenities. Understory street trees shall be spaced at a minimum of one per lot. Canopy and understory trees shall be separated appropriately to allow for adequate growth and tree health. Staff has discretion as to the final placement of street trees.

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7.2 LANDSCAPING STANDARDS

7.2.7 Street Trees

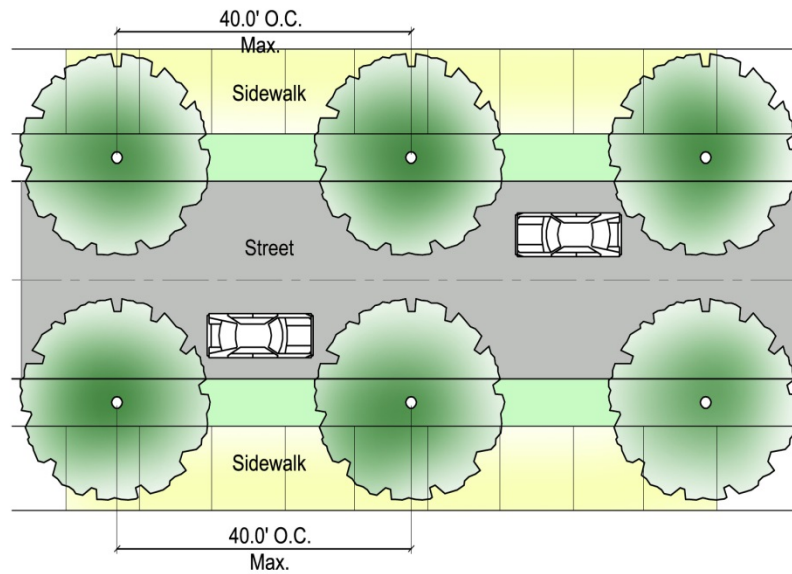


Figure 7.2.7.1: Street Tree Placement. This diagram shows appropriate on-center spacing for street trees.

(3) Location

- (A)** For Public, Commercial, and Mixed Uses, street trees shall be planted behind the planting strip on the lots or open space area having a minimum width of six feet between the back of the curb and the sidewalk. For infill development, staff has the discretion to adjust the planting strip minimum width for a more consistent look. It should not be less than 6 feet. In areas where the buildings are close to the street and street trees may not have adequate room for growth, staff has the discretion to require an alternative landscape plan to have equal amount of trees planted elsewhere on the site or in the open space.
- (B)** For Subdivisions with Single Family Residential, Duplex, and Townhome uses, street trees and understory trees shall be planted in the front yard of the lot at least 8-10 feet from the edge of sidewalks, driveways, and building foundations. The planting strip between the edge of the right-of-way and the sidewalk will have a minimum width of 6 feet.
- (C)** Street trees shall be placed at least eight feet from light poles and ten feet from electrical transformers in order to allow these utilities to be safely serviced.
- (D)** The Development Services Staff may specify an alternate location in cases where street trees have a strong potential to conflict with utilities, site triangles, and where topographic conditions make the requirement problematic.

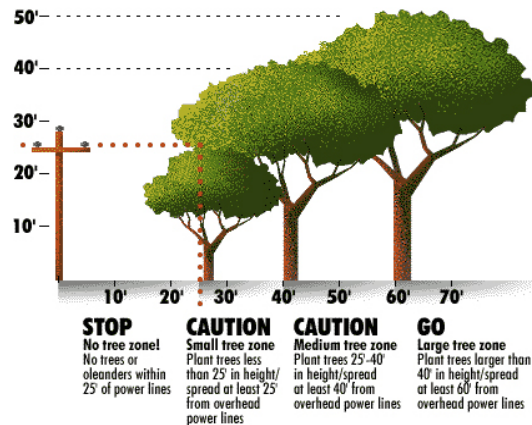


Figure 7.2.7.2: Street Tree Location. This diagram shows appropriate spacing of street trees from overhead utilities.

(4) Species

Street trees shall be canopy trees and understory trees that are included on the Town's list of acceptable species.

(Amended 4-6-2015 TA-2015-05)

(5) Credit for Existing Vegetation

Existing healthy canopy trees located within twenty feet of the right-of-way edge shall be credited towards the requirements of this subsection. Measurement of existing trees shall be made from the tree's trunk, and the existence of credited vegetation does not waive the requirement for a planting strip in accordance with Section 7.2.7(3), Location. (Amended 4-6-2015 TA-2015-05)

7.2.8. Streetscape Landscaping

(1) Purpose

The streetscape landscaping provisions are proposed to mitigate the negative impact of traffic on lots fronting streets in areas outside of the TC (Town Center) District.

(2) Applicability

- (A)** In lieu of street trees, development on lots that front streets owned and controlled by NC DOT shall provide streetscape landscaping between the edge of the street right-of-way and the uses on the lot. For residential uses (single family, duplex, and townhome) street trees shall be planted on the individual lot per Section 7.2.7(3)(B) above. (Amended 4-6-2015 TA-2015-05)

CHAPTER 7: Landscaping and Open Space

7.2 LANDSCAPING STANDARDS

7.2.8 Streetscape Landscaping

- (B)** For infill development, Town staff has the discretion to determine if an alternative streetscape planting plan, planting strip width variation, and sidewalk location is appropriate. (Amended 4-6-2015 TA-2015-05)

(3) Streetscape Landscaping Standards

The amount and type of vegetation to be provided shall comply with Table 7.2.8, Streetscape Landscaping Standards:

TABLE 7.2.8: STREETSCAPE LANDSCAPING STANDARDS			
TYPE OF REQUIRED LANDSCAPING MATERIAL	USE CLASSIFICATION		
	RESIDENTIAL USES	PUBLIC, COMMERCIAL, AND MIXED-USES	INDUSTRIAL USES
Canopy Trees per 100 Linear Feet	2	2	2
Understory Trees per 100 Linear Feet	2	2	2
NOTES: [1] Understory trees may be substituted in areas where overhead utilities exist. [2] In cases where understory trees will be shaded by mature or maturing canopy trees, shade-tolerant understory species shall be required. (Amended 4-6-2015 TA-2015-05)			

(4) Location

- (A)** Streetscape landscaping material shall be located on an individual lot within 20 feet of the actual or assumed street right-of-way edge.

(Amended 4-6-2015 TA-2015-05)

- (B)** Streetscape landscaping can be located within a public right-of-way through approval of an Alternative Landscaping Plan (see Section 7.2.10) that includes provisions for how landscaping material will be maintained.

(5) Credit for Vehicular Use Area Landscaping

- (A)** Landscaping material associated with a vehicular use area (see Section 7.2.5) may be credited towards the streetscape landscaping standards provided the landscaping material is within 20 feet of the street right-of-way edge.

(Amended 4-6-2015 TA-2015-05)

(6) Reductions Based on Surface Parking Location

The required amount of streetscape landscaping material can be reduced by 25 percent in cases where no off-street surface parking is located between a structure and the street it fronts.

(7) Credit for Existing Vegetation

Existing vegetation located outside of a Tree Protection Zone that is maintained during and after the construction process can be credited towards the streetscape landscaping standards in accordance with Section 7.1.9, Tree Preservation Incentives, provided the landscaping material is within 20 feet of the street right-of-way edge. (Amended 4-6-2015 TA-2015-05)

7.2.9. Screening

(1) General Requirements

In addition to the site landscaping, perimeter buffer, vehicular use area, and streetscape landscaping standards in this section, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from both on-site and off-site views. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

CHAPTER 7: Landscaping and Open Space

7.2 LANDSCAPING STANDARDS

7.2.9 Screening

(2) Items to be Screened

The following areas shall be 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); and
- (D) Ground level mechanical equipment and utility meters.
- (E) Solar Farms (Level 3) and Level 2 SESs (excluding parking shade structures) with an evergreen vegetative buffer at least 15 feet wide and a minimum of 80% opacity.

(3) Screening Methods

The following items are permitted for use as screening materials. Alternative screening materials that are not listed may be used if it is determined they are comparable to these screening materials.

(A) Vegetative Material

Planting materials meeting the opacity standards for a Type B buffer (see Table 0, Buffer Types) and the minimum size standards at time of planting standards of Section 7.2.3(3), New Planting Standards.

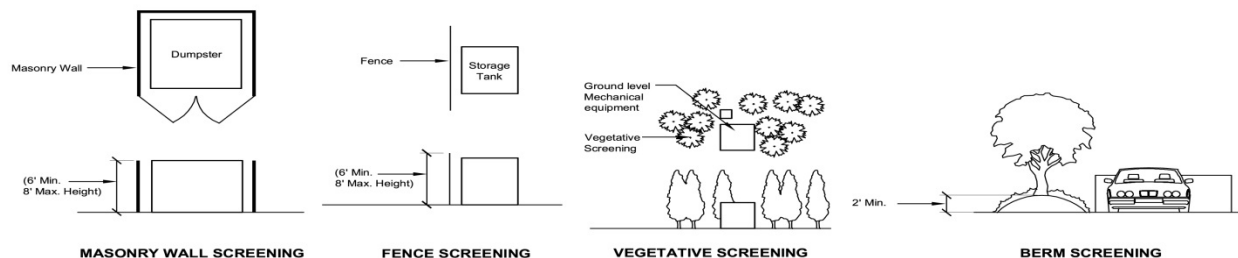


Figure 7.2.9: **Description**

(B) Berms

Earthen berms shall measure at least two feet in height. Berms shall be covered with grass and shall be planted with other landscaping materials consistent with the requirements for a Type B buffer (see Table 0, Buffer Types). A berm shall not be used if it will replace existing trees of six inches in caliper or more.

(C) Fencing

An opaque wooden fence, plastic, or vinyl designed fence that is configured to appear as an opaque wooden fence,

measuring at least six feet in height, but not exceeding eight feet in height, that is consistent with the standards in Section 9.3, Fences and Walls, is permitted. When wood is utilized, only treated wood or rot-resistant wood, such as cypress or redwood, shall be used. Chain link, barbed wire, stock wire, hog wire, chicken wire, and similar type fences are not permitted.

(D) Masonry Walls

Masonry walls measuring at least six feet in height but not exceeding eight feet in height. Walls shall be constructed of brick, textured concrete masonry units, or stucco block.

7.2.10. Alternative Landscaping Plan

An Alternative Landscaping Plan may be used where impractical situations would result from application of Section 7.2, Landscaping Standards, or to replace a tree accidentally damaged in accordance with Section 7.1, Tree Protection. Alternative plans, materials, or methods may be justified due to natural conditions, such as streams, natural rock formations, topography, and physical conditions related to the site. Also, the lot configuration and utility easements may justify an Alternative Landscaping Plan.

(1) Allowable Deviations

The Development Services Staff shall approve an Alternative Landscaping Plan if it meets the purpose and intent of the landscaping standards in Section 7.2.1. Allowable deviations from the standards of this section include, but are not limited to the following:

(A) Reduced Planting Rates due to Public Facilities

An adjustment to planting locations or reduction in the type or total number of required trees or shrubs when underground connections to public facilities or public utilities, or 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.

(B) Reduction in Standards Due to Nature of Parcel

A reduction in the count, spacing, or species diversity standards is more desirable in terms of good landscape practice considering the nature of the parcel and adjacent parcels.

CHAPTER 7: Landscaping and Open Space

7.2 LANDSCAPING STANDARDS

7.2.11 Other Landscape Standards

7.2.11. Other Landscape Standards

(1) 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 site.

(B) Requests for Delay

Requests for a delay in complying with this section due to poor weather or planting conditions shall be considered in accordance with this section following a written request directed to the Development Services Staff. Such request for a delay shall note the timeframe during which the planting shall be completed.

- (i) Extensions may be granted due to unusual environmental conditions such as drought, ice, over saturated soil (deep mud), or inappropriate planting, provided that the developer or the property owner provide the Town with a performance guarantee in accordance with Section 10.4, Performance Guarantees, ensuring the installation of the remaining landscape materials. In such cases, the Town may authorize Iredell County to issue a Temporary Certificate of Occupancy for a period of 30 to 180 days, relative to the next planting season.
- (ii) Exceptions may be granted by Development Services due to circumstances beyond the developer's or property owner's control, such as incomplete construction or utility work to occur in a proposed landscaped area within 30 days after expected site completion. Exceptions may be granted provided that the developer or property owner submits a letter from the utility company to the Town stating the estimated installation date, and provides a performance guarantee in accordance with Section 10.4, Performance Guarantees, to ensure installation of the required landscaping. In such cases, the Town of Mooresville may authorize Iredell County to issue a temporary Certificate of Occupancy for a period not to exceed 30 days.

(2) Maintenance

(A) Maintenance Responsibility

The owner 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 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 shall be replaced if it dies, is seriously damaged, or removed. All landscaping areas shall be maintained so as to prevent debris from washing onto streets and sidewalks.

(i) 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 may be required to replant if the landscaping standards are not being met. The owner shall have one growing season to replace or replant. The Development Services Department 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.

(ii) Protection during Operations

The owner 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 drive intersections, obstruct traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails.

(iii) Maintain Shape

All required trees (whether canopy or understory) 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 no longer serve the intended buffering providing shade to the parking areas, or screening function and shall be considered as damaged vegetation in need of replacement in accordance with Section 7.2.11(2)(A)(ii), Damage Due to Natural Occurrence, and shall be replaced within one growing season.

CHAPTER 7: Landscaping and Open Space

7.2 LANDSCAPING STANDARDS

7.2.11 Other Landscape Standards

(iv) 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 Development Services Department, the required performance standard of the landscaping is not being met.

(B) Monitoring of Compliance with Landscaping Standards

(i) Inspections Prior to Certificate of Occupancy

The Development Services Staff shall inspect the site prior to the issuance of a Certificate of Occupancy for the development and such permit shall not be issued if the landscaping required under this section is not living or healthy or is not installed in accordance with the approved Landscaping Plan or Alternative Landscaping Plan and the standards in this section.

(ii) Inspections after First Year

The Development Services Staff may inspect the site each year after the issuance of a Certificate of Occupancy in order to ensure compliance with the approved Landscaping Plan or Alternative Landscaping Plan and to ensure that the landscaping is properly maintained. Failure to maintain required landscape areas (trees and shrubs) in accordance with the standards of this section shall constitute a violation of this Ordinance.

(C) Compliance with Landscaping Standards

- (i)** "Tree topping" or severe pruning is prohibited.
- (ii)** Pruning shall not exceed 25 percent of the overall tree canopy.
- (iii)** All trees shall reach 85 percent of their overall height at maturity.

(D) Replacement of Disturbed and Damaged Vegetation

- (i) The disturbance of any landscaping area or vegetation required by this Ordinance shall constitute a violation of these provisions. All disturbed landscaping areas and vegetation shall be replanted to meet the standards of this section and Section 12.6.11, Remedies for Disturbance or Destruction of Vegetation.

7.3 OPEN SPACE STANDARDS

7.3.1. Purpose and Intent

This section addresses the character and design of those portions of development that are not occupied by platted lots or streets and that are reserved for open space, public parks, and greenways. The purpose of this section is to:

- (1) Establish the standards under which a portion of residential, nonresidential, and mixed-use development shall set aside a portion of the development area as open space;
- (2) Distinguish between among the characteristics, requirements, and appropriate locations for open space for active and passive recreation purposes; and
- (3) Establish minimum ownership and maintenance standards for homeowner and property owner associations related to open space.

7.3.2. Applicability

(1) General

Unless exempted, the provisions of this section shall apply to development of all land in the Town subject to a Concept Plan (Section 2.3.8), Site Plan (Section 2.3.9), or Subdivision Preliminary Plat (Section 2.3.10(4)), as appropriate.

(2) Conflict with Other Standards

In the event that open space standards in the base or overlay zoning districts conflict with the standards in this section, the standards in the base or overlay zoning district shall control.

(3) Exemptions

Land located within the TC District, EI District, GI, and Agricultural Uses shall be exempt from the open space standards in this section unless they are adjacent to or encompass lands designated as parks, trails, or greenways on the Town's Parks and Greenways Comprehensive Master Plan.

CHAPTER 7: Landscaping and Open Space

7.3 OPEN SPACE STANDARDS

7.3.3 Open Space Standards

(4) Lands for Parks and Greenways

In cases where new development is proposed in areas proximate to locations identified on the Parks and Recreation Master Plan, the Town may, in its sole discretion, accept required open space for use as public park or greenway land.

7.3.3. Open Space Standards

(1) Amounts of Open Space Required

Development shall provide at least the minimum amounts of open space identified in Table 7.3.3, Required Open Space below:

TABLE 7.3.3 REQUIRED OPEN SPACE		
Use Type	Open Space Amount (% of Development Size)	
	NMX, CMX, VC, HB, GI, PC-C	R-2, R-3, R-5, RMX-MH, RMX, TND-CU
Residential Uses	10%	20%
Nonresidential & Mixed-Uses	5%	10%
[1] Elementary schools, middle/intermediate schools, high schools, cemeteries, Utilities, and Outdoor Recreation Uses are exempt from these requirements.		

(2) Calculation of Open Space

For the purposes of complying with this section:

(A) Unique Features

Natural features (riparian areas, wetlands, wildlife corridors, steep slopes, etc.), natural hazard areas (floodplains, karst areas, etc.), water features (drainage canals, ditches, lakes, natural ponds, streams, rivers, etc.), and wildlife habitat areas for threatened and endangered species shall be counted towards the passive open space.

(B) Required Landscaping and Tree Protection Zones

Except for areas devoted to internal landscaping within a vehicular use area, areas occupied by required landscaping, Tree Protection Zones, or critical root zones for Specimen Trees shall be counted towards the passive recreation requirements for the open space.

(C) Active Recreational Areas

Land occupied by active recreational uses such as pools, playgrounds, tennis courts, jogging trails, and clubhouses used primarily for recreation purposes shall be counted toward the minimum open space. Where linear open space (i.e. greenways, nature trails, mountain biking trails, etc.) 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 open space calculation.

(D) Passive Recreational Areas

Passive recreation areas shall be counted towards the open space and shall be established in accordance with the Parks and Recreation Master Plan.

(E) Stormwater Management Devices

Land area occupied by stormwater management devices, including retention ponds, fully vegetated detention basins, and other bio-retention devices shall be counted towards the open space when such features are treated as a site amenity, and support passive or active recreation uses by providing access, gentle slopes less than three-to-one (3:1), and pedestrian elements such as paths, benches, and similar aspects.

(F) Land within Lots Subject to Easements

Land within the boundary of a private or commercial lot shall not be counted towards the open space unless it is subject to a conservation easement.

(G) Not Counted as Open Space

The following areas shall not be counted as open space:

- (i) Private yards not subject to an open space or conservation easement;
- (ii) Public or private street rights-of-way, including sidewalks located within those rights-of-way;
- (iii) Open parking areas and driveways for dwellings;
- (iv) Land covered by structures not designated for active recreational uses;
- (v) Designated outdoor storage areas; and
- (vi) Berms and buffers.

(amended 9/2/2008, TA-2008-17B)

(3) Design Standards for Open Space

Land set aside as an open space shall meet the following design standards:

CHAPTER 7: Landscaping and Open Space

7.3 OPEN SPACE STANDARDS

7.3.3 Open Space Standards

(A) Location

- (i) Where relevant and appropriate, open space shall be located so as to be readily accessible and useable by residents and uses of the development. No lot can be farther than a ¼ mile radius from the open space. This radius is measured in a straight line from the lot line, without regard for street, sidewalk or trail connections, to the nearest point of the open space feature or the direct access to the feature.
- (ii) The lands shall be compact and contiguous unless the land is used as a continuation of an existing trail, or specific natural or topographic features require a different configuration. For the purposes of this section, contiguous also includes any open space bisected by a Local Street provided that:
 - (a) A pedestrian crosswalk provides access to the open space on both sides of the street; and
 - (b) The right-of-way area is not included in the calculation of minimum open space required.
- (iii) Unless limited by topography or other physical site characteristics, all entrance or access ways to open space features should be compliant with the Americans with Disabilities Act (ADA).
- (iv) With the exception of greenbelt and greenway open space shall have a relationship to street frontage as per the requirements in Table 7.3.3(2) Open Space Configuration.

(amended 7/7/2008, TA-2008-14)

(B) Minimum Percentage Devoted to Active Recreation

- (i) In cases where land is proposed for development of residential uses, a minimum of 40 percent of the open space shall be reserved for active recreation uses as described in Section 2.3.3(4), Allowable Uses in Open Space.
- (ii) Conservation subdivisions (see Section 2.3.10(5)), shall not be required to provide for active recreation in open space.

(C) Adjacent to Existing or Planned Open Space

Where open areas, trails, parks, or other public spaces are planned or exist adjacent to the parcel, the open space shall, to the maximum extent practicable, be located to adjoin,

extend, and enlarge the presently existing trail, park, or other open area land.

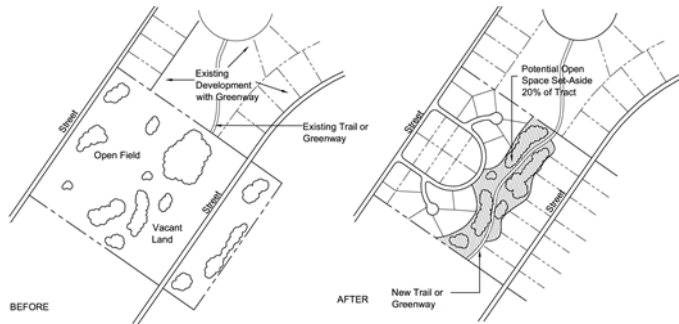


Figure 7.3.3(2): Extension of Open Space. This diagram shows how open space areas within new development should be configured to expand existing open space resources.

(D) Waterfront Areas

Development adjacent to Lake Norman shall provide at least 30 percent of the required open space along the shoreline. Such open space areas shall be designed to provide waterfront access.

(E) Configuration

With the exception of greenways, greenbelts, or any other linear open space, the minimum width for any required open space is 50 feet. Greenways to be accepted by the Town for public use, shall be a minimum of 10 feet in width and meet the Town's standards for construction. Linear open space (i.e.) greenways, nature trails, mountain biking trails, etc.) that will be privately maintained shall be between 5-14 feet in width and constructed out of material appropriate for the facility. 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 open space calculation. The configuration of passive and active open space may be in accordance with Figure 7.3.3.2, Open Space Configuration.

(F) Prioritization of Open Space

To the maximum extent practicable, the open space should be located and organized to include, protect, or enhance as many of the following open areas and features as possible:

- (i) Natural features such as riparian areas, wetlands, wildlife corridors, steep slopes, mature trees (four-inch caliper or greater), rock outcroppings, and natural hazard areas;

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7.3.3 Open Space Standards

- (ii) Water features such as drainages, canals, ditches, lakes, natural ponds, and retention and detention ponds;
- (iii) Landscaped buffers or visual transitions between different types or intensities of uses;
- (iv) Natural or geologic hazard areas or soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rockfalls, expansive soils, or floodplains;
- (v) Habitat for endangered species; and
- (vi) Areas that accommodate multiple compatible open space uses rather than a single use.

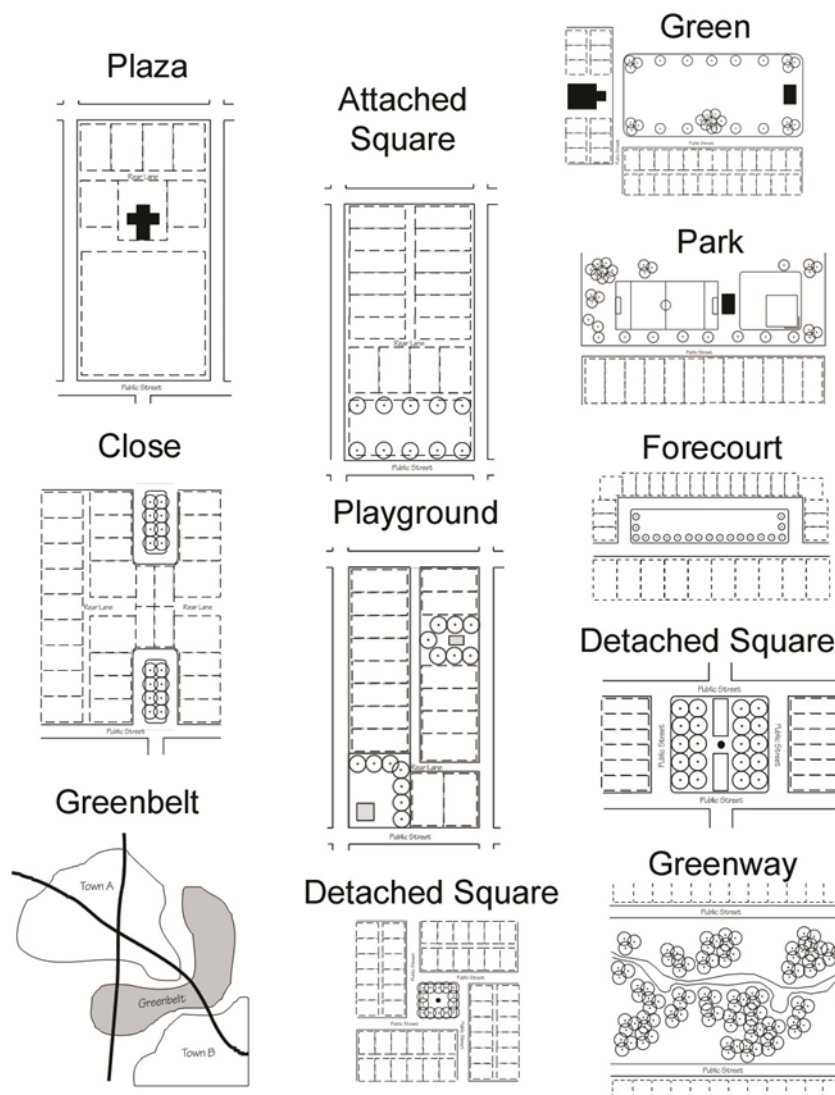


Figure 7.3.3.2: Open Space Configuration. This diagram illustrates different forms of open space set aside.

(G) Provision in Multi-Phase Developments

Multi-phase development shall at a minimum provide open space in phases, so that the first phase of development provides not less than a proportional amount of open space to development space. Open space shall be apportioned into equal amounts in each of the subsequent phases (for example, if a three-phase development is required to provide a total of 12 acres of open space, and provides six acres in the first phase, no less than three acres (25 percent of the total amount of open space) shall be provided in each of the two subsequent phases left in the development).

(4) Allowable Uses in Open Space

Open space areas shall not be developed with any structures except for the following:

(A) Active Recreation Uses

Facilities for active recreation, including but not limited to: benches or other seating areas; pedestrian-scaled lighting; gazebos or other decorative structures; fountains or other water features; play structures for children; gardens or seasonal planting areas; plazas and fountains; pools; athletic fields; courts; and clubhouses used primarily for recreational purposes (equipment or structures for such uses shall be indicated on the Concept Plan (Section 2.3.8), Site Plan (Section 2.3.9), or Subdivision Preliminary Plat (Section 2.3.10(4)), as appropriate.

(B) Passive Recreational Uses

Passive recreational and educational purposes, including but not limited to walking, jogging, biking, picnicking, fishing, preservation of natural areas and scenic resources, parks, environmental education, and wildlife habitat protection.

(5) Ownership of Open Space**(A) Dedicated to Homeowner's or Property Owner's Association**

Wherever possible, all open space areas shall be owned jointly or in common by the owners of the development through a recognized Homeowner's or Property Owner's Association, which should be established in accordance with the following:

- (i) A statement that "the HOA or POA is responsible for maintenance of any/all the open space" must be included in the record plat.

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7.3.3 Open Space Standards

- (ii) The landowner shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before approval of the first Subdivision Final Plat or Building Permit, whichever occurs first; and
- (iii) Membership in the association shall be automatic (mandatory) for all purchasers of land therein and their successors in title.

(B) Dedicated to Nonprofit Organization

Open space may be deeded to a non-profit organization such as a land trust or land conservancy with the prior approval of the Town Board of Commissioners.

(C) Park Lands

The landowner may offer open space areas to the Town during the Final Subdivision Plat procedure (see Section 2.3.10(5)). The Town Board of Commissioners shall determine which lands and under what conditions such lands will be accepted by the Town.

(6) Maintenance of Open Space

The owner of the land shall be responsible for maintenance of all open space areas. Failure to maintain open space areas or other community facilities in accordance with the approved Concept Plan (Section 2.3.8), Site Plan (Section 2.3.9), or Subdivision Preliminary Plat (Section 2.3.10(4)) shall be a violation of this Ordinance subject to the remedies and penalties in Chapter 12: Enforcement and Remedies.

Chapter 8: Signage

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CHAPTER 7: Landscaping and Open Space

7.3 OPEN SPACE STANDARDS

7.3.3 Open Space Standards

CHAPTER 8: SIGNAGE

8.1 PURPOSE AND INTENT

The purpose and intent of this Chapter 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 Chapter 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 Chapter 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 in the aesthetic and environmental qualities of the Town;
- (3)** To 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)** Maintain the economic viability of businesses in our community through the availability of appropriate signage; and
- (5)** To promote public safety, health, welfare, convenience, and enjoyment of travel and the free flow of travel within the Town.

8.2 APPLICABILITY

8.2.1. General

Unless exempted in accordance with Section 8.5, ALLOWABLE SIGNS-EXEMPT FROM SIGN PERMIT REQUIREMENTS, no sign allowed by this chapter shall be constructed, erected, moved, enlarged, illuminated, altered, maintained, or displayed without first being issued a sign or Building Permit when applicable in accordance with the standards of this chapter. Regardless of the requirement for a Sign Permit through the Town, Iredell County may or may not require a Building Permit. It is the responsibility of the business owner to verify with Iredell County the need for a Building Permit.

Flags, pennants, insignia or religious symbols of any government, non-profit or not-for-profit organization are not considered signs for the purposes of this ordinance, provided that:

- (1)** Such items are not associated with commercial promotion, or used as an advertising device;

- (2)** No pole displaying such items exceeds 25 feet except that there is no height restriction for a pole displaying the American Flag;
- (3)** Flags, except those representing United States government bodies, do not exceed 24 square feet
- (4)** Such items are limited to a maximum of three per site:

8.2.2. Responsibility for Compliance

All business or organizations interested in installing signs are responsible for acquiring such permits. Signage may be selected from the allowable options indicated herein, and design drawings prepared by a sign manufacturer or signage designer must be submitted for approval by the Town prior to installation of said signage.

8.2.3. Master Sign Plan

A Master Sign Plan shall be submitted for review and approval by Town Staff. Once a Master Signage Plan is approved, all changes to signage for that property shall be reviewed in accordance with the provisions of Section 8 of this Ordinance. The approved Master Sign Plan will account for sign area, sign location(s) and the relationship of all signage on the building. Amended (TA 2018-05, June 2018)

8.2.4. Termination

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.

8.3 ALLOWABLE PERMANENT SIGNS-PERMIT REQUIRED

8.3.1. Allowable Permanent Signs

This section includes the standards for the types of signs required to obtain a Sign Permit prior to erection, enlargement, display, alteration or illumination:

CHAPTER 8: SIGNAGE

8.3 ALLOWABLE PERMANENT SIGNS-PERMIT REQUIRED

8.3.1 Allowable Permanent Signs

Arm Sign – Permit Required

A sign whose sign face is suspended from a support arm at a right angle to the ground. Arm signs do not include temporary real estate signage that may be supported in a similar manner.

Allowable Districts: R-2, R-3, R-5, RMX, RMX-MH, TND-C, NMX, VC, TC, CMX, HB, GI, EI, HI

Location: Minimum 5 feet behind right-of-way

Maximum Number: One (1) sign per street frontage

Illumination: Exterior (spot) lighting only

Size/Dimension:

12 square feet maximum in residential districts (R-2, R-3 and R-5), 16 square feet maximum in all other districts. Maximum height of 6 feet, measured from the top of the post to the average ground elevation.

Limitations:

- Arm signs may not be used at detached residences for home occupations.



Awning Sign – Permit Required

A sign that is mounted, painted, or attached to an awning or canopy.

Allowable Districts: RMX, RMX-MH, TND-C, NMX, VC, TC, CMX, HB, GI, EI, HI

Location: Awnings on 1st floor of building only

Maximum Number: N/A

Illumination: Exterior (spot) lighting only, from overhead sign

Size/Dimension:

Maximum 50% of awning area as calculated on the basis of the awning or canopy.

Limitations:

- Awning signs may not be used at detached residences for home occupations.



Civic Sign – Permit Required

Signs for municipal, school, recreational, religious and civic club institutions.

Allowable Districts: R-2, R-3, R-5, RMX, RMX-MH, TND-C, NMX, VC, TC,

Location: Minimum 5 feet behind right of way

Maximum Number: N/A

Illumination: Exterior (spot) or internal lighting

Size/Dimension:

No sign shall exceed 32 square feet with a maximum height of 6 feet. Any changeable face portion shall not exceed 40% of the sign face.

Limitations:

- No ground mounted sign shall be located closer than 10 feet to any adjacent lot line. Signage advertising day of events may be placed no sooner than 6 PM the day before, and must be removed by 8 PM the day after.



Directory Sign – Permit Required

A ground or building sign that lists tenants or occupants of a building or development project, with unit numbers, arrows, or other directional information.

Allowable Districts: R-2, R-3, R-5, RMX, RMX-MH, TND-C, NMX, VC, TC, CMX, HB, GI, EI, HI

Location: Minimum 10 feet behind right-of-way and driveway entrance.

Maximum Number: Two (2) per site; 500 linear feet separation

Illumination: Exterior (spot) lighting only

Size/Dimension:

Maximum area of 10 square feet per tenant, up to a maximum of 50 square feet. Maximum height of 6 feet.

Limitations:

- Only for use on non-public streets to facilitate access when individual tenants are not readily visible from the street.



Directional Wayfinding – Ground Mounted – On – premise – Permit required

A ground sign that is on-premise, whether vehicular or otherwise, to guide traffic within the site.

Allowable Districts: RMX, NMX, CMX, HB, VC, TC, HI, PC-CU

Maximum Number: Two (2) per site; One (1) per entrance.

Illumination: Interior only

Size/Dimension:

No directional sign shall exceed six (6) square feet of area, and not to exceed three (3) feet in height measured from grade.

Limitations:

- Logos or advertising is not permitted.
- All signs shall be free standing.
- Directional signage does not count against the total monument or pole signage allowances.

Amended (TA 2018-05, June 2018)



Directional Wayfinding – Under Canopy – Permit required

Signs that are mounted under canopies, awnings, balconies or other appurtenances used to cover pedestrian spaces.

Allowable Districts: RMX, RMS-MH, TND-C, GI, EI, NMX, CMX, HB, VC, HI, TC, PC-CU

Maximum Number: One (1)

Size/Dimension: Maximum six (6) square feet.

Illumination: None

Limitations:

- Signs shall maintain a minimum eight (8) feet of clearance from the bottom of the sign to sidewalk. Cannot extend past canopy, awnings, balconies or other appurtenances.

Amended (TA 2018-05, June 2018)



CHAPTER 8: SIGNAGE

8.3 ALLOWABLE PERMANENT SIGNS-PERMIT REQUIRED

8.3.1 Allowable Permanent Signs

Directional Wayfinding – Wall Mounted – On – Premise Permit required

A wall-mounted sign that is on-premise, whether vehicular or otherwise, to guide traffic or pedestrians within the site.

Allowable Districts: RMX, NMX, CMX, HB, VC, HI, TC, PC-CU

Maximum Number: No limit

Size / Dimension: Not to exceed 3% overall façade of wall – sides visible from a street and primary parking. Such sign shall not count towards the maximum total number of wall signs for the building to which they are attached but shall count to the maximum total area of wall signs allowable for the building to which they are attached.

Illumination: None

Limitations:

- Sign messages have no logo or advertising
- Signs shall use type style consistent with the signage of the business or tenant to which they are related.
- Signs are limited to one (1) sign per service bay entry door indicating entry, exit, or other similar services for identification.



Amended (TA 2018-05, June 2018)

Drive - Thru Menu Board – Permit Required

An accessory sign providing menu items and prices associated with a drive-thru window or walk-up service window.

Allowable Districts: NMX, HB, GI, CMX, HI

Location: As shown on approved site plan

Maximum Number: One (1) pre-menu board and one (1) menu board per drive through lane

Illumination: Exterior (spot) lighting or Interior

Size/Dimension:

No menu board sign shall exceed 32 square feet.

No pre-menu board shall exceed 16 square feet.

Limitations:

- Sign shall not be visible from the public or private right-of-way.



Amended (TA 2018-05, June 2018)

Fuel Canopy Sign – Permit Required

A sign painted on or attached to a canopy or awning that is located at a retail establishment with fuel sales.

Allowable Districts: TND-C, NMX, VC, TC, CMX, HB, GI, PC-C, HI

Location: Limited to canopies at fuel island only.

Maximum Number: One (1) per side

Illumination: No illumination allowed

Size/Dimension:

Maximum of 10% of canopy face

Limitations:

Sign shall not extend lower than the top of the primary entrance door casing, or 10 feet from the ground, whichever is greater.



Projecting Sign – Permit Required

Any sign other than a wall sign that is attached to and projects from the wall or face of a structure more than 18 inches including an arcade/marquee sign.

Allowable Districts: RMX, RMX-MH, TND-C, NMX, VC, TC, CMX, HB, GI, EI, HI

Location: Sign shall maintain a minimum clearance of 9 feet when above a sidewalk.

Maximum Number: One (1) per establishment

Illumination: Interior only

Size/Dimension:

Maximum area of 10 square feet, and a maximum height of 10 feet.

Limitations:

- Sign shall not extend lower than the top of the primary entrance door casing, or 10 feet from the ground, whichever is greater.
- Signs shall not project more than 4 feet from the building wall.



CHAPTER 8: SIGNAGE

8.3 ALLOWABLE PERMANENT SIGNS-PERMIT REQUIRED

8.3.1 Allowable Permanent Signs

Window Sign – Permit Required

A Permanent 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 constructed and/or maintained for the primary purpose of being viewed from the outside of that structure.

Allowable Districts: R-2, R-3, R-5, RMX, RMX-MH, TND-C, NMX, VC, TC, CMX, HB, GI, EI, HI

Location: 1st floor windows or glass doors.

Maximum Number: N/A

Illumination: none

Size/Dimension:

Maximum of 50% of total window area.

Limitations:

- Window signs do not count against the total allowable sign area.
- Signs shall not obstruct general visibility of the interior of the facility.
- Subject to Section 8.7.6
- "Open", "Closed" and "ATM" signage may be illuminated and does not require a permit.



Subdivision Sign – Permit Required

A ground mounted sign used at the main entrance(s) to a subdivided property with an interior road network utilized to access individual lots, either residential or commercial.

Allowable Districts:

All Districts

Location: 5 feet from the right-of-way

Maximum Number: Two (2) signs per main entrance, one sign each side of the right-of-way

Illumination: Exterior (spot) lighting only

Size/Dimension:

36 square feet maximum area, 6 feet maximum height: R-2, R-3, R-5

50 square feet maximum area, 6 feet maximum height: RMX, RMX-MH, TND-C, NMX, VC, TC

75 square feet maximum area, 8 feet maximum height: CMX, HB, GI, EI, PC-C, HI

Limitations:

- May not be located in road right-of-way or sight triangle



Ground Mounted Sign, Single/Multi-Tenant – Permit Required

A sign in which the area between the bottom edge of the sign and the ground is substantially filled with a solid architectural material. Solid architectural materials include brick, wood, stone, masonry or hand-coat stucco but do not include aluminum or similar materials. Substantially filled shall be defined as at least two-thirds (2/3) of the area between the edges of the sign and the ground.



Allowable Districts: All Districts

Location: Minimum 5 feet behind right-of-way, minimum 10 feet from any lot line

Maximum Number: One (1) sign per street frontage, 2 per street frontage if frontage exceeds 300 feet

Illumination: Exterior (spot) or interior lighting

Size/Dimension:

36 square feet maximum area, 6 feet maximum height: R-2, R-3, R-5

50 square feet maximum area, 6 feet maximum height: RMX, RMX-MH, TND-C, NMX, VC, TC

75 square feet maximum area, 8 feet maximum height: CMX, HB, GI, EI, PC-C, HI

Limitations:

- Ground-mounted signs are for use with single/multi-tenant occupied lots without an anchor tenant over 35,000 sf. For shopping centers with an anchor tenant over 35,000 sf, refer to Ground Mounted Sign, Shopping Center.
- Only buildings set more than 15 feet from the right-of-way may use a ground-mounted sign.
- Subject to 8.7.1

Ground Mounted Sign, Shopping Center – Permit Required

A sign in which the area between the bottom edge of the sign and the ground is substantially filled with a solid architectural material.

Solid architectural materials include brick, wood, stone, masonry or hand-coat stucco but do not include aluminum or similar materials.

Substantially filled shall be defined as at least two-thirds (2/3) of the area between the edges of the sign and the ground.



Allowable Districts: CMX, HB, GI, EI, HI

Location: Minimum 5 feet behind right-of-way, minimum 10 feet from any lot line

Maximum Number: One (1) Primary sign per street frontage

1 Secondary Sign per additional street front

Illumination: Exterior (spot) or interior lighting

Size/Dimension:

25 feet maximum height – Primary Sign, 15 feet maximum height – Secondary Sign –AND– no sign shall exceed the height of the primary structure.

200 square feet maximum – Primary Sign, 100 square feet maximum – Secondary Sign

Limitations:

- Ground-mounted signs, shopping center are for use with shopping centers with more than two tenants and at least one anchor tenant with more than 35,000 sf of retail space. All other commercial developments refer to Ground Mounted Sign, Single/Multi-Tenant.
- Only buildings set more than 20 feet from the right-of-way may use a ground-mounted sign.
- Subject to 8.7.1

Pole Sign – Permit Required

A self-supporting sign resting on, or supported by means of poles, standards, or any other type of base on the ground, where the total sign height as measured from the ground exceeds the sign width.

Bases may be wrapped or otherwise covered however any lettering or logos on the base covering shall not be allowed.



Allowable Districts: CMX, HB, GI, EI

Illumination: Exterior (spot) or interior lighting

CHAPTER 8: SIGNAGE

8.3 ALLOWABLE PERMANENT SIGNS-PERMIT REQUIRED

8.3.1 Allowable Permanent Signs

Interstate Sign

Allowable uses are limited to restaurant, lodging, or fuel sales.

Location: Limited to an area within 1,000 linear feet of the Interstate 77 right-of-way and 1,500 linear feet of the centerline of West Plaza Drive at Exit 36.

Maximum Number: One (1) If used, no additional detached primary sign is allowed.

Size/Dimension: Maximum area of 150 square feet, minimum height of 50 feet, and maximum height of 80 feet.

Shopping Center

Location: Minimum 10 feet behind right-of-way and driveway entrance, minimum 5 feet from any lot line and minimum 15 feet from any residential district.

Maximum Number: 1 Primary Sign per street front, 1 Secondary Sign per street front

Size/Dimension:

Primary Sign: Maximum area of 200 square feet, and maximum height of 25 feet

Secondary Sign: Maximum area of 100 square feet, and maximum height of 15 feet

Single/Two Uses on Individual Lot

Location: Minimum 5 feet behind right-of-way driveway entrance and/or lot line, and minimum 15 feet from any residential district.

Maximum Number: 1 per street front

Size/Dimension: Maximum area of 75 square feet, and maximum height of 15 feet

Limitations:

Only buildings set back more than 30 feet from the right-of-way may use a pole sign.

Wall signage – Permit Required

A sign mounted parallel to or painted on a building facade or other vertical building surface that does not project more than 18 inches from the wall surface. Signs painted on walls shall be considered wall signs. Wall signs do not include decorative murals that are free of any lettering or logos, except that the lettering or logos may represent his historic products with ties to the region or companies that no longer exist in advertised form.



Maximum Number Unless specifically outlined elsewhere in this section)

- One (1) per front façade for R-2, R-3 & R-5
- Two (2) per front façade and one (1) per side façade visible from a street for RMX, RMX-MH, TND-C, NMX, VC & TC.
- Four (4) per front façade and three(3) per side façade visible from a street for CMX, HB,GI, HI & EI.

Illumination: Exterior (spot) or interior lighting.

Table 8.3.1 (1) WALL SIGNAGE FOR SINGLE STORY OR SINGLE TENANT BUILDINGS

Base Zoning District	Allowances
R-2, R-3, R-5, RMX-MH, TC	Maximum 1 sq. foot per linear foot of building façade not to exceed 5% of total facade
NMX, VC, CMX, HB, GI, HI, EI, TND-C, PC-C	Maximum 2 sq. foot per linear foot of building façade not to exceed 10% of total facade

Limitations:

- Below roofline
- Wall signs may only be used for civic or attached residential purposes in residential areas.
- The maximum aggregate area of wall signs shall not include the area of any windows or doorways
- No wall sign or its supporting structure shall cover any window or part of the window.
- If free standing signage is allowed but not used, that copy area can be applied to the allowed wall signage as additional wall signage.

Amended (TA 2018-05, June 2018)

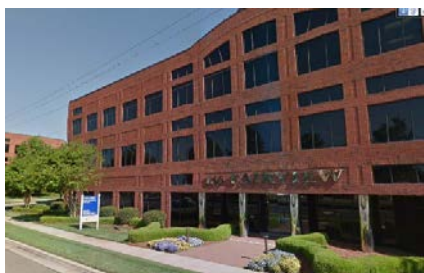
CHAPTER 8: SIGNAGE

0 Wall signs-Multi-Story Buildings-Interior Access

8.3.1 Allowable Permanent Signs

Wall signs-Multi-Story Buildings-Interior Access

A multi-story, multi-occupancy building with a principal entrance serving interior spaces



Building Identification Signage

Building Identification Signage with Tenant Monument

Table 8.3.1 (2) Table of Allowances

WALL SIGNAGE FOR MULTI-STORY/MULTI-TENANT-INTERIOR ACCESS

BASE ZONING DISTRICTS	PRIMARY SIGN	SECONDARY TENANT SIGN
RMX, RMH, MH, TC	Maximum 1 sq. foot per linear of building façade not to exceed 5% of total façade	Secondary tenant Signage not to exceed 2.5% of total façade
NMX, VC, CMX, HB GI, HI, EI, TND-C & PC-C, HI	Maximum 2 sq. foot per linear of building façade not to exceed 10% of total façade	Secondary tenant Signage not to exceed 5% of total façade

Limitations:

- Below roofline.
- A property owner may allocate a secondary wall sign to a single tenant occupying a substantial majority (>50%) of Gross Leasable Area (GLA). One (1) sign per façade facing a street.
- If a secondary tenant wall sign is allowed – the allowance provision is based on half (1/2) of the allowable maximum total façade area. (See table 1).
- Tenants utilizing a multi-story building with a principal entrance serving interior offices and with separate individual outside entrances, may have one (1) wall sign at the location of occupancy based on half (1/2) of the allowable maximum total façade.
- A multi-story building with a principal entrance serving interior offices and with separate individual outside entrances; tenant spaces, and the wall signage allowance is rescinded, and wall mounted directory must be utilized.
- Wall signs may only be used for civic or attached residential purposed in residential areas.
- The maximum aggregate area of wall signs shall not include the area of any windows or doorways.
- No wall sign or its supporting structure shall cover any window or part of the window.
- If free standing signage is allowed but not used, that copy area can be applied in addition to the allowed wall signage as additional wall signage.

Amended (TA 2018-05, June 2018)

Wall signs-Multi-Story Buildings-Exterior Access

A multi-occupancy building serving a combination of separate, individual outside entrances with or without a principal entrance serving interior multi-story tenant spaces.



Table 8.3.1 (3) Table of Allowances WALL SIGNAGE FOR MULTI-STORY/MULTI-TENANT-EXTERIOR ACCESS

BASE ZONING DISTRICTS	ALLOWANCES
RMX, RMH, MH, TC	Maximum 1 sq. foot per linear not to exceed 5% of total facade
NMX, VC, CMX, HB GI, HI, EI, TND-C & PC-C, HI	Maximum 2 sq. foot per linear not to exceed 10% of total facade

Limitations:

- Below roofline.
- First floor tenant spaces with individual outside entrances may have a wall sign in accordance to the wall sign allowances.
- If second story tenants have access to an exterior entrance, tenant signage for second floor occupancies shall be limited to below the window sill of the second story.
- Tenants with an entrance being served from the interior, a wall mounted directory must be utilized.
- Wall signs may only be used for civic or attached residential purposes in residential areas.
- The maximum aggregate area of wall signs shall not include the area of any windows or doorways.
- No wall sign or its supporting structure shall cover any window or part of window.
- If free standing signage is allowed but not used, that copy area can be applied in addition to the allowed wall signage a additional wall signage.

Amended (TA 2018-05, June 2018)

8.4 ALLOWABLE TEMPORARY SIGNS-PERMIT REQUIRED

On premise pennants, signs, flags, inflatables and streamers for special events an grand openings associated with nonresidential uses may be permitted for a total of 60 days in a calendar year, counted as total aggregate days in any

CHAPTER 8: SIGNAGE

8.5 ALLOWABLE SIGNS-EXEMPT FROM SIGN PERMIT REQUIREMENTS

8.3.1 Allowable Permanent Signs

combination of durations but not more than 30 consecutive days at a time, provided that:

- (1) A complete signage site plan is approved by the Town and a Sign Permit issued. The signage site plan shall include all event signage and decoration locational items that were not include in the approved signage site plan shall not be installed without a revised plan submitted and approved by the Town.
- (2) Temporary banners are limited to a maximum of 75 square feet in area and are either attached to primary façade of a principal structure or are completely and securely affixed to poles. Poles must decorative in nature. Banners shall not be attached to a roof structure or fence.
- (3) Temporary signage is removed within two days of the event's conclusion.

Failure to comply with the standards in this section is a violation of this Ordinance and shall result in enforcement action in accordance with the standards in Chapter 12 Enforcement and Penalties.

8.5 ALLOWABLE SIGNS-EXEMPT FROM SIGN PERMIT REQUIREMENTS

The following types of signs shall be exempt from the requirement to obtain a Sign Permit, and may be located on a lot within any base zoning district provided the sign is located outside of the right-of-way and complies with all applicable requirements in this section:

SANDWICH BOARDS 	YARD SALE 	SIGNS MORE THAN 40 YEARS OLD 	FUEL SALES 
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CHAPTER 8: SIGNAGE




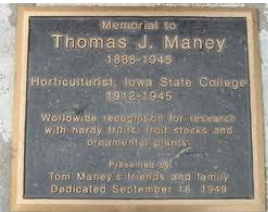
8.5 ALLOWABLE SIGNS-EXEMPT FROM SIGN PERMIT REQUIREMENTS

<p>Allowable Districts: RMX, NMX, TND-C VC and TC</p> <p>Maximum Number: One per establishment</p> <p>Size/Dimension: maximum 12 square feet, maximum 4 feet in height</p> <p>Limitations: Must be located so as to maintain at least four linear feet of clearance for pedestrian travel on sidewalk</p> <p>Must be removed each evening following the close of the business it serves</p> <p>Must be on the property where the business is located</p>	<p>Allowable Districts: R-2, R-3, R-5, RMX, NMX, TND-C VC and TC</p> <p>Maximum Number: One on-premise and three off-premise per sale</p> <p>Size/Dimension: No larger than four square feet in area</p> <p>Limitations: Must be removed within two hours after the end of the yard sale</p> <p>Cannot be affixed to a utility pole or affixed to any other sign</p>	<p>Allowable Districts: RMX, NMX, TND-C VC and TC</p> <p>Maximum Number: One per establishment</p> <p>Limitations: Any structurally-unsafe sign that endangers the public safety shall be immediately removed or repaired, and made otherwise to comply with the requirements of this Ordinance.</p>	<p>Allowable Districts: RMX, NMX, TND-C VC, TC, HB</p> <p>Maximum Number: One free-standing price sign, one price or self-service sign provided it is secured to a gas pump, and one State of North Carolina Inspection Sign</p> <p>Size/Dimension: Free-standing sign is no larger than nine square feet</p> <p>Secured sign no larger than two square feet</p> <p>Inspection Station sign cannot exceed 12 square feet</p> <p>Limitations: Up to one State of North Carolina Vehicle Inspection Station sign located outside street right-of-way</p> <p>Free-standing sign must be outside right-of-way</p>
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CHAPTER 8: SIGNAGE

8.5 ALLOWABLE SIGNS-EXEMPT FROM SIGN PERMIT REQUIREMENTS

8.3.1 Allowable Permanent Signs





POLITICAL CAMPAIGN	REAL ESTATE	CONSTRUCTION	HISTORICAL OR PUBLIC INTEREST
			
Allowable Districts: All	Allowable Districts: All	Allowable Districts: All	Allowable Districts: All
Maximum Number: N/A	Maximum Number: One per street frontage	Maximum Number: One per development	Memorial signs, plaques or grave markers that are non-commercial in nature
Size/Dimension: maximum 12 square feet	Size/Dimension: No larger than 12 square feet in a residential zoning district, and no larger than 32 square feet in any other base zoning district	Size/Dimension: Gross sign copy area 50 square feet on a lot less than one acre; 100 square feet for lots greater than one acre	Historic plaques mounted in accordance with the United States Secretary of the Interior's Standards of Rehabilitation.
Limitations: No sign is erected more than 60 days prior the election for which they are intended Signs are removed within seven days following the election for which they are intended	Limitations: Signs are removed within seven days after the property is sold, rented, leased, or construction has been completed	Limitations: Sign must be at least 10 feet behind the right-of-ways No sign shall exceed 15 feet in total height.	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.
All signs are placed at least ten feet behind the back of the right-of-ways	No sign is illuminated Signs on corner lots are located at least 100 linear feet apart as measured by the shortest straight line between them	Sign shall be removed no later than seven days after the completion of the development	Integral decorative or architectural features of buildings or works of art, provided such features or works do not contain letters, trademarks, moving parts or lights.
			Maximum Number: Up to two incidental signs per site
			Size/Dimension: Wall-mounted or decorative post mounted sign not to exceed six square feet
			Limitations: N/A




<p>OFF-SITE DIRECTIONAL (SCHOOL/CIVIC ONLY)</p>  <p>Allowable Districts: All</p> <p>Maximum Number: Max of three directional signs per principal use.</p> <p>Size/Dimension: No sign shall exceed 32 square feet and four feet in height measured from grade and a maximum area of four square feet</p> <p>Limitations: All signs shall be free-standing. Portable signs are prohibited.</p> <p>Signs are NOT illuminated.</p> <p>No two signs for the same use shall be located within 1,000 feet of each other as measured using the shortest straight line</p> <p>Signs may be installed in the right-of-way provided they are out of the sight triangle.</p>	<p>TEMPORARY EVENT (SCHOOL/CIVIC ONLY) ON-SITE SIGNAGE</p>  <p>Allowable Districts: R-2, R-3, R-5, RMX, NMX, TND-C, VC, TC, HB, GI and EI</p> <p>Maximum Number: Max of 1 sign per entrance or 2 signs per property, whichever is greater.</p> <p>Limitation: Signs are removed no later than two days after the event.</p> <p>No sign shall exceed 32 square feet and 4 feet in height</p> <p>Signs are NOT illuminated.</p> <p>Signs are placed at least five feet behind the right-of-way and out of any sight triangles.</p>	<p>TEMPORARY EVENT (SCHOOL/CIVIC ONLY) OFF-SITE SIGNAGE</p>  <p>Allowable Districts: R-2, R-3, R-5, RMX, NMX, TND-C, VC, TC, HB, GI and EI</p> <p>Maximum Number: Max 1 sign per off site property.</p> <p>Limitation: Off-site property owner must give permission for signage to be installed on or in front of properties.</p> <p>Signs are removed no later than two days after the event.</p> <p>No sign shall exceed 12 square feet.</p> <p>Signs are NOT illuminated.</p> <p>Signs may be placed in the right-of-way, but must be behind sidewalks and out of any sight triangles.</p>	<p>ON-SITE ATTENDED SIGNS</p>  <p>Allowable Districts: CMX, HB</p> <p>Maximum Number: Max 1 attendant per property.</p> <p>Limitation: Attendant must remain behind the right-of-way at all times.</p> <p>At no time shall the attendant interfere with vehicular or pedestrian traffic either physically or visually.</p>
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CHAPTER 8: SIGNAGE

8.5 ALLOWABLE SIGNS-EXEMPT FROM SIGN PERMIT REQUIREMENTS

8.3.1 Allowable Permanent Signs

ON-SITE DIRECTIONAL (SCHOOL/CIVIC ONLY)	STADIUM/RECREATIONAL SIGNS	SINGLE FAMILY DWELLING IDENTIFICATION SIGNS	VENDING MACHINE SIGNS
			
<p>Allowable Districts: All</p> <p>Maximum Number: Max of three directional signs per principal use.</p> <p>Size/Dimension: No sign shall exceed 32 square feet</p> <p>Limitations: All signs shall be free-standing. Portable signs are prohibited.</p> <p>Signs are NOT illuminated.</p> <p>Signs must be installed internal to property and are intended to denote required traffic patterns, internal facilities, etc.</p>	<p>Allowable Districts: R-2, R-3, R-5, RMX, NMX, CMX, TND-C, VC, TC, HB</p> <p>Maximum Number: No maximum.</p> <p>Size/Dimension: No sign shall exceed 32 square feet.</p> <p>Limitations: Signs are NOT illuminated.</p> <p>Permanent signs shall be directed internally towards the prevailing field of play or predominant spectator area.</p> <p>Temporary signage on the exterior of fencing used for non-profit fundraising (exp. Booster Clubs) is allowed during games.</p>	<p>Allowable Districts: All</p> <p>Maximum Number: Max of one per premises.</p> <p>Size/Dimension: No sign shall exceed 3 square feet</p> <p>Limitations: Signs must not advertise a home occupation</p> <p>Depicts the address and/or owner's name</p>	<p>Allowable Districts: All</p> <p>Maximum Number: One per machine.</p> <p>Limitation: Sign must be denoting a product being sold out of a vending machine or self-service container that distributes product following deposition of money into the machine, or with an attendant.</p>

INFORMATIONAL	PRODUCE STAND SIGNS	PERMANENT OUTDOOR STORAGE AND DISPLAY	RESERVED
			
<p>Allowable Districts: All</p> <p>Regulatory signs (such as traffic control signage) NCDOT logo signs, and Tourist Oriented Directional Signs.</p> <p>Wall mounted incidental signs such as tenant information</p> <p>Public interest signs less than 2 square feet including "Warning" or "No Trespassing", "Open", "Closed" or "ATM"</p> <p>Maximum Number: N/A</p> <p>Size/Dimension: Wall mounted or post mounted signs shall not exceed 6 square feet unless otherwise noted above.</p> <p>Limitations: Signs shall not be illuminated, except that "Open" or "Closed" or "ATM" signs may be illuminated.</p>	<p>Allowable Districts: All</p> <p>Maximum Number: One sign per farm</p> <p>Limitation: No sign shall exceed 9 square feet.</p> <p>No sign shall exceed 6 feet in height.</p> <p>Signs are NOT illuminated.</p> <p>Signs must be located on the same site as the farm where products are for sale and produced.</p>	<p>Allowable Districts: HB</p> <p>Manufacturer-supplied permanent or temporary signage depicting the type of product offered, sale conditions or other information.</p> <p>Allowable signage includes temporary ground mounted banners, permanently-affixed banners on light poles, steamers and balloons.</p> <p>Maximum Number: Two ground mounted banners per site. No maximum pole banners</p> <p>Size/Dimension: No sign shall exceed 30 square feet</p> <p>Limitations: Signs must be placed outside of the right-of-way.</p> <p>Signs may not be placed under the hood of vehicles, and vehicle headlights, turn signals, horns, etc. may not be used to draw attention to signage.</p>	

CHAPTER 8: SIGNAGE

8.6 HOLIDAY SIGNAGE AND DISPLAY – NOVEMBER 1 TO JANUARY 6

8.3.1 Allowable Permanent Signs

8.6 HOLIDAY SIGNAGE AND DISPLAY – NOVEMBER 1 TO JANUARY 6

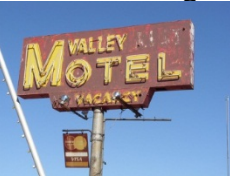
The Town recognizes that the time period between November 1 and January 6 represents a critical sales opportunity for retailers, and that this coincides with a number of major religious and secular holidays. Temporary signage and decorative items may be erected between November 1 and January 6 without obtaining a signage permit, provided that:

- (1)** The signage and decorative items are of a general holiday theme (for purposes of this section holiday shall mean any religious or secular holiday found on a standard calendar that falls between November 1 and January 6).
- (2)** Any window signage shall meet the requirements for Window Signs elsewhere in this Ordinance.
- (3)** Any banners shall meet the requirements in Section 8.5.
- (4)** No additional signage that depicts the business or owner name or logo or otherwise indicates a particular sale or special is included. Items of this nature are subject to the requirements in Section 0.

Displays that meet the above criteria may be erected in addition to (or concurrent with) the two 30-day periods allowed under Section 0.

8.7 PROHIBITED SIGNS







The following signs shall be prohibited, except as otherwise allowed in this Ordinance:

<p>Signs Interfering with Traffic Safety</p>  <p>Any sign that obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal as determined by the Planning Department.</p>	<p>Signs Misconstrued as Regulatory</p>  <p>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.</p>	<p>Signs within the Right-of-Way</p>  <p>Any sign (other than a regulatory sign), banner, or display 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 any banner placed on stakes on a property, unless otherwise permitted. The Zoning Administrator shall possess the authority to remove or otherwise dispose of any sign placed within right-of-way.</p>	<p>Signs Blocking Existing Signs</p>  <p>Any sign located in such a way as to intentionally deny visual access to another existing sign.</p>
<p>Flashing Signs</p>  <p>Signs with flashing or reflective disks, flashing lights or lights of changing degree of intensity or color or signs with electrically scrolled messages (except regulatory signs and signs which give time and temperature information) Reference 8.7.6</p>	<p>Reserved</p>	<p>Moving or Rotating Signs</p>  <p>Rotating signs, excluding barber shop signs.</p>	<p>Roof Signs</p>  <p>Roof signs that extend above the soffit of a pitched roof, or above the highest point of a mansard roof or parapet wall</p>
<p>Billboards/ Off-Premise</p>  <p>Off-premise commercial advertising signs (e.g. billboards) of any size and in any area.</p>	<p>Sign that Interferes with Free Passage</p>  <p>Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or</p>	<p>Abandoned Sign</p>  <p>Any sign that has been abandoned, is dilapidated, or is unsafe. The Zoning Administrator shall have the authority to remove or otherwise</p>	<p>Inflatable Sign</p>  <p>Any sign that is inflatable or any balloon used as a sign that is used as permanent signage.</p>

CHAPTER 8: SIGNAGE

8.8 GENERAL SIGN PROVISIONS

8.8.1 General Standards

	opening intended as a mean of ingress or egress or providing light or air.	dispose of any sign that is deemed a danger to public safety.	
Mobile Sign  <p>Any sign whose face was initially constructed and designed to be placed and/or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as "free-standing".</p>	Home Occupation Signs  <p>Any home occupation sign either attached to the building or on the property that advertise business simultaneously conducted primarily by a resident of the same dwelling.</p>	Snipe/Bandit Sign  <p>Temporary "snipe" or "bandit" signs that are made of corrugated card board or similar material placed on wire or wood support poles and placed within the town right-of-way or property. This does not include campaign, election or civic temporary event signs.</p>	Feather Banner Sign  <p>Any permanent or unpermitted "feather" banner or signs of any type, size, color, or composition.</p>
Flag Banner Signs  <p>Permanent "flag" banner strands of any type, size, color, or composition.</p>	Off Premise Attended Signs  <p>Off premises advertising signs that include people wearing costumes and/or holding temporary signs.</p>		

8.8 GENERAL SIGN PROVISIONS

8.8.1. General Standards

- (1) Materials, colors, shapes and size of proposed signs should be architecturally compatible with the buildings and the surrounding area of its location.
- (2) The sign shall not be the dominant feature of its location, and shall be scaled in accordance with the size of the conforming signs on adjacent and nearby properties.
- (3) No sign shall be located so as to impair traffic visibility.

- (4)** Repainting or changing the message of a sign provided the height and copy area of the sign comply with the provisions set forth in this chapter and the original sign face complies with all provisions of this Ordinance, is allowed without obtaining a permit.
- (5)** Changeable copy area is unrestricted unless otherwise regulated elsewhere in this Ordinance. However, changeable copy may not be used for the name of the principle or secondary use(s) for the site.

8.8.2. Maintenance

All signs and all components thereof, including supports, braces, anchors, etc. shall be kept in a good state of repair in compliance with all building and electrical codes, and in conformance with the requirements of this Ordinance. Any sign which is determined by the Zoning Administrator 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 Ordinance. For reference on non-conformities, see Chapter 11 of the Zoning Ordinance.

8.8.3. Quantity

(1) Signage Affixed to Buildings

Signage is limited to an aggregate amount per wall of 2 square feet per each linear foot of building visible from a street or parking lot, up to a maximum of (4) signs per wall. Any combination of the following wall signage as defined in Section 8.3 can be used to meet this maximum area:

- (i) Awning Sign
- (ii) Projecting Sign
- (iii) Wall Sign

(2) Signage Detached from Buildings

Each site or development may choose one of the detached sign options below, providing that it is allowed for that particular use and in that particular zoning district and it follows all requirements as set out in Section 8.3. Sites or developments may not utilize combinations of detached sign options.

- (i) Arm Sign
- (ii) Civic Sign
- (iii) Pole Sign
- (iv) Subdivision Sign

CHAPTER 8: SIGNAGE

8.8 GENERAL SIGN PROVISIONS

8.8.4 Size Dimensions

(v) Ground Mounted Sign (Single/Dual or Multi-Tenant)

8.8.4. Size Dimensions

(1) Area

- (A)** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means 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 when such fence or wall otherwise meets the regulations of this chapter and is clearly incidental to the display itself. Street address numbers are not included within the sign copy area.
- (B)** In the case of signs mounted back-to-back only one side of the sign is to be used for computation of the area. Back-to-back signs shall be defined as double-faced signs. The maximum angle of a double-faced signs shall be 45 degrees. Except for signs located at corners in which case the angle may be 90 degrees. Otherwise, the surface area of each sign is to be separately computed.
- (C)** For a single wall, all pieces of information or other graphic representations within a grouping on that wall shall be measured as though part of one sign encompassed within one rectangle, which may not exceed the permitted total wall area to which the sign is affixed. For a single wall on a multi-occupant building, the area of signs shall be computed using these principles and the aggregate copy of each individual sign shall not exceed the allowed percentage of the total wall area to which the sign is affixed.

(2) Height

- (A)** The height of a sign shall be the vertical distance from the mean grade elevation taken at the fronting street side of a structure to the highest point of a sign or supporting structure.
- (B)** Ornamentation such as caps, spires, and finials shall not extend more than one (1) foot from the top of the sign. The use of berms or raised landscape area is only permitted to raise the base of the sign to the mean elevation of the fronting street.

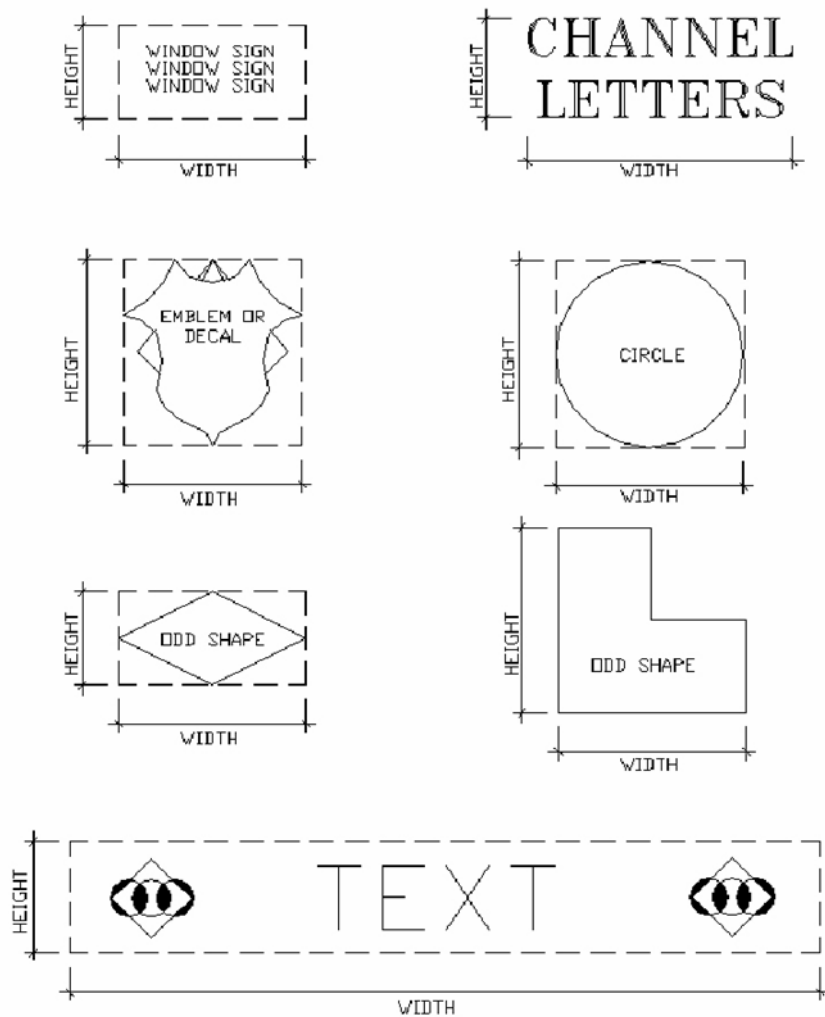


Figure 8.7.4: Sign Computation. This diagram illustrates how sign area is measured.

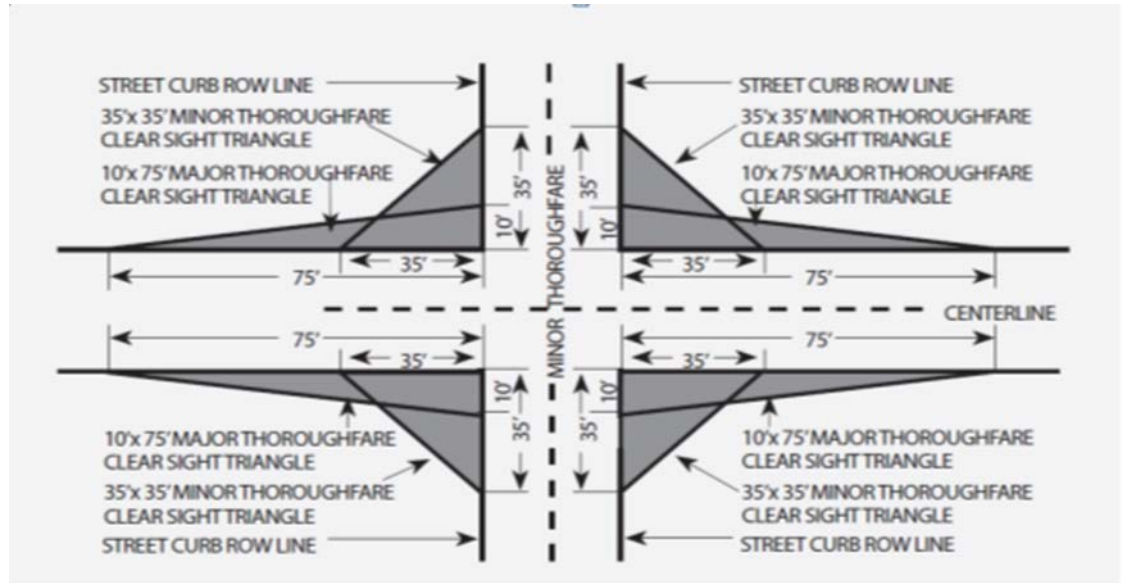
8.8.5. Sight Triangles

A sight triangle is the triangular area formed at street intersections by a diagonal line connecting two points located on intersecting right-of-way lines (or a ROW line and the curb or a driveway), each point being 75(70 from the intersection along a major thoroughfare and 30) feet along the minor thoroughfare from the intersection, and the two intersecting ROW lines (or a ROW line and a driveway). Generally, nothing is erected, placed, planted, or allowed to grow in such manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

CHAPTER 8: SIGNAGE

8.8 GENERAL SIGN PROVISIONS

8.8.6 Illumination



8.8.6. Illumination

(1) Exterior Illumination

- (A) All exterior lighting shall comply with all provisions of Section 9.4.7 "Sign Lighting."
- (B) If illumination is external, it shall be located and directed solely at the sign.
- (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) Light source shall not be mounted to any part of the sign.
- (E) Only one exterior light shall be permitted per sign face for signs 16 square feet or less, and two exterior lights for sign faces that exceed 16 square feet.

(2) Interior Illumination

- (A) A Channel Illuminated Sign is a sign whose light source is located in the interior of a sign so that light illumination shines through the front surface of the sign in specific "cut-away" areas. Any words, lettering, figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention and/or convey a message, may be displayed by channel cutting the words, letters, figures, etc. out of the surface of the sign. The sign itself is illuminated through cuts, or channels made through the surface of the sign.

- (B)** A push-thru acrylic sign is typically an internally illuminated sign with letters and/or logos cut out of translucent acrylic that is as thick or thicker than the opaque sign face material, and mounted on the inside of the sign face so that the acrylic material is flush without pushing through and beyond the front plane of the sign face. Or, the Acrylic letters may be raised from the surface of the sign face so that light passes through the edges. Acrylic that extends beyond the front plane may also have a face of all letters/logos to create a back light effect if desired.
- (C)** A maximum of 10 foot candles is permitted on any portion of a sign. A foot candle is defined as a unit of illuminance or light falling onto a surface. It stands for the light level on a surface one foot from a standard candle. One foot candle is equal to one lumen per square foot. A lumen is the basic measure of the quantity of light emitted by a source.
- (D)** An isolux lighting plan shall be required for any externally lighted sign. Lux (lx) is defined as a unit of illuminance or light falling onto a surface. One lux is equal to one lumen per square meter. Ten lux approximately equals one foot candle.

(3) Neon

- (A)** Neon is allowed for wall signs or projecting signs only. Neon must be affixed to a sign backing. Lettering or logos directly hanging on the fascia of the building are prohibited.
- (B)** Neon may only be utilized for the name of the principle use, with minimal ancillary lettering or logo incorporated into the sign face.
- (C)** 1 neon sign per building is allowed, and is limited to .5 square foot per 1 linear foot of wall space. Any additional signage allowed per section 8.8.3 or Section 8.3 (Wall Signs) must be non-illuminated.
- (D)** Neon is prohibited for any use other than specific lettering or logo signage. Architectural neon lighting (for example, outlining windows) is not allowed.

8.8.7. Alternative Signage Plans

An alternative Signage Plan may be used where impractical situation would result from application of Section 8.3 and 8.7. Alternative locations, size or quantity may be justified due to topography, utility easements, lot configuration or subdivision (particularly with respect to a shopping center), or location and size or pre-existing development. Also, the proposed use or collection of uses may not be captured by the spirit and intent of this Ordinance, justifying an Alternative Signage Plan.

CHAPTER 8: SIGNAGE

8.8 GENERAL SIGN PROVISIONS

8.8.8 Electronic Message Signs

(1) Allowable Deviations

The Planning Department shall approve an Alternative Signage Plan if it meets the purpose and intent of the signage ordinance in Section 8.1, and the general standards in Section 8.8.1. The following conditions shall be met in order for an Alternative Signage Plan to be considered for approval:

- (A)** The applicant must show that installation of signage per this Ordinance while meeting other site-specific constraints as listed above would put the site in direct violation of other Town ordinances or State or Federal regulations, under any practical site layout configuration.
- (B)** The use(s) and/or architectural elements proposed for the site (as already approved by the Planning Department) are such that a standard sign plan under this Ordinance would be considered not in keeping with Section 8.8.1.

8.8.8. Electronic Message Signs

Electronic Message Signs may be utilized in any signage that allows for interior illumination. Signs shall not scroll or change content continuously, nor shall they flash. The display must remain static for a minimum of 2 minutes.

Chapter 9: Development Standards

CHAPTER 9: DEVELOPMENT STANDARDS 9-1

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CHAPTER 9: DEVELOPMENT STANDARDS

9.1 OFF-STREET PARKING AND LOADING

9.1.1. Purpose and Intent

In order to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent lands, to ensure the proper and uniform development of parking areas throughout the Town, and to encourage appropriate infill and reinvestment within established areas, off-street parking and loading spaces for each use shall be provided in accordance with the standards established in this section.

9.1.2. Applicability

(1) General

The off-street parking and loading standards of this section shall apply to all development in the Town of Mooresville's Zoning Jurisdiction.

(2) Expansions and Alterations

The off-street parking and loading standards of this section shall apply when an existing structure or use is expanded, enlarged, or otherwise increased in capacity, or where there is a change in use, and such expansion or change in use will result in increased vehicle trips to the existing structure or use.

9.1.3. General Standards for Off-Street Parking, Stacking, and Loading

(1) Use of Parking Area, Stacking Area, or Loading Space

All vehicular parking areas, stacking areas, and loading spaces required by this section shall be used only for those purposes. Any other use, including but not limited to vehicular storage, vehicle sales, vehicular repair work, vehicle service, or display of any kind, shall constitute a separate business use of the space.

(2) Identified as to Purpose and Location When Not Clearly Evident

Off-street parking areas of three or more spaces and off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading areas and distinguishing such spaces from aisles.

CHAPTER 9: DEVELOPMENT STANDARDS

9.1 OFF-STREET PARKING AND LOADING

9.1.3 General Standards for Off-Street Parking, Stacking, and Loading

(3) Surfacing

(A) General

All off-street parking and loading areas shall be surfaced with asphalt or concrete. Other materials may be approved by the Town of Mooresville per Section 9.1.10(1)(C) Surfaced with Alternative Materials. Gravel shall not be used to satisfy the minimum number of required off-street parking spaces except for detached residential development.

(amended 1/3/2011, TA-2010-10)

(B) Spaces Exceeding Minimum Standards

Where the number of off-street parking spaces added exceeds 125 percent of the standard in Table 9.1.4, Minimum Off-Street Parking Standards, such spaces shall comply with the standards of Section 9.1.10, Alternative Parking Plan.

(4) Arrangement

(A) Convenient Access

- (i) All off-street parking and loading areas shall be arranged for convenient access and safety of pedestrians and vehicles.
- (ii) Except for detached residential uses, off-street parking areas with three or more spaces shall be arranged so that no parking or maneuvering incidental to parking shall be on a public street or sidewalk, and so that an automobile may be parked and un-parked without moving another automobile.
- (iii) All off-street parking and loading areas, except on lots used for detached residential uses and townhouses, shall be arranged so that no vehicle shall be required to back from such facilities directly onto public streets.

(5) Location

Surface off-street parking lots shall not abut street intersections of arterial or collector streets, or occupy portions of lots that terminate street vistas. The location of surface off-street parking lots shall be in accordance with the standards in Chapter 6: Building Form Standards.

(6) Drainage

All off-street parking and loading areas shall be properly drained so as not to cause any nuisance on adjacent land.

(7) Exterior Lighting

When lighted, off-street parking and loading areas shall be lighted so as to prevent glare or excessive light on adjacent land, and unless exempted, shall comply with the standards of Section 9.4.4, Design Standards for Exterior Lighting.

(8) Landscaping

Except for parking areas serving detached residential dwellings, all off-street parking and loading areas shall be landscaped to soften their visual impact on adjacent areas, and unless exempted, shall comply with the standards of Section 7.2.5, Vehicular Use Area Landscaping.

(9) Curbs and Motor Vehicle Stops

All off-street parking and loading areas shall provide curbs, wheel stops, or similar devices so as to prevent vehicles from overhanging on or into public right-of-way, sidewalks, walkways, adjacent land, or landscape areas.

(10) Maintained in Good Repair

All off-street parking and loading areas shall be maintained in good repair, and 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 off-street parking and loading areas shall be periodically re-striped or otherwise restored to maintain a clear identification of separate parking stalls.

(11) Responsibility for Provision

The responsibility for providing the off-street parking and loading areas required by this section shall be that of whomever develops the land that requires parking and loading areas. Review for compliance with the standards of this section shall occur at the time of Concept Plan (Section 2.3.8), Site Plan (Section 2.3.9), or Subdivision Preliminary Plat (Section 2.3.10(4)), as appropriate.

(12) Construction of Off-street Parking and Loading Areas

All off-street parking and loading areas shall be completed prior to the issuance of a Certificate of Occupancy for the use or uses they serve. In the case of phased development, off-street parking and loading areas shall, at a minimum, be provided for the portions of the development for which a Site Plan (Section 2.3.9) or Subdivision Preliminary Plat (Section 2.3.10(4)) is approved.

CHAPTER 9: DEVELOPMENT STANDARDS

9.1 OFF-STREET PARKING AND LOADING

9.1.4 Off-Street Parking Standards

9.1.4. Off-Street Parking Standards

(1) Parking Plan Required

A parking plan (where appropriate), shall be submitted as a part of every application for a Concept Plan (Section 2.3.8), Site Plan (Section 2.3.9), or Subdivision Preliminary Plat (Section 2.3.10(4)), as appropriate, for any development that is required to provide more than three off-street parking spaces. The plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the uses or structures such facilities are designed to serve.

(2) Minimum Number of Spaces Required

Unless otherwise expressly stated in this section, off-street parking spaces shall be provided in accordance with Table 9.1.4(2), Minimum Off-Street Parking Standards:

TABLE 9.1.4(2): MINIMUM OFF-STREET PARKING STANDARDS		
USE CATEGORY	USE TYPE	PARKING STANDARD
RESIDENTIAL USES		
Household Living	Dwelling, Duplex	2 per DU
	Dwelling, Live/Work	2 per DU
	Dwelling, Mobile Home	2 per DU
	Dwelling, Multi-family	1 per efficiency unit; 1.5 per 1-2 bedroom unit; 2 per 3+ bedroom unit
	Dwelling, Single-family Detached	2 per DU
	Dwelling, Townhouse	
	Manufactured/ Mobile Home Park	
Group Living	Family Care Home (amended 10-5-2015, TA-2015-11)	1 per employee + 1 per every 5 children or 1 per every 3 adults
	Rooming House	1 + 1 per bedroom
INSTITUTIONAL USES		
Community Services	All (up to 25,000 sf GFA)	1 per every 300 SF
	All (more than 25,000 sf GFA)	
Educational Facilities	College or University (with either more than 10,000 students or less than 50% housed on campus)	1 space for every 600 square feet of academic space, plus 1 space for every 5 seats in principal assembly room, plus 1 space for every 2 beds in an on-campus residential facility
	College or University (with less than 10,000 students and more than 50% housed on campus)	1 space for every 900 square feet of academic space, plus 1 space for every 2 beds in an on-campus residential facility
	School, Elementary	1 per every 2 classrooms + 1 per

CHAPTER 9: DEVELOPMENT STANDARDS

9.1 OFF-STREET PARKING AND LOADING

TABLE 9.1.4(2): MINIMUM OFF-STREET PARKING STANDARDS		
USE CATEGORY	USE TYPE	PARKING STANDARD
	School, Middle & Intermediate	employee
	School, Senior High	1 per classroom + 1 per every 4 students
	School, Trade or Vocational	1 per every 2 students + 1 per employee on largest shift
Government Facilities	All (up to 25,000 sf GFA)	1 per every 300 SF of floor area used by the public + 1 per every 600 SF of floor area not used by the public
	All (more than 25,000 sf GFA)	
Health Care Facilities	Hospital	2 per patient bed + 1 per every 300 SF of administrative area
	Medical Treatment Facility (up to 25,000 sf GFA)	1 per every 300 SF
	Medical Treatment Facility (more than 25,000 sf GFA)	
Institutions	Assisted Living/Nursing Home	1 per employee on greatest shift + 1 per 4 beds + 1 per visiting Dr. + 2 per facility vehicle
	Cemetery	1 per employee on the largest shift
	Halfway House	1 per employee + 1 per every 3 residents
	Religious or Civic Institution (up to 25,000 sf GFA)	1 per every 4 persons + 1 per every 40 sf of worship area without seats
	Religious or Civic Institution (more than 25,000 sf GFA)	
Public Parks	Botanical or Community Garden	See Section 9.1.4(4), Uses with Variable Parking Demand
	Open Space Area	
	Golf Course, Public	6 per hole
	Public Park or Square	See Section 9.1.4(4), Uses with Variable Parking Demand
Transportation	Airport	See Section 9.1.4(4), Uses with Variable Parking Demand
	Ground Transportation Terminal or Station	
Utilities	Telecommunications Facility, Collocation on Existing Building	1 per service provider with equipment on-site
	Telecommunications Facility, Collocation on Existing Tower	
	Telecommunications Facility, Freestanding	
	Utility, Minor	See Section 9.1.4(4), Uses with Variable Parking Demand
	Utility, Major	1 per employee on largest shift
AGRICULTURAL USES		
All	Farm	See Section 9.1.4(4), Uses with Variable Parking Demand
	Plant Nursery	1 per every 300 SF + 1 per every 1,000 SF of outdoor sales area
COMMERCIAL USES		
Adult Entertainment	All	1 per every 200 SF

CHAPTER 9: DEVELOPMENT STANDARDS

9.1 OFF-STREET PARKING AND LOADING

9.1.4 Off-Street Parking Standards

TABLE 9.1.4(2): MINIMUM OFF-STREET PARKING STANDARDS		
USE CATEGORY	USE TYPE	PARKING STANDARD
Animal Care	Animal Shelter	1 per every 300 SF
	Kennel, Outdoor	1 per every 400 SF
	Veterinary Clinic/Board	1 per every 300 SF
Day Care	All	1 per every 200 sf
Conf. and Training Centers	All	See Section 9.1.4(4), Uses with Variable Parking Demand
Hotel & Motels	Bed and Breakfast Inn	1 per employee on the largest shift + 1 per sleeping room
	Hotel, Motel, and Similar Uses	1 per every guest room + 1 per employee on largest shift + 75% of the spaces required for all accessory uses
Marina	All	1 per employee on largest shift + 1.5 per berth, slip, or mooring station
Banks and Financial Institutions	All	1 per 200 sf + 3 per drive-thru
Offices	Single Tenant (up to 5,000 sf GFA)	1 per every 300 SF
	Single Tenant (more than 5,000 sf GFA)	
	Multi-Tenant (up to 15,000 sf GFA)	
	Multi-Tenant (more than 15,000 sf GFA)	
Recreation, Indoor	Commercial Recreation, Indoor (up to 5,000 sf GFA)	1 per every 300 SF or see 9.1.4(4), Uses with Variable Parking Demand (to be determined by Planning Director)
	Commercial Recreation, Indoor (more than 5,000 sf GFA)	
	Country Club	1 per every 300 SF + the minimum number of spaces required for all accessory uses
	Equine Stable/Riding Academy	1 per employee on largest shift + 1 per stall
Recreation, Outdoor	Arena, Amphitheatre, or Stadium	1 per every 5,000 SF of land area
	Commercial Recreation, Outdoor (up to 10,000 sf)	1 per employee + - Athletic field: 1 per every 5,000 SF of land area - Courts (basketball, racquetball, tennis, etc.): 3 per court - Swimming pool: 1 per every 75 SF of water area Associated structures: See 9.1.4(4), Uses with Variable Parking Demand
	Commercial Recreation, Outdoor (more than 10,000 sf)	
	Common Open Space Set-Aside (including structures)	
	Golf Course, Private	
	Golf Driving Range	6 per hole
	Golf Driving Range	3 per tee
Restaurant	Restaurant With Drive-Through Service	One (1) space per employee on greatest shift+
	Restaurant Without Drive-Through Service	One (1) space for every three (3) seats (including outdoor seating)+ One (1) space per vehicle associated with the use

CHAPTER 9: DEVELOPMENT STANDARDS

9.1 OFF-STREET PARKING AND LOADING

TABLE 9.1.4(2): MINIMUM OFF-STREET PARKING STANDARDS		
USE CATEGORY	USE TYPE	PARKING STANDARD
Beverage Manufacturing	Brewpub	(i)One (1) space per employee on greatest shift+{plus} One (1) space per every three (3) seats (including outdoor seating); and (ii) One (1) space for each vehicle associated with the use Or 1 space per 100 SF- whichever is greater
	Brewery/ Taproom/Tasting room	1 Space per employee on greatest shift+{plus} 1 space per 3 seats in taproom/tasting room if included
Retail Sales and Services	Auto Service and Repair	One (1) space per employee on greatest shift + two (2) spaces for each work place in the shop
	Bar, Nightclub, or Similar Establishment and Restaurant Combinations of these uses	One (1) space per employee on greatest shift+ One (1) space for every three (3) seats (including outdoor seating) + One (1) space per vehicle associated with the use Or 1 space per 100 SF- whichever is greater
	Crematory	2 plus 1 per employee + 1 per vehicle serving the establishment
	Electronic Gaming	One (1) space per machine/terminal + one (1) space per employee
	Retail/Service Use with Gasoline Sales	1 per every 150 SF
	Type I Retail Use	
	Type II Retail Use (up to 15,000 sf GFA)	1 per every 300 SF
	Type II Retail Use (15,001 to 30,000 sf GFA)	1 per every 300 SF
	Type II Retail Use (30,001 to 60,000 sf GFA)	
	Type II Retail Use (60,000 to 100,000 sf GFA)	
	Type II Retail Use (100,001 sf or more GFA)	1 per every 300 SF*
	Type III Retail Use	1 per every 300 SF*
	Type III Retail Use	
INDUSTRIAL USES		
Extractive Industry	Building, Heating, or Electrical Contractor	1 per employee on largest shift
Industrial Services	Fuel Oil/Bottled Gas Distributor	See Section 9.1.4(3), Parking Standards for Selected Industrial Uses
	Heavy Equipment Sales, Rental, or Repair	1 per employee on largest shift
	Research and Development	See Section 9.1.4(3), Parking Standards for Selected Industrial Uses
	Manufacturing, Heavy	Greater of: 1 per 500 SF or 1 per every 3 employees on largest shift
Manufacturing and Production	Manufacturing, Light	See Section 9.1.4(3), Parking Standards for Selected Industrial Uses
	All	

CHAPTER 9: DEVELOPMENT STANDARDS

9.1 OFF-STREET PARKING AND LOADING

9.1.4 Off-Street Parking Standards

TABLE 9.1.4(2): MINIMUM OFF-STREET PARKING STANDARDS		
USE CATEGORY	USE TYPE	PARKING STANDARD
Self-Service Storage	Parcel Services	1 per every 50 units + minimum amount required for all accessory uses
Warehouse and Distribution	Truck or Freight Terminal	1 per employee on largest shift
	Warehouse	See Section 9.1.4(3), Parking Standards for Selected Industrial Uses
	All	
Outdoor Storage	All	See Section 9.1.4(3), Parking Standards for Selected Industrial Uses
Waste-Related Services	All	See Section 9.1.4(3), Parking Standards for Selected Industrial Uses
Wholesale Sales	All	See Section 9.1.4(3), Parking Standards for Selected Industrial Uses
(amended 7/7/2008, TA-2008-04; 2/2/2009, TA-2009-02; 1/3/2011, TA-2010-10; 10/3/2011, TA-2011-08)		

(3) Parking Standards for Selected Industrial Uses

Uses subject to the alternative off-street parking standards described in Table 9.1.4(2), Minimum Off-Street Parking Standards, shall provide the minimum number of spaces identified in Table 9.1.4(3), Parking Standards for Selected Industrial Uses:

TABLE 9.1.4(3): PARKING STANDARDS FOR SELECTED INDUSTRIAL USES	
USE OR ACTIVITY	PARKING STANDARD
Office or administrative area	1 per every 300 SF
Indoor sales area	1 per ever 250 SF
Indoor storage/warehousing/assembly/vehicular service/manufacturing area: 1 – 3,000 SF 3,001 – 5,000 SF 5,001 – 10,000 SF 10,001 SF or more	1 per every 250 SF 1 per every 500 SF 1 per every 750 SF 1 per every 1,250 SF
Outdoor sales/display/storage area (3,000 SF or less)	1 per every 750 SF
Outdoor sales/display/storage area (3,001 SF or more)	1 per every 1,000 SF
NOTES: [1] The total number of required spaces is cumulative based on the variety of different functions present at a single use. [2] "SF" = square feet	

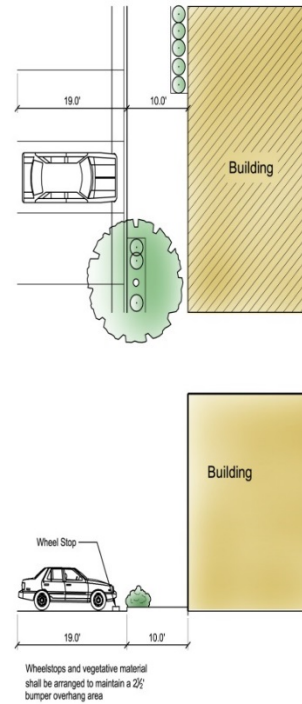


Figure 9.1.4(3): Minimum Separation between Parking Lots and Buildings. This diagram illustrates how parking areas should be separated from buildings.

(4) Uses with Variable Parking Demand Characteristics

Uses that reference this section in Table 9.1.4(2), Minimum Off-Street Parking Standards, have widely varying parking and loading demand characteristics, making it difficult to establish a single off-street parking or loading standard. Upon receiving a development application for a use subject to this subsection, the Planning Department shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use. The applicant may submit an Alternative Parking Plan (per Section 9.1.10) at their expense.

(amended 1/3/2011, TA-2010-10)

(5) Mixed-Uses

Minimum off-street parking standards for mixed-uses are determined by totaling the requirements for each use within the development. This may require the applicant/developer to agree to parameters for each use (for example, limiting the number of restaurants seats, limiting the square footage for retail use, or restricting the hours of operation for some uses within the mixed use development). The applicant may submit an Alternative Parking Plan (per Section 9.1.10) at their expense. The Planning Department

CHAPTER 9: DEVELOPMENT STANDARDS

9.1 OFF-STREET PARKING AND LOADING

9.1.4 Off-Street Parking Standards

reserves the right to limit uses or the intensity of uses within the development based on parking sufficiency.

(6) Maximum Number of Spaces Permitted

(A) Provision Limited to 125 Percent of Minimum

For any use categorized as a Commercial or Industrial Use in Table 9.1.4(2), Minimum Off-Street Parking Standards, off-street vehicle parking spaces shall not be provided in an amount exceeding 125 percent of the minimum standards established in Table 9.1.4(2), Minimum Off-Street Parking Standards, except that additional spaces may be approved by the Planning Department pending the approval of an Alternative Parking Plan (per Section 9.1.10).

(B) Additional Requirements

- (i) Any off-street parking spaces provided in excess of the minimum number of off-street parking spaces required in Table 9.1.4(2), Minimum Off-Street Parking Standards, shall comply with the standards of Section 9.1.10(1), Provision Over the Maximum Allowed.

(7) Placement

The location or placement of off-street parking areas on a development site shall be limited in accordance with the placement standards of CHAPTER 6: Building Form Standards.

(8) Minimum Separation

Except in the TC District, all parking areas shall be separated at least ten feet from buildings in order to allow room for sidewalks, landscaping, and other plantings between the building and the parking area. This separation may be eliminated in the rear of buildings in areas designed for unloading and loading of materials.

(9) Cross-Access Required

(A) General

All development except individual detached residential and attached residential with less than four dwelling units shall be designed to allow for cross-access to adjacent compatible sites. Cross-access ways shall be designed and located based on the standards of this section in accordance with the following standards:

(i) **Future Stubs Required**

A stub for future cross access shall be provided to all adjacent vacant land.

(ii) **Placement and Width**

Cross access ways shall be located and configured in accordance with the Town's Land Development Design Standards.

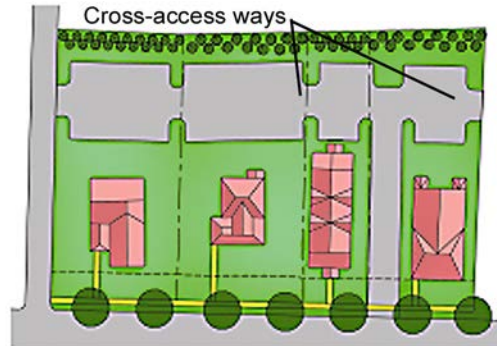


Figure 9.1.4(9): Cross-access. This diagram illustrates how parking areas can be connected across different lots.

(B) Waiver

The cross-access standard shall be waived by the Planning Department if the applicant demonstrates it is impractical to provide cross-access due to:

- (i) Topography, or natural features;
- (ii) The size and configuration of the site;
- (iii) Vehicular safety factors;
- (iv) The presence of incompatible uses; or
- (v) Existing development patterns on adjacent developed sites that make cross access impossible.

When cross-access is waived in accordance with this section, bicycle and pedestrian connections shall be provided between adjacent developments or uses, to the maximum extent practicable.

(C) Recording Required

Where provided, a cross-access easement shall be recorded at the office of the Iredell County Register of Deeds by the owner/developer prior to issuance of a Certificate of Occupancy.

(amended 1/3/2011, TA-2010-10)

CHAPTER 9: DEVELOPMENT STANDARDS

9.1 OFF-STREET PARKING AND LOADING

9.1.5 Computation of Required Spaces

9.1.5. Computation of Required Spaces

(1) Fractions

When measurements of the number of required parking spaces result in fractions, the space standard shall be rounded upward to the next highest whole number.

(2) Different Use Areas

Except as provided for in this section, parking shall be calculated separately for each different use area in a building or on a site, including all accessory uses.

(3) Combinations of Uses

If the Planning Department determines that a proposed use represents a combination of uses listed in Table 9.1.4(2), Minimum Off-Street Parking Standards, the minimum and maximum parking space standards shall be those that would apply if the two (or more) uses were developed separately, unless the Planning Department determines that a lower standard would be adequate because of differences in peak operating hours.

(4) On-Street Parking

Except in the TC or as part of an Alternative Parking Plan (see Section 9.1.10), on-street parking on public streets, driveways, or drives, shall not be used to satisfy the off-street parking standards of this section.

(amended 1/3/2011, TA-2010-10)

(5) Parking Based on Seating

When the standards use seating as a unit of measurement, all calculations shall be based on the design capacity of the areas used for seating.

(6) Parking Based on Floor Area

Except as provided for in this section, when the standards use amount of square footage in buildings as a unit of measurement, all calculations shall be based on gross floor area.

(7) Parking Based on Students, Staff, and Occupants

Except as provided for in this section, when the standards use number of students, staff, or occupants as a unit of measurement, all calculations shall be based on the maximum enrollment (for students), or the largest number of persons working on any single

shift (staff), whichever is applicable and results in the greater number of required spaces.

(8) Driveways Used to Satisfy Requirements

Driveways may be used to satisfy minimum off-street parking standards for detached residential and townhouse dwellings, provided sufficient space is available to satisfy the standards.

(9) Determination by Planning Department

Parking standards for uses not specifically listed in Table 9.1.4(2), Minimum Off-Street Parking Standards, shall be determined by the Planning Department based on the standards for the closest comparable use or by reference to standard parking resources published by the National Parking Association or the American Planning Association. The Planning Department may alternately require the submittal of a parking demand study that justifies estimates of parking demand based on the recommendations of the Institute of Traffic Engineers (ITE), and includes 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.

9.1.6. Stacking Spaces

(1) Stacking Spaces for Uses

In addition to meeting the off-street parking standards in Table 9.1.4(2), Minimum Off-Street Parking Standards, uses with drive-through facilities or similar auto-orientation shall comply with the minimum stacking space standards in Table 9.1.6(1), Required Stacking/Standing Spaces:

TABLE 9.1.6: REQUIRED STACKING/STANDING SPACES		
TYPE OF USE/ACTIVITY	MINIMUM STACKING SPACES	MEASURED FROM
Automated teller machine	3	Teller machine
Automobile repair and service (all types)	3 per bay	Bay entrance
Car wash (automatic)	6	Bay entrance
Car wash (full service)	10	Bay entrance
Convenience store (with gasoline sales)	30 feet from each end of outermost island	
Day care center	6	Building entrance
Financial institution	5 per lane	Teller window
Gasoline pump island	30 feet from each end of outermost island	
Nursing home	3	Building entrance
Restaurant drive-through	8	Pick-up window

CHAPTER 9: DEVELOPMENT STANDARDS

9.1 OFF-STREET PARKING AND LOADING

9.1.7 Accessible Parking Spaces for Disabled Persons

TABLE 9.1.6: REQUIRED STACKING/STANDING SPACES		
TYPE OF USE/ACTIVITY	MINIMUM STACKING SPACES	MEASURED FROM
Retail Sales & Service Use (dry cleaning, pharmacy, etc.)	5 per lane	Agent window
Unlisted use	Standards for uses not specifically listed shall be determined by the Planning Department based on the standards for comparable uses and upon the particular characteristics of the use.	

(2) Stacking Lanes for Parking Lot Entrances

Stacking lanes between the edge of the street right-of-way and the Primary Drive Aisle shall be required for nonresidential uses in accordance with the standards in Table 9.1.6(2), Stacking Lanes for Parking Lots below:

TABLE 9.1.6(2): STACKING LANES FOR PARKING LOTS	
NUMBER OF OFF-STREET PARKING SPACES	MINIMUM STACKING LANE DISTANCE (LINEAR FEET)
1-49	25
50-249	50
250-449	100
500 or more	100 + 15 for every additional 50 spaces beyond 500
NOTES: [1] In cases where the ingress and egress into a parking lot are separated by a median, accessways providing egress from parking areas are not required to maintain the stacking lane distance. [2] Entrances into parking structures may be credited towards the stacking lane space requirement provided the parking structure entrance is accessed from a development driveway and not a primary drive aisle. [3] Stacking lane distance is measured from the edge of the driveway apron adjacent to the street right-of-way to the mid-point of the intersection of the stacking lane and the primary drive aisle.	

9.1.7. Accessible Parking Spaces for Disabled Persons

Off-street parking for disabled persons shall be provided in accordance with federal ADA (Americans with Disabilities Act) standards.

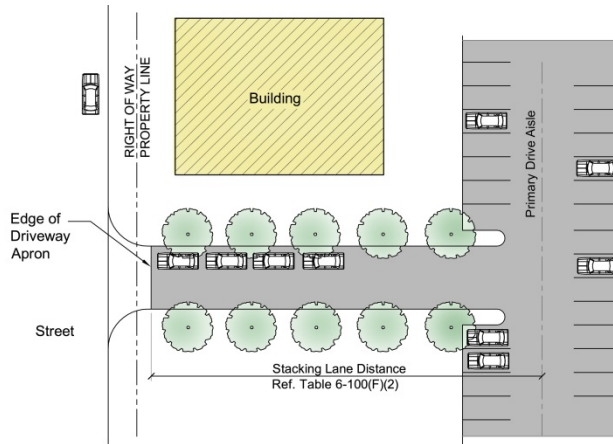


Figure 9.1.6: Stacking Lanes. This diagram depicts how stacking lanes are provided for parking lot entrances.

9.1.8. Dimensional Standards for Parking Spaces and Aisles

(1) General

The minimum dimensions for standard car parking spaces and parking lot aisles shall comply with the Town of Mooresville Land Development Design Standards.

(amended 12/1/2008, TA-2008-29)

(2) Dimensional Adjustments

Parking structures may be subject to dimensional adjustments based on utilization, to be determined on a case by case basis by the Planning Department. Reduction in design standards shall be subject to approval by the Planning Department.

(amended 10/5/2009, TA-2009-19)

(3) Maximum Driveway Width

Unless required by the NCDOT, no driveway serving an off-street surface parking lot shall exceed 24 feet in width from curb face to curb face.

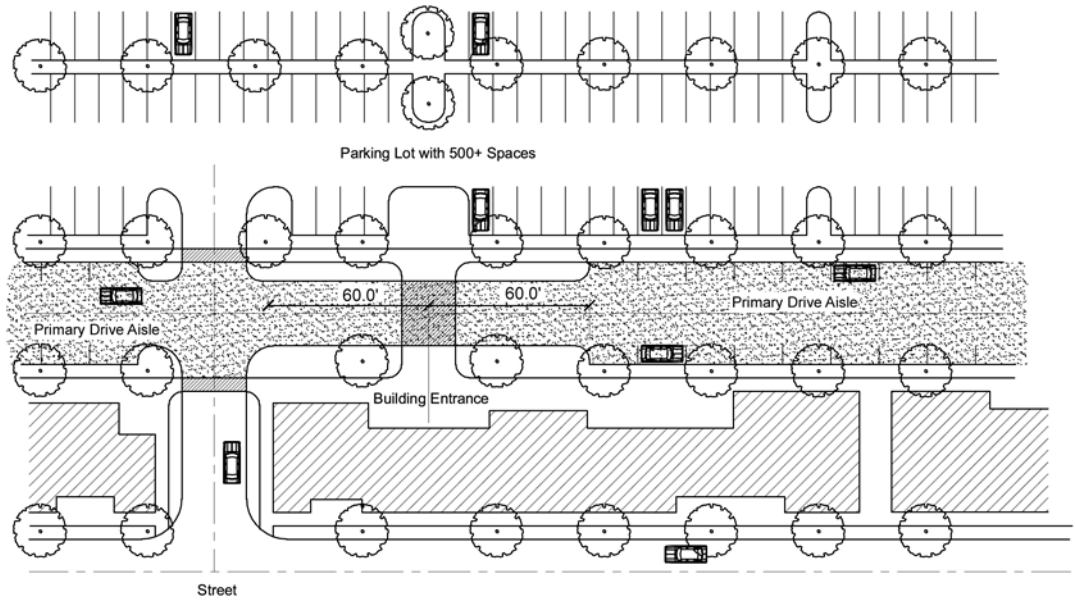
(4) Medians in Driveway Entrances

Medians may be provided within driveway entrances provided the minimum aisle width is maintained for each travel or turning lane.

CHAPTER 9: DEVELOPMENT STANDARDS

9.1 OFF-STREET PARKING AND LOADING

9.1.8 Dimensional Standards for Parking Spaces and Aisles



(5) Primary Drive Aisles

Primary drive aisles within off-street surface parking lots of 250 or more spaces 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 facades of structures being served by the drive, and shall meet the following standards:

- (A) Primary drive aisles shall have a maximum cross section of 40 feet to serve two travel lanes and accommodate parallel parking spaces along both sides of the drive aisle in areas not needed for turning movements;
- (B) Primary drive aisles shall be striped to designate parallel parking spaces, where appropriate, but in no case shall parallel parking spaces be designated within 60 feet of the primary building entrance(s);
- (C) Sidewalks meeting or exceeding the Town's standards shall be provided adjacent to the building's front façade and the opposing side of the primary drive aisle; and
- (D) Street trees shall be provided along both sides of the primary drive aisle in accordance with Section 7.2.7, Street Trees, although understory trees may be used adjacent to the building façade within 40 feet of building entrances.

9.1.9. Pedestrian and Bicycle Facilities

(1) Pedestrian Circulation

Off-street surface parking lots of 36 or more spaces shall include pedestrian corridors through parking areas and sidewalks along building facades to accommodate safe pedestrian travel. Pedestrian corridors shall be demarcated by painting, material changes, or differing heights where they cross vehicular travel ways.

(2) Pedestrian Pathways Through Lots

- (A)** Except for development in the TC District, fully separated pedestrian pathways shall be provided in surface parking lots with 250 or more spaces. In addition, pedestrian pathways shall:
 - (B)** Be located within planted landscaping strips located a minimum of every 130 feet, or every four parking rows;
 - (C)** Be paved with asphalt, cement, or other comparable material;
 - (D)** Be of contrasting color or materials when crossing drive aisles;
 - (E)** Be at least three feet in width when located within planting strips, and ten feet in width when crossing drive aisles;
 - (F)** Terminate at drive aisle edges;
 - (G)** Be positively drained; and
 - (H)** Provide safe and efficient pedestrian access to the use they serve.

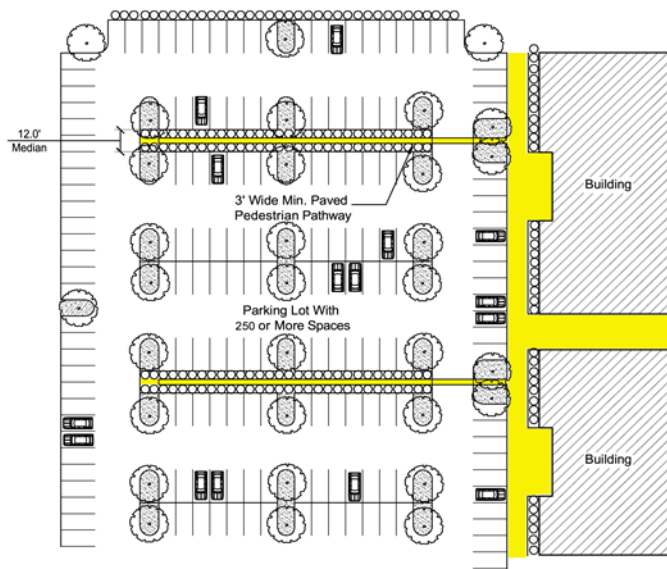


Figure 9.1.9: Pedestrian Pathways. This diagram depicts how pedestrian pathways are placed in parking lots of 250 spaces or more.

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(3) Bicycle Parking

All development with surface parking areas with 36 or more spaces shall provide bicycle parking facilities, which shall comply with the following standards:

- (A)** Bicycle parking spaces shall be conveniently located, but in no case shall such facilities be located farther than 100 linear feet from the primary building entrance;
- (B)** Bicycle parking spaces shall be provided at the following rates:
 - (i) One bicycle parking space per every ten off-street parking spaces within the TC District;
 - (ii) One bicycle parking space per every 20 off-street parking spaces in all other districts; and
- (C)** Bicycle facilities shall include a rack or other device to enable bicycles to be secured.

9.1.10. Alternative Parking Plan

The Planning Department shall be authorized to approve an Alternative Parking Plan, which proposes alternatives to providing the number of required off-street parking spaces required by Table 9.1.4(2), Minimum Off-Street Parking Standards, in accordance with the standards listed below. Nothing in this subsection shall limit the utilization of one or more of the following off-street parking alternatives by a single use.

(1) Provision for Alternative Parking Requirements

Requests to provide more than the maximum number of off-street parking spaces required by Section 9.1.4(6), Maximum Number of Spaces Permitted, as well as requests for reducing the minimum number of required spaces shall comply with the following where applicable:

(A) Parking Demand Study

Requests for exceeding the maximum number or reducing the minimum number of required off-street parking spaces shall be accompanied by a Parking Demand Study (prepared at the applicant's expense) demonstrating how the maximum number of parking spaces specified by Section 9.1.4(6), Maximum Number of Spaces Permitted, is insufficient for the proposed development or how the minimum amount (per Table 9.1.4(2)) is excessive for the development. The study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Planning Department, and should include other reliable data collected

from uses or combinations of uses that are the same as or comparable with the proposed use(s). Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall also recognize different operating hours or peak business periods. The study shall document the source of data used to develop the recommendations.

(B) Minimum Amount Required

Requests to exceed the maximum number of off-street spaces allowed are limited to the minimum number of additional spaces required as recommended in the required Parking Demand Study.

(C) Surfaced with Alternative Materials

Alternative materials may be used for the parking spaces that are provided in excess of the minimum amount required (per Table 9.1.4(2)). Technical specifications for alternative materials must be submitted to the Town Staff for approval. The use of alternative materials will not result in credit toward the impervious calculations for the site unless approved in the Town of Mooresville Land Development Design Standards. If alternative materials are used they must be properly maintained and should be located in areas proximate to and in combination with on-site stormwater control devices.

(amended 1/3/2011, TA-2010-10)

(2) Shared Parking

Requests for shared parking shall comply with all of the following standards:

(A) Located Within 500 Linear Feet

Shared parking spaces shall be located within 500 linear feet of the architectural front of all uses served, unless remote parking shuttle bus service is provided. Shared parking spaces shall not be separated from the use they serve by an arterial or collector street. In addition, adequate and safe pedestrian access must be provided from and to the shared parking areas.

(B) Same or More Intensive Use

A shared parking area shall be located on a site with the same or more intensive zoning district classification than required for the primary uses served.

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- (i) Those wishing to use shared parking as a means of satisfying the off-street parking standards must submit a shared parking request that justifies the feasibility of shared parking. Justification shall include information on the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
 - (a) The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be 50 percent.
 - (b) Directional signage which complies with the standards of this Ordinance shall be added to direct the public to the shared parking spaces. It is preferable for the employees of an establishment to utilize these spaces.
- (ii) A shared parking plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be recorded. Recordation of the agreement shall take place prior to issuance of a Certificate of Occupancy for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of Table 9.1.4(2), Minimum Off-Street Parking Standards.

(C) Less Intensive Use

A shared parking area may be located on a site with a less intensive zoning district classification than required for the primary uses served, provided that:

- (i) The proposal receives a Conditional Use Permit in accordance with Section 2.3.3, Conditional Use Permit;
- (ii) Vehicular access to the shared parking area is limited to the use(s) it serves; and
- (iii) Portions of the shared parking area not directly adjacent to the use it serves are surrounded by a solid six-foot fence meeting the standards of Section 9.4, Fences and Walls.

(3) Off-Site Parking for Nonresidential Uses

All off-street parking areas for any nonresidential use shall be provided on the same parcel of land as the use it serves; provided, however, that where there are practical difficulties in the location of the parking area or if the public safety or public convenience, or

both, is better served by its location on another parcel of land. Off-site parking for nonresidential uses shall comply with the following standards:

- (A)** The parking area is located on land under the same ownership or the use it serves.
- (B)** A pedestrian way, not more than 600 feet in length, is established from the parking area to the use to be served.
- (C)** The parking area is convenient to use without causing unreasonable:
 - (i) Hazard to pedestrians;
 - (ii) Hazard to vehicular traffic;
 - (iii) Traffic congestion;
 - (iv) Interference with commercial activity or convenient access to other parking areas in the vicinity;
 - (v) Detriment to the appropriate use of business lands in the vicinity; or
 - (vi) Detriment to any abutting residential neighborhood.

(4) Deferred Parking

An applicant may submit a request to defer the construction of up to 20 percent of the required number of parking spaces specified in Table 9.1.4(2), Minimum Off-Street Parking Standards, if the request complies with the following standards:

(A) Fewer Spaces Needed

It is demonstrated that because of the location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required by Table 9.1.4(2), Minimum Off-Street Parking Standards.

(B) Reserve Parking Plan

The request is accompanied by a Reserve Parking Plan identifying: (a) the amount of off-street parking being deferred, and (b) the location of the area to be reserved for future parking, if future parking is needed.

(C) Parking Demand Study

Assurance is guaranteed that within 12 months after the initial Certificate of Occupancy is issued for the proposed development, the applicant will submit a Parking Demand Study to the Planning Department that demonstrates the

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parking demand for the development, and the adequacy of existing parking spaces. If the study indicates that the existing parking is adequate, then the construction of the remaining number of parking spaces shall not be required. If the study indicates additional parking is required, it shall be provided consistent with the Reserve Parking Plan and the standards of this section.

(D) Limitations on Reserve Areas

Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes.

(E) Landscaping Required

If ultimately developed for off-street parking purposes, areas reserved for future parking shall be landscaped in accordance with Section 7.2.5, Vehicular Use Area Landscaping.

(5) Parking Structures

The off-street parking required by this section may be located in a parking structure, whether on the same or on a different lot than the uses which it serves provided the entrance to the parking structure is no more than 600 linear feet from the use it serves. Ground floor parking provided in a parking structure shall be screened, insofar as practicable, from surrounding uses and from public view as required by Section 7.2.5, Vehicular Use Area Landscaping. In addition, for uses located on the same lot as the structure, the conditions required for shared parking shall apply. For uses located on a different lot as the structure, the conditions required for off-site parking shall apply.

(6) Valet and Tandem Parking

An off-street parking program utilizing limited tandem parking for Commercial and Industrial Uses shall comply with the following standards:

- (A)** The development served shall provide 75 or more parking spaces; and
- (B)** No more than 30 percent of the total number of spaces shall be designated as tandem.

(amended 1/3/2011, TA-2010-10)

9.1.11. Loading Space Standards**(1) Number of Required Off-street Loading Berths**

The minimum number of loading spaces or berths shall be provided on-site for all developments specified in Table 9.1.11, Required Off-Street Loading Berths, depending on the use or its gross floor area. The developer shall determine if the use requires a greater number of spaces than those required by this section.

TABLE 9.1.11: REQUIRED OFF-STREET LOADING BERTHS		
USE TYPE	GROSS FLOOR AREA "GFA" (SQUARE FEET)	MINIMUM NUMBER OF BERTHS
Multi-family uses with more than 100 units in a single structure	N/A	1
Offices	10,000 or more	1
Space used by, designed for, or adaptable to a Retail Sales and Service Use	3,000 – 14,999	1
	15,000 – 49,999	2
	50,000 – 99,999	3
	100,000 or more	4 + 1 for every 100,000 GFA beyond 100,000
Wholesale and Manufacturing Uses	Up to 15,000	1
	15,000 – 49,999	2
	50,000 or more	3 + 1 per every 50,000 GFA beyond 50,000
All other Industrial Uses (except Outdoor and Self-Service Storage)	10,000 – 39,999	1
	40,000 – 99,999	2
	100,000 – 159,999	3
	160,000 – 239,999	4
	240,000 – 319,999	5
	320,000 – 399,999	6
	400,000 or more	7 + 1 per every 100,000 GFA beyond 400,000

(2) Standards**(A) Minimum Dimensions**

- (i) Each loading berth or space required by this subsection shall be at least ten feet wide by 50 feet long (or deep), with at least 15 feet of overhead clearance. Each off-street loading space shall have adequate, unobstructed means for the ingress and egress of vehicles.
- (ii) Uses with between 2,000 and 5,000 square feet of floor area which are required to provide an off-street loading space may provide a space which is ten feet wide by 30 feet long (deep), with at least 15 feet of overhead clearance.

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9.2 INFRASTRUCTURE DESIGN STANDARDS

9.2.1 Purpose and Intent

(B) Location

Where possible, loading areas shall be located to the rear of the use they serve. In addition, the loading area shall be located adjacent to the buildings loading doors, in an area that promotes their practical use.

(C) Delineation of Loading Spaces

All loading spaces shall be delineated by striping and labeling of the pavement.

(D) Access to a Street

Every loading area shall be provided with safe and convenient access to a street, but in no case shall the loading space extend into the required aisle of the parking lot.

(E) Paving

The ground surface of loading areas shall be paved with a durable, dust free and hard material, such as surface and seal treatment, bituminous hot mix or Portland cement, concrete, or some comparable material. Such paving shall be maintained for safe and convenient use at all times.

(F) Landscaping

Loading areas shall be landscaped in accordance with Section 7.2.5, Vehicular Use Area Landscaping.

(G) Exterior Lighting

Exterior lighting for loading areas shall comply with the standards in Section 9.4.4, Design Standards for Exterior Lighting.

9.2 INFRASTRUCTURE DESIGN STANDARDS

9.2.1. Purpose and Intent

The purpose for this section is to establish the minimum standards for public infrastructure in the Town. More specifically, this section is intended to:

- (1)** Support street development as an integral component of community design;
- (2)** Provide safe, efficient, and convenient vehicular, bicycle, and pedestrian access and circulation patterns within and between developments;

- (3)** Foster a pedestrian-friendly distribution of land uses and street network;
- (4)** Reduce interference with through traffic by other vehicles, bicycles, or pedestrians entering, leaving, and crossing streets;
- (5)** Establish a system to safely convey surface stormwater from streets and other public rights-of-way; and
- (6)** Protect ground and drinking water supplies through the safe and efficient delivery and treatment of potable and wastewater.

9.2.2. Applicability

- (1)** The standards in this section shall apply to all development in the Town and Extra-territorial Jurisdiction.
- (2)** These standards shall also apply when an existing structure or use is expanded, enlarged, or otherwise increased in capacity.

9.2.3. Conformity with Other Town Standards

All development subject to the standards in this section shall also comply with the following standards.

- (1)** All street, storm drainage, potable water, and sewer improvements shall be in accordance with the Town's Land Development Design Standards Manual.
- (2)** All streets, sidewalks, and related improvements shall be in accordance with the Comprehensive Transportation Plan.

9.2.4. Streets

Except where exempted, all development shall abut a street designed in accordance with the following standards:

(1) Dedication Required

- (A)** All streets shall be dedicated to the Town of Mooresville, the State of North Carolina, or the public as determined by the Town.
- (B)** Where streets are dedicated to the public but not accepted into a municipal or the state system before lots are sold, a statement explaining the status of the street shall be included on the Subdivision Final Plat (see Section 2.3.10(5)).
- (C)** A written maintenance agreement for all streets not under Town or NCDOT ownership and maintenance shall be included with the Subdivision Final Plat (see Section 2.3.10(5)).

CHAPTER 9: DEVELOPMENT STANDARDS

9.2 INFRASTRUCTURE DESIGN STANDARDS

9.2.4 Streets

(2) Street Design

(A) Conformity to Existing Maps or Plans

The street layout within new developments shall conform to the arrangement, width, and location of proposed streets on any official Town plans or maps. In areas where such plans have not been completed, the streets shall be designed and located in accordance with:

- (i) Existing and proposed streets;
- (ii) Existing topography;
- (iii) Natural features such as streams and stands of mature hardwood trees;
- (iv) Public convenience and safety; and
- (v) The proposed use of land to be served by streets.

(B) Frontage Upgrade Required and Exemptions

New development fronting existing publicly-maintained streets shall be required to upgrade the street frontage in accordance with the standards of this Ordinance, as appropriate. Upgrades shall include but not be limited to bicycle-pedestrian facilities, curbing, storm drainage, and street tree installation.

- (1)** The Planning Director may waive the required installation of bicycle-pedestrian facilities (such as sidewalks), curb, and gutter for infill development of a single residential lot that is used for no more than two dwellings units if at least two of the following conditions exist:
 - (ii) The infill lot is outside the Town Center (TC), Neighborhood Mixed Use (NMX), Mixed Use Overlay, Mill Village Conservation Overlay, or Academy Street Neighborhood Conservation Overlay districts;
 - (iii) The infill lot is more than 500 feet away from a public park, school, or existing sidewalk; or
 - (iv) The installation of frontage upgrades would adversely impact the property or adjacent properties.

(C) Large Tracts or Parcels

Where land is subdivided into tracts or parcels exceeding five acres in size, such parcels shall be arranged so as to allow for the opening of future streets and logical re-subdivision.

(D) New Street Grades

Street grades for new streets shall be established to avoid excessive removal of vegetation and mass grading, to the maximum extent practicable.

(E) Continuation of Adjoining Streets

Proposed street layouts shall be coordinated with the existing street system in surrounding areas. Existing streets shall be extended to provide access to adjacent subdivisions and to provide for additional points of ingress and egress, to the maximum extent practicable.

(F) Connection to State Roads

Permits authorizing connection to any existing state system roadway shall be submitted to the Town prior to any construction on the street or roadway (See Town Land Development Process Manual).

(G) Service Streets

Where a tract of land being subdivided adjoins an arterial or collector street, the subdivide may be required by the Town Board of Commissioners to provide a service street parallel to the arterial or collector, or to establish a reverse frontage condition for lots adjacent to the arterial or collector street as a means of preventing direct access to the arterial or collector street.

(H) Underground Utilities

The Town encourages all utility providers (e.g., cable, telephone, gas, electric), to install service lines for their respective utilities to each lot line prior to paving the street as a means of minimizing damage to the pavement.

(I) Vehicular Gates

For the purposes of preserving access to public and private lands by citizens, utility companies, emergency service providers, and other agents of the Town, vehicular gates, barriers, or other devices intended to obstruct vehicular or pedestrian traffic along a public or private street right-of-way shall require Conditional Use Permit approval (see Section 2.3.3).

(J) On-Street Parking

- (i) Streets other than arterials and collectors are encouraged to be designed with on-street parking.
- (ii) All on-street parking shall be parallel to the curb.

CHAPTER 9: DEVELOPMENT STANDARDS

9.2 INFRASTRUCTURE DESIGN STANDARDS

9.2.4 Streets

(amended 1/3/2011, TA 2010-10)

(3) Minimum Street Width

Regardless of the allowable street cross-section width, required right-of-way widths shall be maintained for continuity.

(4) Street Intersections

- (A)** Where practical, intersections should be aligned to create four-way intersections.
- (B)** Property lines at street intersections shall be rounded with a minimum radius of 20 feet. A greater radius may be required at streets intersecting at less than 90 degree angles.



Figure 9.3.4.1: Street Intersections. This diagram illustrates the preferred intersection configuration.

(5) Sight Distance Triangle

(A) Public Streets

No object shall interfere with visibility within the Sight Distance Triangle of an intersection of public streets (assuming eye level of three feet to ten feet from a distance of 15 feet from the edge of the pavement).

(B) Sight Distance Triangle Calculation

Sight triangles of 35 feet x 35 feet shall be preserved at all intersections. Additional sight triangles of 10 feet x 70 feet shall be provided for access onto thoroughfare streets. Site triangles shall be noted on the preliminary and final plats.

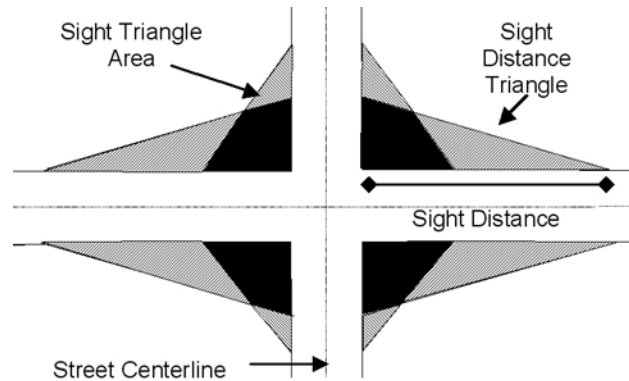


Figure 9.3.4.2: Site Distance Triangle. This diagram illustrates site distance triangles where structures and vegetation are limited.

(6) Cul-de-Sacs and Dead End Streets

(A) Conformity with Town Standards

All cul-de-sacs shall be built in accordance with the most recently adopted version of the Town's Land Development Design Standards Manual.

(B) Temporary Dead End Streets

Dead end streets shall be allowed only on a temporary basis to serve a phase or portion of a subdivision. In the event that a Subdivision Final Plat (see Section 2.3.10(5)) for the phase or portion of a subdivision served by a temporary dead end street is submitted for approval or recording, the Subdivision Final Plat shall include a notation that the street is temporary, and that additional modifications to the street will occur as additional phases or portions of the subdivision are developed.

(C) Total Road Footage

- (i) Cul-de-sac streets shall be limited to a maximum of 10 percent of the total road footage in a residential development.
- (ii) Cul-de-sacs streets shall be limited to no more than ten percent of the total road footage in a nonresidential or mixed-use development.

(D) Maximum Length

- (i) Cul-de-sac streets shall not extend for more than 400 feet as measured from the center of the cul-de-sac turn around to the nearest right-of way boundary of the adjoining street right-of-way intersection unless exempted as listed below.
- (ii) In no case shall a cul-de-sac or temporary dead-end street serve more than 25 lots in a development.

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9.2 INFRASTRUCTURE DESIGN STANDARDS

9.2.4 Streets

- (iii) For the purposes of calculation of the connectivity index in Chapter 9.2.4, temporary dead-end streets terminating at the perimeter of a development shall be counted as a link. In no case shall a temporary dead-end street terminating at a point internal to the development be counted as a link.
- (iv) The Planning Director may permit an administrative exception to the maximum cul-de-sac length where topography, public safety or other physical considerations make adherence impractical.

(7) Alleys

- (A) Alleys meeting the Town's minimum standards shall be provided along the rear property lines of lots intended for new detached residential and townhouse dwellings when such lots:
 - (i) Are part of a block face with an average lot width of 50 feet or less; or
 - (ii) Front a collector or arterial street (regardless of the average lot width).
- (B) Lots served by alleys in accordance with Subsection (A) above shall access garages or off-street parking areas from the alley as opposed to a street.
- (C) Lots served by alleys in accordance with Subsection (A) above shall not have driveways in front or corner side yard areas.
- (D) Alleys shall be provided in accordance with the standards in Section 9.2.6, Access to Individual Lots.
- (E) Alleys shall not be included within the connectivity index calculation in Section 9.2.4(8), Internal Street Connectivity.

Amended (12-3-2018 TA 2018-09)

(8) Internal Street Connectivity

- (A) All development shall achieve an internal street connectivity score in accordance with Table 9.2.4, Minimum Street Connectivity Index:

TABLE 9.2.4: MINIMUM STREET CONNECTIVITY INDEX	
ZONING DISTRICT WHERE DEVELOPMENT IS PROPOSED	MINIMUM CONNECTIVITY INDEX
R2 & R3	1.20
R5, HB, GI, & EI	1.40
RMX, RMX-MH, TND-C, NMX, CMX, VC, TC	1.65

PC-C

Not applicable, to be determined on site plan

(B) The connectivity index for a development is calculated by dividing its links by its nodes. The figure below provides an example of how to calculate the connectivity index. Nodes (stars) exist at street intersections and cul-de-sac heads within the development. Links (circles) are stretches of road that connect nodes. Street stub-outs are considered as links, but temporary dead-end streets internal to a development or alleys shall not be counted as links. One link beyond every node that exists in the development and provides access to the Greater Street System shall be included in the index calculation. In the diagram, there are 36 links (circles) and 21 nodes (stars); therefore the connectivity index is 1.71 ($36/21 = 1.71$).

(C) The minimum connectivity index score may be reduced if the owner/developer demonstrates it is impossible or impracticable to achieve due to topographic conditions, natural features, or adjacent existing development patterns. Whenever cul-de-sac streets are created, at least one eight-foot-wide pedestrian access easement shall be provided, to the extent practicable, between each cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian pathway.

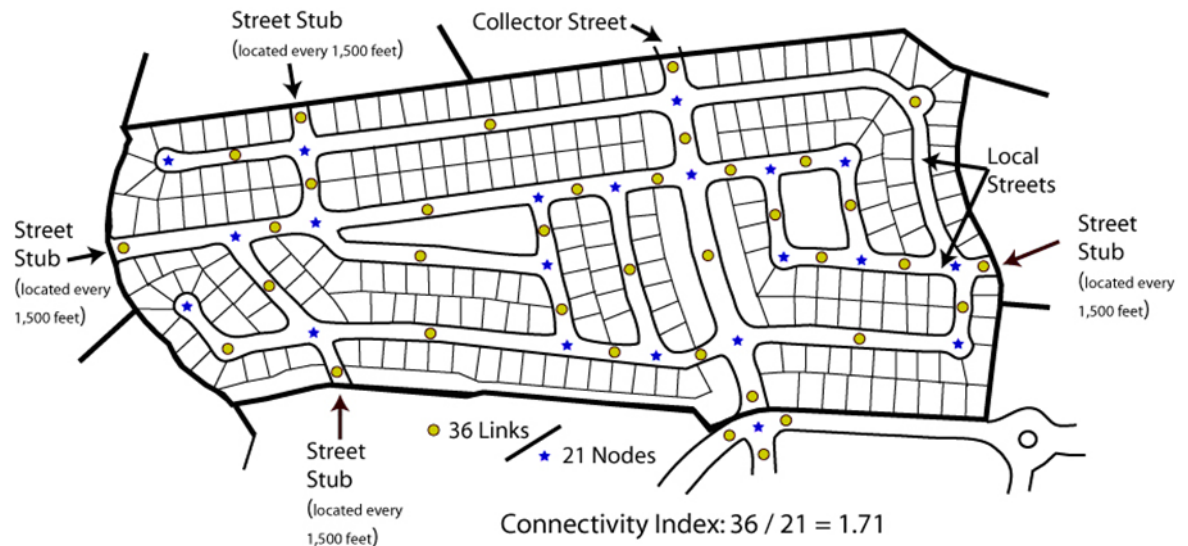


Figure 9.3.4.3: Street Connectivity. This diagram illustrates how the connectivity index is calculated.

(9) External Street Connectivity

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9.2 INFRASTRUCTURE DESIGN STANDARDS

9.2.4 Streets

- (A) The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and intended for future development or in which the adjoining lands are developed and include opportunities for such connections.
- (B) Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development which abuts vacant lands.
- (C) At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" to inform property owners.
- (D) The Subdivision Final Plat (see Section 2.3.10(5)) shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped property.

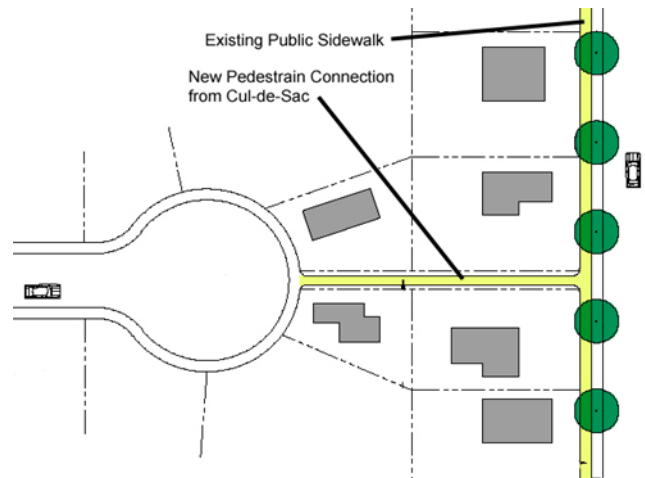


Figure 9.3.4.4: Pedestrian Connectivity. This diagram shows how pedestrian connections to the larger sidewalk network should be made from cul-de-sac streets.

(10) Traffic Calming Measures

- (A) Where practicable, minimal street widths, short block lengths, on-street parking, controlled intersections, roundabouts, and other traffic calming measures shall be used on all one-way, place, lane, and sub-collector streets to the maximum extent practicable.

(B) In cases where residential development has been organized around a grid street network, measures to interrupt or terminate long vistas shall be employed to the maximum extent practicable. Such measures shall include, but shall not be limited to:

- (i) Stop signs at street intersections;
- (ii) Curvilinear street segments;
- (iii) Street chicanes or neckdowns; and
- (iv) Terminated vistas.

(C) Sidewalk bulb-outs are discouraged on streets less than 30 feet wide, but are encouraged on wider streets as a traffic calming device and to reduce crossing distance for pedestrians, where practicable.

(11) Bike Lanes

Bike lanes with a minimum width of four feet shall be installed along all arterial and collector streets in accordance with Comprehensive Transportation Plan.

(12) Curb and Gutter

All curb and gutter shall be installed in accordance with the Town's Land Development Design Standards.

(13) Markers and Traffic Control Signs

Appropriate street name signs which meet the Town or County specifications shall be placed by the Town at all street intersections at the subdivider's expense (See Land Development Process Manual).

CHAPTER 9: DEVELOPMENT STANDARDS

9.2 INFRASTRUCTURE DESIGN STANDARDS

9.2.5 Block Design

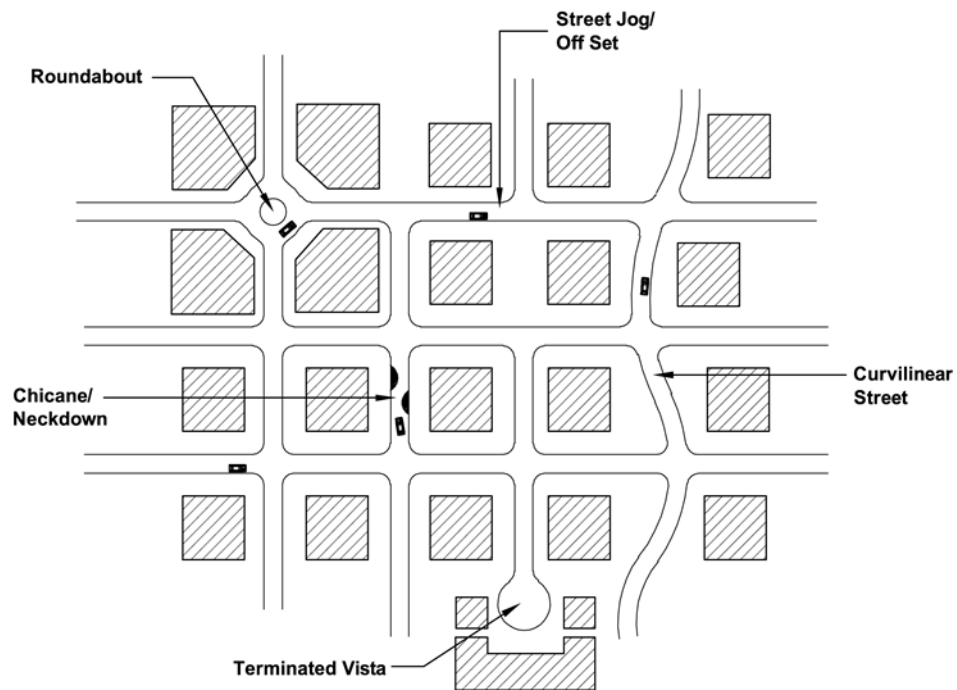


Figure 9.3.4.5: Traffic Calming Measures. This diagram shows a range of potential traffic-calming measures.

9.2.5. Block Design

(1) Block Length

- (A) The average block length in a development shall not exceed 600 linear feet between the right-of-way edges of intersecting streets. Except in cases where environmental or topographic constraints exist, or the property has an irregular shape, no individual block shall exceed a maximum length of 880 linear feet.
- (B) No block shall be shorter than 200 linear feet.

(2) Block Width

To the maximum extent practicable, the width of any block shall be sufficient to permit at least two tiers of lots of appropriate depth for the zoning district exclusive of any public alleys, watercourses, or other rights-of-way located outside platted lots.

(3) Pedestrian Pathways

In cases where a block length exceeds 800 feet on a two lane road, sidewalks shall be provided mid-block, if practicable, to connect parallel streets on the long side of the block.

9.2.6. Access to Individual Lots

(1) Points of Ingress and Egress

For subdivisions with twenty or more lots, the subdivider shall provide at least two points of ingress and egress per public road street frontage in accordance with the Town of Mooresville Fire Code except when:

- (A)** There are unique physical characteristics of the land which would render a second entrance impractical; or
- (B)** Where the NCDOT or the Town Engineer will not allow a second entrance.

(2) No Direct Access to Arterial Streets

Driveways serving individual lots shall not have direct access onto arterial streets, unless no alternative means of access (such as alleys or parallel access streets) exists, and it is unreasonable or impractical to require an alternative means of access.

(3) Limited Access to Collector Streets

Unless no alternative means of access exists, such as alleys or parallel access streets, and it is unreasonable or impractical to require an alternative means of access, direct driveway access to collector streets shall be limited to lots containing multi-family dwellings, Commercial, and Industrial uses (see Table 5.1.4, Table of Allowed Uses), provided that driveway separation of 200 linear feet or more per street side is maintained.

9.2.7. Fee in Lieu of Required Bicycle-Pedestrian Facility Installation

Where the installation of bicycle-pedestrian facilities (i.e. sidewalks, greenways, etc.) is required and the Planning Director determines that installation of the bicycle-pedestrian facilities is not feasible or practical due to special circumstances, including but not limited to, topographical constraints, existing development patterns on or near the site, or other natural considerations, the developer may submit a fee in lieu of such installation. All fees collected by the Town pursuant to this subsection shall be deposited in a dedicated Town fund used only for construction of bicycle-pedestrian facilities.

CHAPTER 9: DEVELOPMENT STANDARDS

9.3 FENCES AND WALLS

9.3.1 Applicability

9.3 FENCES AND WALLS

9.3.1. Applicability

The provisions of this section shall apply to all new construction, redevelopment, or replacement of fences or walls not required for support of a primary or accessory structure, or any other linear barrier intended to delineate different portions of a lot. In the event of any inconsistency between the provisions of this section and any screening standard in Section 7.2.9, Screening, the latter shall govern.

9.3.2. General Requirements for Fences and Walls

(1) Location

Fences are permitted on the property line between two or more parcels of land held in private ownership.

(2) Temporary Fences

Temporary fences for construction sites or a similar purpose shall comply with the construction requirements of the Town.

(3) Fences in Easements

Fences shall be prohibited within utility easements and 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 required by this Ordinance.

(4) Blocking Natural Drainage Flow

No fence shall be installed so as to block or divert a natural drainage flow on to or off of any other land.

(5) Fences on Retaining Walls or Berms

If a fence is constructed on top of a wall or berm, the combined height of the fence and wall or berm shall not exceed the maximum height that would apply to a fence or wall alone.

(6) Fences and Walls within Buffers and Streetscape Landscaping Areas

Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material. The perimeter fencing or wall for a single subdivision or development shall be of a

uniform, approved style that meets the standards of this section in order to provide visual interest in an orderly manner.

(7) Electrified Fences

The construction and use of above ground electrified fences shall only be allowed through a conditional use permit and as provided in this section, subject to the following standards:

(A) Approvals

- (i) Prior to the installation or use of any electrified fence, a zoning permit shall be obtained. The application shall include a site plan showing the location of the protective barrier and the electrified fence on the property and any other information deemed necessary.
- (ii) An electrical permit must be obtained from Iredell County Building Standards prior to installation or use of any electrified fence. Exemptions to North Carolina Building Code do not meet the standards of this ordinance.
- (iii) Approval from the Mooresville Fire Marshall be obtained prior to installation or use of any electrified fence.

(B) Electrification

The energizer for electrified fences shall be powered by a commercial storage battery or batteries not to exceed 12 volts DC.

(C) Perimeter Fence or Wall

No electrified fence shall be installed or used unless it is surrounded by a non-electrified fence or wall that is not less than six (6) feet tall.

- (i) There shall be a space of four (4) to twelve (12) inches between the electrified fence and the perimeter fence or wall.
- (ii) Electrified fences shall be subject to the screening requirements of Section 7.2.6, Perimeter Buffers.

(D) Location

- (i) Electrified fences shall be permitted on non-residential properties in the zoning designations identified in Table 5.4.2.
- (ii) Electrified fences shall not be installed within one hundred fifty (150) feet of a property line for a residence, school, or day care facility, unless the exterior perimeter non-electrified fence is built to prevent inadvertent contact with the electrified fence.

(E) Height

CHAPTER 9: DEVELOPMENT STANDARDS

9.3 FENCES AND WALLS

9.3.3 Height Requirements for Fences and Walls

Electrified fences shall have a maximum height of 10 feet.

(F) Warning Signs

Electrified fences shall be clearly identified with warning signs on all sides of the fence and at any entrance gate at intervals of not less than thirty feet.

(G) Hours of Activation

Electrified fences must only be energized during hours when the public does not have legal access to the protected property, except when personnel is available on-site to deactivate the electrified fence.

(H)

It shall be unlawful for any person to install, maintain or operate an electrified fence in violation of this ordinance.

9.3.3. Height Requirements for Fences and Walls

All fences and walls shall conform to the following standards. In all cases, heights are measured from natural grade.

(1) Residential

In the residential districts, fences shall not exceed a height of four feet in front yards. Walls shall be limited to a maximum height of three feet in front yards. Walls and fences located behind the front building line shall not exceed six feet in height. If a fence is constructed on top of a retaining or other wall, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone.

(2) Nonresidential and Mixed-Use

In the nonresidential and mixed-use districts, fences and walls shall not be permitted in front setback areas, and shall not exceed a height of six feet in front yards and within 20 linear feet of public rights-of-way in side and rear yards. Fences and walls shall not exceed eight feet in height in all other areas. If a fence is constructed on top of a retaining or other wall, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone.

(3) Exemption for Required Screening

Fencing provided to meet the standards of Section 7.2.9, Screening, shall be exempted from the height standards of this

subsection, but in no case shall the fencing exceed more than two feet above the maximum height limits of Section 7.2.9, Screening.

(4) Exemption for Recreational Fencing

Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this subsection.

(5) Exemption for Safety

Major utilities, government facilities, and other public safety uses shall be exempted from these standards as needed for public safety.

9.3.4. Perimeter Fences and Walls Abutting Public Rights-of-Way

Perimeter fences or walls abutting a public right-of-way shall:

- (1)** Be of a uniform style;
- (2)** Be located outside the right-of-way associated with a public street;
- (3)** Be located outside any required streetscape landscaping (see Section 7.2.8); and
- (4)** Include breaks in the wall plane at least every 200 feet.

9.3.5. Visibility Clearance

Fences and walls shall be placed in accordance with the standards in Section 9.3.4(10), Sight Triangles.

9.3.6. Prohibited Fences

(1) Chain Link and Metal-Slat Fencing

Fences and walls constructed of chain link or metal slats shall be prohibited within the front yard in all residential and mixed-use zoning districts.

(2) Barbed Wire and Above Ground Electrified Fences Prohibited

Except as needed for Agriculture uses, major utilities, government facilities, and other public safety uses, barbed wire fences and above ground electrified fences are prohibited in all zoning districts, unless allowed consistent with the standards of Section 9.3.2(7). Underground electric fences designed for control of domestic animals are permitted.

(3) Debris, Junk, Rolled Plastic, Sheet Metal, Plywood, or Other Waste Materials

CHAPTER 9: DEVELOPMENT STANDARDS

9.3 FENCES AND WALLS

9.3.7 Appearance of Fences and Walls

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zoning districts, unless such materials have been recycled and reprocessed into building materials marketed to the general public and resemble new building materials.

(Amended 9/8/2020 TA-2020-03)

9.3.7. Appearance of Fences and Walls

(1) Customary Materials

Fences and walls shall be constructed of customary materials, including solid wood, brick, masonry, stone, wrought iron, decorative metal materials, or products designed to resemble these materials. Where specific materials are specified for particular types of screening or buffering fences or walls, all other fence materials are prohibited.

(2) Finished Side to Outside

Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (i.e. one side has visible support framing and the other does not), then the more "finished" side of the fence shall face the perimeter or outside of the lot, rather than facing the interior of the lot.

(3) Uniformity of Materials on a Single Lot Side

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.

(4) Chain Link Fencing

Where allowed, chain link fencing shall be vinyl coated and colored dark green, brown, or black.

(5) Landscape Screening

This section shall apply to attached residential, commercial, institutional, and industrial uses. Fences and walls that exceed two-and-one-half (2½) feet in height and are located within 20 feet of a public right-of-way shall meet the following landscaping standards:

(A) Shrubs Required

One evergreen shrub shall be installed for each fifteen feet of frontage along the public right-of-way. Shrubs may be installed in a staggered, clustered, grouped, or linear fashion, and all plantings shall be installed on the side of the fence that faces the public right-of-way.

(B) Substitution of Understory Trees

One understory or ornamental tree may be substituted for every three evergreen shrubs provided that the tree meets the minimum size standards at the time of planting found in Section 7.2.3(3), New Planting Standards.

(C) Integration with Other Required Landscaping

Required landscape screening for fences or walls may be integrated into the landscaping required for streetscape landscaping, vehicular use area screening, or perimeter buffers provided the standards in Section 7.2, Landscaping Standards, are maintained. In no case shall fencing or required walls be placed between the edge of the right-of-way and any required streetscape landscaping.

(6) Maintenance Required

All fences and walls shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than 20 degrees from vertical shall be promptly repaired to correct that condition.

9.4 SITE LIGHTING**9.4.1. Purpose**

The purpose of this section is to control light spillage and glare so as not to adversely affect motorists, pedestrians, and land uses of adjacent properties. More specifically, this section is intended to:

- (1)** Control lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists;
- (2)** Ensure that all site lighting shall be designed and installed to maintain adequate lighting levels on site; and
- (3)** Provide security for persons and land.

9.4.2. Applicability**(1) General**

CHAPTER 9: DEVELOPMENT STANDARDS

9.4 SITE LIGHTING

9.4.3 Exemptions

Unless exempted in accordance with Section 9.4.3, Exemptions, the provisions of this section shall apply to residential, Institutional, Commercial, and Industrial Uses.

(2) Time of Compliance

A lighting plan shall be submitted with an application for a Concept Plan (Section 2.3.8), Site Plan (Section 2.3.9), or Subdivision Preliminary Plat (Section 2.3.10(4)), as appropriate.

9.4.3. Exemptions

The standards of this section shall not apply to Town-owned, operated, or maintained street lights located within a street right-of-way or other easement granted to the Town.

9.4.4. Design Standards for Exterior Lighting

All site lighting shall conform to the following standards:

(1) Maximum Lighting Height

(A) Except for outdoor sports fields or performance areas, outdoor lighting heights shall be no greater than:

- (i) Eighteen feet above grade for pedestrian lighting; and
- (ii) Twenty-five feet above grade for vehicular lighting.

(B) Wherever possible, illumination of outdoor seating areas, building entrances, and walkways shall be accomplished by use of ground mounted fixtures not more than four feet in height.

(2) Illumination Direction

(A) In all districts, lighting shall be directed downward. In addition, upwardly-directed lighting shall not be used to illuminate structures, except for low-wattage architectural lighting.

(B) Lighting shall not shine directly into the yard or windows of an adjacent uses.

(3) Location

All lighting shall be located at least ten feet from side lot lines, rear lot lines, or required perimeter buffers.

(4) Shielding

(A) Light fixtures in excess of 60 watts or 100 lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project site onto adjacent lands and streets.

- (B)** No interior light source shall be positioned, aimed, or configured so as to result in the light source being visible from land occupied by existing residential development.
- (C)** No light source in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling.
- (D)** Awnings or canopies used for building accents over doors, windows, etc., shall not be internally illuminated (i.e. from underneath or behind the awning).

(5) Maximum Light Levels

All outdoor lighting shall be designed and located such that the maximum illumination measured in foot candles at the property line shall not exceed one (1.0) foot candle. The average intensity illumination for outdoor lighting shall not exceed an average of six foot candles in intensity as measured at grade. Vehicular use area lighting shall not exceed a maintained average of four (4) foot candles.

(6) Uniformity Ratios

- (A)** In order to maintain uniformity in light levels across a development, and prevent or minimize dark areas, 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) in the residential districts or ten-to-one (10:1) in the nonresidential districts. Parking lots shall maintain the same uniformity ratios as the principal use they serve. In the cases of mixed uses, the uniformity ratios for nonresidential districts shall apply.
- (B)** The quantity of fixtures to be provided shall be based upon the desired level of uniform illumination as established by the current standards of the Illuminating Engineering Society of North America (IESNA).

(7) Hue

All outdoor and parking lot lighting fixtures, including: metal halide, mercury vapor, fluorescent, induction, white high-pressure sodium and color-improved high-pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.

9.4.5. Wall-mounted Lights

CHAPTER 9: DEVELOPMENT STANDARDS

9.4 SITE LIGHTING

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- (1)** Wall-mounted lights shall be fully shielded luminaries (such as shoebox or can style fixtures) to prevent the light source from being visible from any adjacent residential property or public street right-of-way. Nothing in this subsection shall prevent the use of decorative lighting fixtures provided that the source of illumination is not visible from adjacent lands used or zoned for residential purposes, and provided that the maximum illumination values comply with the standards in Section 9.4.4(5), Maximum Light Levels.
- (2)** Wall packs on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall packs on the exterior of the building shall be fully shielded (true cut-off type-bulb or light source not visible from off-site) to direct the light downward and be of low wattage (preferably 100 watts or lower). Other accent lighting projected onto buildings may be allowed provided that it is approved through the development plan process.

9.4.6. Floodlights and Spotlights

Floodlights and spotlights shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on a portion of the building façade or other intended site feature and away from adjoining lands or the right-of-way. On-site lighting may be used to accent architectural elements but shall not be used to illuminate entire portions of building(s). Such lighting shall be installed in a fixture that is shielded so that no portion of the light bulb extends below the bottom edge or above the top edge of the shield, and the main beam from the light source is not visible from adjacent lands of the adjacent right-of-way. Floodlights or other type of lighting attached to light poles that illuminate the site or building(s) are prohibited.

9.4.7. Sign Lighting

Lighting fixtures illuminating signs shall comply with the standards of this section, and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign face.

9.5 ILLUMINATION OF OUTDOOR**9.5.1. Purpose**

The purpose of this Section is to accomplish the following:

- (1)** To encourage the use of lighting design practices and systems that will minimize glare, light trespass and light pollution; conserve energy and resources while maintaining nighttime safety, security and productivity; and curtail the degradation of the nighttime visual environment.
- (2)** To establish outdoor lighting standards with an emphasis on reducing glare and light trespass by requiring, in most circumstances, full cut-off (preferred) lighting fixtures.
- (3)** To allow for outdoor lighting that is appropriate for the task and to establish light fixture height, wattage, distribution and illumination limits that will help prevent light trespass to adjacent properties.

9.5.2. Applicability

These outdoor lighting standards apply to the following:

CHAPTER 9: DEVELOPMENT STANDARDS

9.5 ILLUMINATION OF OUTDOOR

9.5.3 Exemptions

- (1)** Any new development, expansion or improvement to any illuminated outdoor recreation facility, the installation of new outdoor lighting fixtures, or the replacement of existing lighting fixtures, or such uses within residential and non-residential districts that are adjacent to residential uses or residential districts or with lighting fixtures exceeding 20 feet in mounting height and are adjacent to a residential use of residential zoning district.
- (2)** Routine lighting fixture maintenance such as replacement of lamps, ballast, starter, photo control, or similar components will not constitute the need to comply with this ordinance, and is permitted provided such changes do not result in a higher wattage or higher lumen output.
- (3)** Outdoor recreation, sports facilities, and performance areas whether classified as either a primary or accessory use, subject to the provisions of this ordinance include but are not limited to baseball/ softball fields, football, soccer, lacrosse, track fields, basketball/volleyball/tennis courts, and go cart tracks.

9.5.3. Exemptions

The following lighting applications are exempt from the requirements of this section:

- (1)** Emergency Lighting: Lighting required for public safety, in the reasonable determination of the inspection official holding authority.
- (2)** DOT Lighting: Department of Transportation highway signage luminaries, which must comply with federal DOT standards.
- (3)** Decorative Lighting: Low wattage fixtures used for holiday decorations and annual civic events, or temporary or permanent building tubing fixtures which follow architectural features on buildings.
- (4)** Individual residential lighting that is not reviewed as part of a development plan.
- (5)** Illumination being installed for temporary usage only.
- (6)** Municipal lighting installed within public rights-of-way, for the principal purpose of illuminating streets, sidewalks, bicycle facilities, or multi-modal pathways within or adjacent to a public street.

9.5.4. Illumination Plan Requirements

- (1)** Projects will be designated to meet the prescribed surface illumination levels necessary for the project site and designed in accordance with IESNA standards for uniformity, and show all maximum/minimum and average/minimum light levels. Project design will account for spill light or light trespass at the property line. An illumination plan shall contain the following information;
- (a)** Scaled photometric (ISO foot-candle) site plan denoting the project boundaries, location and limits of playing fields and courts in relation to the perimeter lot lines of the entire property; the location of all mounted lighting poles and fixtures, and fixture mounting heights.

9.5.5. Illumination Design Standards

- (1)** All new lighting fixtures shall be placed and oriented so as not to direct glare perceptible to persons on a public right of way, or into the window openings of a residential dwelling unit. Care should be taken to minimize light trespass across property lines. Internal louvers or "glare shields" or other appropriate method shall be provided where the emitted light becomes a hindrance. House side shields may also be effective in reducing light trespass. For facility renovations or reconstruction, or substantial improvements to existing facilities constructed prior to (February 1, 2016) where existing performance area outdoor lighting fixtures are not replaced or relocated, existing fixtures shall be oriented to abate perceptible glare to persons on a public right of way, or into the window openings of a residential dwelling unit if possible. Care should be taken to minimize light trespass across property lines. Existing fixtures shall be retrofitted with Internal louvers or "glare shields" or other

appropriate methods if possible as prescribed per Section 9.5.5(3) to abate or reduce emitted light trespass. House side shields may also be used if possible to reduce or abate existing glare conditions.

- (2)** All new lighting fixtures shall use full cut-off or directionally shielded lighting fixtures that can be aimed towards the playing field/court and shielded in directions away from the playing field/court to minimize glare and light trespass onto adjacent properties. All lighting fixtures shall be equipped with the manufacture's maximum glare control packages (louvers, shields, visors, and similar devices). Fixtures must be directed to illuminate the primary playing field or performance area. Where new lighting is installed adjacent to existing residential property, all installations should limit light levels at the property line to a maximum level of 1.5 foot candles at the property line or right-of-way.

CHAPTER 9: DEVELOPMENT STANDARDS

9.5 ILLUMINATION OF OUTDOOR

9.5.5 Illumination Design Standards

- (3)** For new construction, all outdoor lighting fixtures shall be located a minimum of thirty feet (30') from a property or right-of-way line, and shall be kept out of any required perimeter or streetscape buffer, and tree save area.
- (4)** For facility renovations or reconstruction, or substantial improvements to existing facilities constructed prior to **(February 1, 2016)** requiring the replacement of existing performance area outdoor lighting fixtures, new fixture installation shall be located a minimum of ten feet (10') from a property or right-of-way line and shall be kept out of any required perimeter or streetscape buffer and tree save area. Replacement fixtures shall comply with the design standards set forth in this Section.
- (5)** The layout of outdoor lighting fixtures shall be designed so that the poles do not interfere with other elements of the approved site plan such as trees, landscaping or parking.
- (6)** The mounting height of fixtures shall be determined to minimize and abate excessive glare and light spillage to adjoining property. The mounting height of lighting fixtures shall not exceed 100ft. from the finished grade unless a greater mounting height is demonstrated to address glare abatement and light trespass to adjoining properties. Mounting height shall be determined to minimize light trespass.
- (7)** All floodlights shall include top and side shielding, and be aimed at least forty-five degrees (45°) below the horizontal.
- (8)** To eliminate unneeded lighting, exterior lighting systems are required to include automatic timers, dimmers, sensor, or similar controls that will turn off lights during daylight hours and when the site is not occupied or open for business. All lighting will include an on-site switch that can allow lights to be operated at the site. Projects will also be designed to allow individual fields to be lighted separately so that all facility lights are not required to be on when a limited number of fields are in use.
- (9)** Other on-site infrastructure improvements such as parking, concession stands, restroom facility, etc. shall be illuminated separately.
- (10)** All new construction projects shall have enough exterior lighting to meet the minimum safety and security requirements of the ICC< the National Electrical Code (NEC) and the North Carolina Building Code (NCBC) family of codes including the NC Energy Conservation Code.

(11) All fixtures and lamps shall be maintained in good working order, and replacement lamps and fixtures shall match approved plans. Landscaping shall be maintained in a manner that does not obstruct security lighting while not damaging or removing required landscape materials.

(12) The use of outdoor field lighting shall not be permitted between the hours of 10:00 pm and 8:00 am unless otherwise specifically approved by the Town Manager or Designee. Exceptions may include tournament play or weather delays. Lighting shall only be operational when scheduled activities are occurring. Security and egress lighting following a scheduled activity may remain operation as necessary. Programmable controls shall be provided to manually and automatically extinguish all facility lighting.

9.5.6. Maximum Permitted Level of illumination for Outdoor Recreation/Sports Facility Playing field/Court

Recreation/Sport Facility Use	Specific Lighted Area	Maximum Maintained Lighting Level in Foot-Candles
Baseball/Softball	Infield	60
	Outfield	40
Football, Soccer, Lacrosse, Track & Field		50
Basketball/volleyball		30
Go Cart Tracks		30

(1) The Zoning Administrator or designee shall determine the maximum permitted lighting levels not listed based upon IESNA standards illumination classifications.

(2) Where lighting installation does not meet the required performance levels, the lights shall be re-aimed. Re-testing will be required where fixtures are re-aimed. Upon compliance, a letter of compliance shall be submitted and sealed by the Engineer of Record for the project.

CHAPTER 9: DEVELOPMENT STANDARDS

9.5 ILLUMINATION OF OUTDOOR

9.5.6 Maximum Permitted Level of illumination for Outdoor Recreation/Sports Facility Playing field/Court

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CHAPTER 10: SUBDIVISION STANDARDS

10.1 SUBDIVISIONS

10.1.1. Purpose and Intent

The purpose of this section is to establish procedures and standards for the development and subdivision of land within the Town's jurisdiction. More specifically, this section is intended to:

- (1)** Provide for the orderly growth and development of the Town and its extraterritorial area;
- (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; and
- (5)** Facilitate the further re-subdivision of larger tracts into smaller parcels of land.

10.1.2. Applicability

(1) General

The standards in this section are the minimum standards applied to all subdivisions of land in the Town and its Extra-Territorial Jurisdiction.

(2) Plats to be Approved

After the effective date of this Ordinance, no subdivision plat of land within the Town's Subdivision Ordinance jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the Town as provided hereinafter in the Ordinance and no land shall be sold or transferred by reference to a plat that has not been approved and recorded in accordance with the provisions of this Ordinance.

(3) Installation of Required Public Improvements

All required public improvements shall be installed prior to the approval of a Subdivision Final Plat for (see Section 2.3.10(5)), in accordance with the standards in this Ordinance. (amended 9/8/2009, TA-2009-18)

CHAPTER 10: SUBDIVISION STANDARDS

10.1 SUBDIVISIONS

10.1.3 Monuments

10.1.3. Monuments

- (1)** 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.
- (2)** Monuments identifying individual lot corners shall remain in place until the structure on the lot has received a Certificate of Occupancy.
- (3)** All new major subdivisions that are plated after the effective date of this ordinance shall have 2 control corners.
- (4)** Unless otherwise specified by this Ordinance, the Standards of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors shall apply.

10.1.4. Lots

Lots shall comply with the following standards:

(1) General Requirements

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.

(2) Lot Sizes and Building Setback Lines

- (A)** Lot sizes and building setback lines shall conform to the density, minimum lot width, and minimum yard standards established in Chapter 3: Base Zoning Districts, unless otherwise expressly defined by this Ordinance.
- (B)** All minimum lot dimensions may be increased in order to meet any applicable requirements of the Iredell County Health Department.

(3) Lot Lines

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 in accordance with the Town's Land Development Design Standards

(4) Town Limit Lines

A lot shall not be divided by town limit lines.

(5) Corner Lots

Corner lots shall accommodate the required setbacks.

(6) Through Lots

Through lots shall be prohibited except where deemed essential to provide separation of residential uses from railroad or arterial street rights-of-way, or where they are necessary due to topographical conditions or physical hardship.

(7) Street Frontage

Unless otherwise exempted in section 10.1.4(7)(A), every lot shall front or abut upon a street that meets the standards of this Ordinance and all other applicable Town requirements.

(A) Exemptions to Street Frontage

Lots created for utility services are not required to meet the street frontage requirements. Except for non-habitable structures related to the utility services, these lots created without street frontage are non-buildable. For the purposes of this section, utility services are defined as follows:

Moderate-scale facilities serving a subarea of the city, including but not limited to power lines, water transmission lines, wireless base stations, sewer collectors, pump stations, sub-regional switching stations, telecommunications towers, and similar uses.

(amended 1/5/2009, TA-2008-28)

(8) Flag Lots**(A) General**

Flag lots shall be prohibited except where they are necessary to:

- (i) Provide access for emergency services when alternative frontage is not available;
- (ii) Eliminate or restrict access onto arterial or collector streets; and
- (iii) Enable a lot to be served by water or a waste disposal system.

CHAPTER 10: SUBDIVISION STANDARDS

10.1 SUBDIVISIONS

10.1.5 Blocks

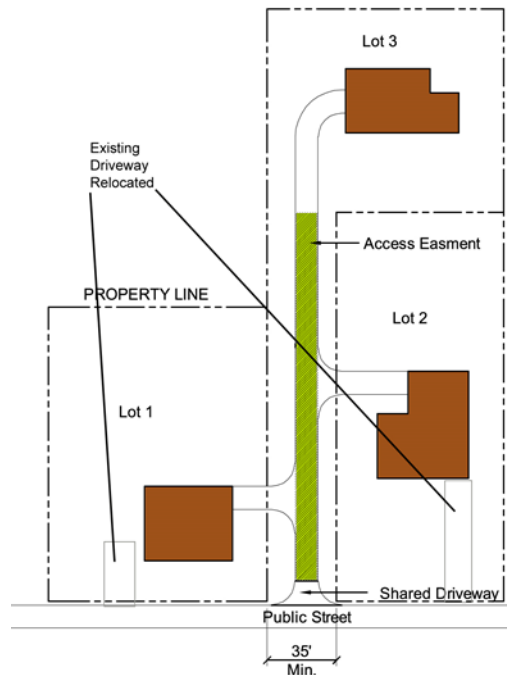


Figure 10.1.4: Shared Access. This diagram illustrates how access can be consolidated with establishment of flag lots.

(B) Minimum Width

A flag lot shall have a minimum continuous lot width at the edge of the street right-of-way of at least 35 feet. The length of "flag" portion of the lot shall not exceed 200 linear feet as measured from the edge of the right-of-way.

(C) Consolidate Access

Use of a single driveway, granted through an easement to serve existing adjoining flag lots or to serve a flag lot and an existing adjoining conventional lot, is permitted and encouraged to reduce access points on public streets.

10.1.5. Blocks

- (1)** The lengths, widths, and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements, needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.

- (2)** Blocks shall not be less than four hundred (400) feet nor more than fifteen hundred (1500) feet in length. Where a longer block will reduce the number of railroad grade crossings, major stream crossings, or where long blocks will result in less traffic through residential subdivisions from adjoining business or industrial areas, the Town Board may authorize block lengths in excess of fifteen hundred (1500) feet.
- (3)** Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in non-residential subdivisions, or where abutting a water area.

(amended 9/8/2009, TA-2009-18)

10.1.6. Easements

Easements shall comply with the following standards:

(1) Utility Easements

- (A)** Easements for potable water and sanitary sewer shall be located within the street right-of-way, where practicable.
- (B)** Easements for transmission electrical lines shall be located within an easement adjacent to a street right-of-way to the maximum extent practicable.
- (C)** In situations where utilities are located outside of a street right-of-way, the following standards shall apply:
 - (i)** Utility easements for public water and sanitary sewer mains shall be dedicated to the Town;
 - (ii)** Existing utility easements for potable water, sanitary sewer, and electrical service shall be shown on the Subdivision Preliminary Plat (see Section 2.3.10(4));
 - (iii)** Proposed utility easements for potable water and sanitary sewer shall be shown on the Subdivision Preliminary Plat (see Section 2.3.10(4));
 - (iv)** All utility easements for potable water, and sanitary sewer shall be shown on the Subdivision Final Plat (see Section 2.3.10(5));
 - (v)** Utility easements shall be centered along or adjacent to lot lines, to the maximum extent practicable;
 - (vi)** Utility easements that are centered along the lot lines shall be a minimum of 12 ½ feet on each side of the lot line for a total of 25 feet and must comply with the Town's engineering standards.

CHAPTER 10: SUBDIVISION STANDARDS

10.2 CONSERVATION SUBDIVISIONS

10.1.7 Functional Fire Protection

(amended 3/9/2009, TA-2009-08)

- (D)** No owner/developer shall place any part of a structure, permanent equipment, permanent retaining wall, or impoundment within a public utility easement dedicated to the Town. Fences and walls may be permitted within public utility easements under certain conditions with approval from the Engineering Department.

(2) Watercourse and Drainage Easements

- (A)** 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, plus additional width that is adequate and necessary to convey expected storm flows or stormwater drainage facilities (See Town of Mooresville Land Development Design Guidelines Manual).
- (B)** The Town shall accept no responsibility to maintain any storm drainage structures, except for those lying within a public right-of-way or traversing Town-owned land.

10.1.7. 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 on structures within the development (See Town of Mooresville Land Development Design Guidelines Manual).

10.2 CONSERVATION SUBDIVISIONS

10.2.1. Purpose and Intent

Conservation subdivisions are an alternative development pattern intended to preserve and protect open space and significant natural resources such as trees. The purpose of this section is to provide standards for a conservation subdivision.

10.2.2. Applicability

Development utilizing the conservation subdivision option shall be limited to the construction of detached residential dwellings within the R-2 and R-3 Districts.

10.2.3. Exemptions

Development utilizing the conservation subdivision option shall be exempted from the following standards:

- (1)** Section 9.3.4(8), Internal Street Connectivity; and

(2) Section 9.3.4(6), Cul-de-sacs and Dead End Streets.

10.2.4. Procedure

Development utilizing the conservation subdivision option shall be approved in accordance with Section 2.3.10(6), Conservation Subdivision.

10.2.5. Conservation Subdivision Standards

A conservation subdivision shall:

- (1)** Be at least ten acres in area;
- (2)** Set aside a minimum of 35 percent of the site as open space;
- (3)** Not exceed a total of 100 dwelling units unless a Conditional Use Permit is obtained (Section 2.3.3);
- (4)** Have no minimum individual lot size;
- (5)** Provide a minimum front yard setback of 20 feet; and
- (6)** Minimum side yard or rear yard setbacks may be reduced by up to 50 percent provided that the fire code standards are met.

10.2.6. Open Space Set-Aside Standards

Open space set-aside areas in conservation subdivisions shall comply with the following standards:

(1) Design Standards for Open Space Set-Asides

Open space set-asides shall comply with the design standards in Section 7.3.3 (3), Design Standards for Open Space Set-Asides.

(2) Allowable Uses

The following uses shall be permitted within open-space set-asides within conservation subdivisions:

- (A)** Passive recreational uses in accordance with Section 7.3.3(4)(B), Passive Recreational Uses;
- (B)** Agricultural Uses; and
- (C)** Required drainage or other utility easements.

(3) Tree Canopy Retention

Except as needed for streets or public utilities, removal of existing tree canopy from open space set-aside areas is prohibited.

CHAPTER 10: SUBDIVISION STANDARDS

10.3 STREETS & UTILITIES

10.3.1 Subdivision Street Disclosure Statement

(4) Ownership Requirements

The open space set-aside area shall comply with the ownership requirements in Section 7.3.3(5), Ownership of Open Space Set-Asides.

10.3 STREETS & UTILITIES

10.3.1. Subdivision Street Disclosure Statement

All streets shown on a final plat shall be designated in accordance with G.S. 136-102.6 and designated as a public street shall be conclusively presumed and offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

(amended 9/8/2009, TA-2009-18)

10.3.2. Street Access

Whenever a subdivision occurs that involves the creation of three or more residential (1- or 2-family detached dwellings) lots that front along a collector or more intense street classification, no direct private driveway access shall be provided from the individual lots within this subdivision onto these streets. In addition, the following shall apply to any 1- or 2-family residential subdivisions.

Where a tract of land to be subdivided adjoins a collector or more intense street classification, the subdivider shall be required to provide either:

- (1)** A Limited Access street generally parallel to the collector or more intense street. Such Limited Access streets shall provide 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 ft. apart and 100 ft. from any other street intersection; or
- (2)** Provide frontage on an interior, local street. Where this frontage is established, private driveways shall be prevented from having direct access to the collector or more intense street classification; or
- (3)** A rear alley from the Limited Access or Local Street providing access to the rear of the lots.

(amended 03/17/2013, TA-2016-10)

10.3.3. Marginal Access Street

Where a tract of land to be subdivided adjoins a thoroughfare street the subdivider may be required by the Town Board to provide a marginal access street parallel to the thoroughfare street or reverse frontage on a minor street for the lots to be developed adjacent to the thoroughfare street. Where reverse frontage is established, private driveways shall be prevented from having direct access to the thoroughfare street.

(amended 9/8/2009, TA-2009-18)

10.3.4. Access to Adjacent Properties

Aside from a subdivision's point(s) of entry from existing public street(s), each subdivision shall, whenever technically feasible, have at least one street extended to the exterior boundary of the subdivision and a temporary turn-around provided at such point.

(amended 9/8/2009, TA-2009-18)

10.3.5. Street Improvements

All streets, storm drainage, water and sewer improvement shall be in accordance with the Town of Mooresville's Land Development Guidelines Manual.

- (A)** Underground utilities: All utilities shall be installed underground. 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. The Town encourages all utility providers, i.e. cable, telephone, gas and electric companies to install their respective utilities to the property line of each lot prior to paving the street to minimize damage to the pavement and existing utility laterals.

10.3.6. Points of Ingress and Egress

The subdivider shall provide no less than two (2) points of ingress and egress per public road street frontage except:

- (1)** When the exterior frontage on a particular public road is less than one thousand (1,000) feet.
- (2)** There are unique physical characteristics of the property which would render a second entrance impractical.
- (3)** Where the NCDOT or the Town Engineer would not allow such entrance.

These provisions may be waived or modified when it is felt that they would serve no meaningful purpose due to topography, property shape, and/or land use relationships.

CHAPTER 10: SUBDIVISION STANDARDS

10.3 STREETS & UTILITIES

10.3.7 General Street Requirements (Inside and Outside Town Limits)

(amended 9/8/2009, TA-2009-18)

10.3.7. General Street Requirements (Inside and Outside Town Limits)

- (A)** Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet. At an angle of intersection of less than seventy-five (75) feet, a greater radius may be required.
- (B)** Street grades shall be established wherever practical in such a manner as to avoid excessive removal of ground cover and street growth, and general leveling of the topography.
- (C)** Conformity to existing maps or plans: In any new subdivision, the street layout shall conform to the arrangement, width, location of proposed streets on any official plans or maps for the Town of Mooresville, North Carolina. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.
- (D)** Continuation of adjoining streets: The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing streets shall be extended to provide access to adjacent subdivisions and to provide for additional points of ingress and egress.
- (E)** Large tracts or parcels: Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.
- (F)** Permits for connection to State roads: An approved permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road and shall be submitted to the Mooresville Town Engineer's Office.
- (G)** Wheelchair Ramps: In accordance with Chapter 136-44.12, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason after September 1, 1973, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

- (H) Traffic Control Devices: The developer shall purchase all Regulatory and Warning signs from the Town. The Town shall have the responsibility of installing the signs. All Regulatory and Warning signs along with any pavement markings shall be in accordance with the Manual on Uniform Traffic Control Devices. The Director of Public Works shall have the authority to approve the type and placement of all street signs. Signage shall be in place at the time of plat recording.
- (I) Street Lighting: Installation of street lighting will be the responsibility of the developer. The developer will coordinate with the Public Works Director in the choosing of any decorative lighting fixture types. Lights shall be in place by the time there is 50% occupancy in a particular development phase.

(amended 9/8/2009, TA-2009-18)

10.3.8. Cul-de-sacs

Cul-de-sacs shall be limited except when necessitated by topography, property shape, property accessibility, and/or land use relationships. Cul-de-sacs shall not be used to avoid extension to an existing street. All cul-de-sacs shall be built in accordance with the Town of Mooresville Land Development Guidelines Manual.

(amended 9/8/2009, TA-2009-18)

10.3.9. Sidewalks/Planting Strips

Wherever possible, sidewalks shall provide a continuous pedestrian network. Sidewalks shall comply with the Americans with Disabilities Act. Sidewalks shall be constructed along both sides of all commercial and residential streets except alleys and lanes. Cul-de-sacs and closes shall be reviewed on a site by site basis for this requirement. Sidewalks and planting strips shall be built in accordance with the Town of Mooresville Land Development Guidelines Manual.

10.3.10. Water and Sanitary Sewer Systems

Each lot in all new subdivisions within the corporate limits of the Town of Mooresville shall be provided, at the subdivider's expense with an extension of the municipal water and sanitary sewer systems.

Each Subdivision in the extraterritorial area of the Town of Mooresville may be connected at the subdivider's expense to the municipal water and sanitary sewer systems if approved by the Town and if all requirements of section 10.3.4 are met. All water and sanitary sewer line connections and equipment shall be in accordance with all standards of the Town of Mooresville as shown in the Town of Mooresville Land Development Guidelines Manual.

CHAPTER 10: SUBDIVISION STANDARDS

10.4 PENALTIES FOR VIOLATION

10.3.10 Water and Sanitary Sewer Systems

The Town of Mooresville may require installation of certain oversized utilities as shown in the most recently adopted version of the Town's Water and Wastewater Report or the extension of utilities to adjacent property when it is in the interest of future development. If the Town requires the installation of improvements in excess of the standards required in this ordinance, including all standards adopted by reference, the Town may provide some financial assistance for the cost differential between the improvement required and the standards in those contained or referenced in this Ordinance at the Town Board's discretion.

10.4 PENALTIES FOR VIOLATION

- (1)** 10.5.1 Any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before the plat has been properly approved under the terms of this ordinance and recorded in the Iredell county Deeds Office, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town through its attorney or other official designated by the Town Board may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.
- (2)** 10.5.2 The violation of any provision of this Ordinance shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00) to be recovered by the Town and/or a maximum of thirty (30) days in jail. Violators fined shall be issued a written citation which must be paid within ten (10) days.
- (3)** 10.5.3 Each day's continuing violation of this Ordinance shall be a separate and distinct offense.
- (4)** 10.5.4 Notwithstanding Subsection 10.5.2 above, this Ordinance may be enforced by appropriate equitable remedies issued from a court of competent jurisdiction.
- (5)** 10.5.5 Nothing in this section shall be construed to limit the use of remedies available to the Town. The Town may seek to enforce this Ordinance by using any one, all, or a combination of remedies.

(amended 9/8/2009, TA-2009-18)

Chapter Chapter 11: Nonconformities

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CHAPTER 11: NONCONFORMITIES

11.1 GENERAL APPLICABILITY

11.1.1. Purpose and Scope

(1) General

In the provisions established by this Ordinance, there exist uses of land, structures, lots of record, and signs that were lawfully established before this Ordinance was adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this chapter is to regulate and limit the continued existence of those uses, structures, lots of record, and signs that do not conform to the provisions of this Ordinance, or any subsequent amendments.

(2) Permit Nonconformities to Continue Until Removed, but Not Encourage Survival

It is the intent of this Ordinance to permit most of these nonconformities to continue until they are removed, but not to encourage their survival except under the limited circumstances established in this chapter. The provisions of this chapter are designed to curtail substantial investment in nonconformities.

11.1.2. Authority to Continue

Nonconformities are allowed to continue in accordance with the requirements of this chapter, and are encouraged to receive routine maintenance as a means of preserving safety and appearance.

11.1.3. 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.

11.1.4. Minor Repairs and Maintenance

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, and signs in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, lot of record, or sign. For the purposes of this section, "minor repair or normal maintenance" shall mean:

CHAPTER 11: NONCONFORMITIES

11.2 NONCONFORMING USES

11.2.1 General

(1) Maintenance of Safe Condition

Repairs that are necessary to maintain a nonconforming use, structure, lot of record, or sign in a safe condition; and

(2) Maintenance of Land for Safety

Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses.

11.2 NONCONFORMING USES

11.2.1. General

Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this subsection.

11.2.2. 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 shall only be replaced with a conforming use.

11.2.3. Expansion and Enlargement

Except in accordance with this subsection, a nonconforming use shall not be enlarged, expanded in area occupied or intensified. An existing nonconforming use may be enlarged into any portion of the structure where it is located provided the area proposed for expansion was designed and intended for such use prior to the date the use became a nonconformity. Such expansion may only be authorized through the review and approval of a Site Plan (see Section 2.3.9, Site Plan).

11.2.4. Discontinuance

A nonconforming use shall not be re-established after discontinuance for a period of 180 consecutive calendar days or more. Efforts to renovate or repair the use are not considered a vacancy, abandonment, or discontinuance, provided all appropriate development approvals are obtained, and provided the renovation or repair is completed within 180 days from commencement or repair or renovation, and the use is re-established within 30 days from the time the renovation or repairs are completed. Failure to complete the repairs or renovation within 180 days or re-establish the use within 30 days following repairs or renovation shall constitute discontinuance, and a nonconforming use shall not be re-established.

11.2.5. Accessory Uses

Once a nonconforming principal use is discontinued, all associated accessory uses shall cease operations within 30 days.

11.2.6. Reconstruction after Casualty Damage

(1) Destruction or Damage Beyond 50 Percent of Value

(2) 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, it shall only be restored in a manner that conforms with the provisions of this Ordinance.

(3) New construction (including the establishment of off-street parking, landscaping, signage, and other site features) shall be in accordance with the requirements of this Ordinance.

(4) Damage of 50 Percent or Less of Value

(5) 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, it may be re-built to its previous form if a Building Permit for such repair or restoration is obtained within 180 days of the casualty damage, and repair or restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.

(6) In no event shall repair or restoration increase the degree of nonconformity.

11.3 NONCONFORMING STRUCTURES

11.3.1. Relationship with Nonconforming Uses

A nonconforming principal structure containing a conforming use may only continue in accordance with the provision of this subsection. Nonconforming structures housing nonconforming uses may only continue in accordance with the standards in Section 11.2, Nonconforming Uses.

11.3.2. Continuation

Normal repair and maintenance may be performed to allow the continued use of nonconforming structures.

CHAPTER 11: NONCONFORMITIES

11.3 NONCONFORMING STRUCTURES

11.3.3 Enlargement

11.3.3. 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 Ordinance requires a ten-foot side yard setback cannot be enlarged so as to further encroach into the side yard setback.) Expansion of the structure in a way that complies with applicable dimensional standards or that decreases the degree of nonconformity is permitted.

11.3.4. 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 Ordinance.

11.3.5. Nonconforming Manufactured Homes

A non-conforming manufactured homes used as a principal structure may not be replaced.

11.3.6. Restoration after Casualty Damage

(1) Destruction or Damage Beyond 50 Percent of Value

(A) In the event a nonconforming structure (or portion of a 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 in a manner that conforms with the provisions of this Ordinance or if the structure or development was in compliance with the existing ordinance when built and currently houses a conforming use, it shall be allowed to rebuild to the original footprint, location and scale, so long as it does not increase any non-conformities. If the structure is located in a local historic district or is a local historic landmark, it can only be reconstructed in accordance with the Mooresville Historic Preservation Guidelines.

(B) New construction (including the establishment of off-street parking, landscaping, signage, and other site features) shall be in accordance with the requirements of this Ordinance.

(C) In the event a single-family dwelling (excluding mobile homes) is damaged or destroyed, by natural event, to an extent more than 50 percent of its structural replacement cost at the time of damage or destruction, it may be rebuilt to its original footprint, location and scale, so long as it does not increase any non-conformities.

(amended 2/2/2009, TA-2009-01; 7/8/2010, TA-2010-11)

(2) Damage of 50 Percent or Less of Value

(3) 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 re-built to its previous form if a Building Permit for such repair or restoration is obtained within 180 days of the casualty damage, and repair or restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.

(4) In no event shall repair or restoration increase the degree of nonconformity.

11.3.7. Accessory Structures

In the event a nonconforming principal structure is removed from a lot, any accessory structures (including signage) shall also be removed within 30 days. Accessory structures conforming to the requirements of this Ordinance may remain on the lot provided a Building Permit has been issued for the construction of a new principal structure.

11.4 NONCONFORMING LOTS OF RECORD

No use or structure shall be established on a nonconforming lot of record except in accordance with the standards in this section.

11.4.1. Status of Structures on Nonconforming Lots

(1) Conforming structures legally established on a nonconforming lot prior to the effective date of this Ordinance may be continued, enlarged, extended, reconstructed, or structurally altered in any way that is in conformance with the standards of this Ordinance.

(2) Nonconforming structures legally established on a nonconforming lot prior to the effective date of this Ordinance may be continued, enlarged, or redeveloped only in accordance with the standards in Section 11.3, Nonconforming Structures.

11.4.2. Development of Unimproved Lots

(1) Residential Districts

In the residential zoning districts, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family detached dwelling and customary accessory structures may be developed on any single lot of record existing prior to the effective date of this Ordinance. This provision applies even if the lot of

CHAPTER 11: NONCONFORMITIES

11.4 NONCONFORMING LOTS OF RECORD

11.4.3 Development of Improved Lots in Residential Districts after Casualty

record fails to comply with the standards for area or width in Section 3.4, Dimensional Standards. Development of a single-family detached dwelling on the lot of record shall comply with the other standards in Section 3.4, Dimensional Standards, to the maximum extent practicable.

(2) Nonresidential Districts

In the nonresidential zoning districts, notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be developed on any single nonconforming lot of record existing prior to the effective date of this Ordinance, or the date the lot of record became nonconforming, subject to review and approval of a Conditional Use Permit (Section 2.3.3, Conditional Use Permit). This provision shall apply even though the lot of record fails to comply with the standards for lot area that are applicable in the zoning district. In considering the application for Conditional Use Permit, the Town Board of Commissioners shall ensure the design and location of the proposed use is compatible with surrounding uses. Development of the permitted use on the lot of record shall comply with the other standards in Section 3.4, Dimensional Standards, to the maximum extent practicable.

(3) Recombination Required

In the event that a vacant nonconforming lot is located adjacent to a lot under common ownership, and the adjacent lot has sufficient size to allow for a lot line adjustment (see Section 2.3.10(7), Recombination Plat) as a means of bringing the vacant lot closer into conformity with the requirements of the zoning district where it is located, then such lot line adjustment shall be required as a condition of approval for development on the vacant nonconforming lot.

11.4.3. Development of Improved Lots in Residential Districts after Casualty

If a legally established single-family attached or detached use is destroyed by casualty on a nonconforming lot in a residential zoning district that was part of a subdivision or division of land evidenced by plat or deed, or both, recorded prior to the effective date of this Ordinance, an identical replacement use may be reconstructed within the same footprint as the use destroyed by casualty even though the lot does not meet the minimum lot area or lot width requirements.

11.4.4. Governmental Acquisition of Land

A lot, established under the provisions of this or previous town zoning ordinance, that is reduced in size by governmental action, such as acquisition for a right-of-way or other governmental use, shall not render the lot nonconforming.

11.4.5. Change of Nonconforming Lot

A nonconforming lot may be increased in area, width, or both, through a lot line adjustment in accordance with the requirements of Section 2.3.10(7), Recombination Plat, to make the lot less nonconforming.

11.5 NONCONFORMING SIGNS**11.5.1. General Standards**

No nonconforming sign shall be used, erected, altered, repaired, or relocated except in accordance with the standards of this section.

11.5.2. Nonconforming Signs Protected

- (1)** Any sign that was lawfully erected prior to the effective date of this Ordinance but that does not conform in one or more respects with the requirements of this Ordinance may remain in use, subject to the requirements of this section and other applicable requirements of this Ordinance. No activity that increases the amount of nonconformity shall be permitted.
- (2)** A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance. 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 Ordinance.
- (3)** If governmental acquisition of a portion of a lot 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 requirement for replacement as provided in Section 11.5.4

11.5.3. Routine Repairs and Maintenance

- (1)** Repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, shall be permitted, provided such activities are completed in accordance with the requirements in Chapter 8: Signage, and provided that the cost of repairs not exceed 50 percent of the appraised value of the sign face.

CHAPTER 11: NONCONFORMITIES

11.5 NONCONFORMING SIGNS

11.5.4 Replacement Required

- (2)** Nonconforming signs representing a danger to the public health or safety as determined by the Planning Department shall be immediately replaced or removed, and replacement signage shall comply with all requirements of this Ordinance.

11.5.4. Replacement Required

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 on premise nonconforming signs which advertised the former or current business or use, the new occupant shall replace all existing nonconforming signs with new signs or new sign faces that meet all sign requirements for the district.

11.5.5. Damage or Destruction Beyond 50 Percent of Value

In the event that a nonconforming sign is subject to damage or destruction from natural causes to an extent that exceeds 50 percent of the sign's value, then the sign shall only be restored, repaired, or reconstructed in accordance with the standards of Chapter 8: Signage. In no instance shall any remnants of the former nonconforming sign structure remain on the site.

In the event a nonconforming sign is damaged to an extent less than 50 percent of the sign's value, the sign may be repaired in accordance with Section 11.5.3, Routine Repairs and Maintenance.

11.5.6. Abandonment

- (1)** If a nonconforming on-premise sign which advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that has for a period of at least 180 days not been operated, conducted or offered, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, landowner, or other person having control over the sign.
- (2)** If a nonconforming sign remains blank 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 Ordinance or be removed by the sign owner, owner of the land where the sign is located, or other person having control over the sign. For purposes of this Ordinance, a sign shall be deemed "blank" if:
 - (A)** It advertises a business, service, commodity, accommodations, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or

- (B)** The advertising message it displays becomes illegible in whole or substantial part; or
- (C)** It does not contain an advertising message. (For such purposes, the terms "Sign For Rent", "Sign For Lease", "Building For Rent", "Building For Lease", "Building for Sale", etc. shall not be deemed to be an advertising message).
- (3)** Signs advertising a use or structure that has been demolished or moved to another site shall be removed within 60 days following demolition or relocation. In the event an existing use or structure has been demolished or moved to facilitate new construction, all signage associated with the new construction shall comply with the standards in Chapter 8: Signage.

11.6 NONCONFORMING SITE FEATURES

The following provisions shall apply to expansions or changes in use on lots with nonconforming site features.

11.6.1. Landscaping Requirements

- (1)** If there is a change of use, the lot shall fully comply with all street tree and screening requirements.
- (2)** If there is an expansion to the heated square footage of an existing use by 25 percent or more, the lot shall fully comply with all street tree and screening requirements.
- (3)** Governmental acquisition of a portion of a lot for a public purpose that results in a reduction of a lot for a public purpose that results in a reduction of the required landscaped area shall not render the lot non-conforming in regard to landscaping requirements, provided that any remaining landscaped areas shall comply with the requirements of this ordinance.

11.6.2. Off-Street Parking and Street Improvements

- (1)** If expansion to parking or loading areas increase the total impervious area by 25 percent or more, all parking areas shall be required to comply with all applicable parking and loading area landscaping, exterior lighting, and screening standards.
- (2)** If there is a change of use to an existing nonresidential or multi-family use, or an expansion of the heated square footage or parking/loading area paved surface by more than 25 percent, the lot shall fully comply with all street improvement requirements of this Ordinance along the fronting public streets including, but not limited to turning and traffic storage lanes, sidewalks, bike lanes, and curb and gutter.

CHAPTER 11: NONCONFORMITIES

11.7 NONCONFORMITIES WITHIN WATERSHED PROTECTION OVERLAY

11.6.3 Exterior Lighting

11.6.3. Exterior Lighting

Outdoor light fixtures installed prior to the effective date of this Ordinance are exempt from the provisions of Section 9.4.4, Exterior Lighting, provided there is no change in use. Replacement and structural alteration of outdoor light fixtures shall not be made unless it conforms to the provisions of this Ordinance.

11.7 NONCONFORMITIES WITHIN WATERSHED PROTECTION OVERLAY

Existing nonconforming development within the Watershed Protection Overlay District may be continued and maintained subject to the provisions in this section.

11.7.1. Expansion or Reconstruction

Expansions to or reconstruction of existing development shall meet the requirements of this Ordinance; however, the built-upon area of the existing development is not required to be included in the built-upon area calculations provided:

- (1)** The existing development was legally established prior to July 1, 1993; and
- (2)** The existing development remains under common ownership during the expansion or reconstruction.

11.7.2. Vacant Lots

This category consists of vacant lots for which plats or deeds have been recorded with the Iredell County Register of Deeds on or before July 1, 1993. Lots may be used for any of the uses allowed in the watershed area in which it is located, provided that whenever two or more contiguous residential vacant lots of record are in single ownership following the adoption of this Ordinance and such lots individually have less area than the minimum requirements for residential purposes for the watershed area in which such lots are located, such lots shall be combined to create one or more lots that meet the standards of this Ordinance or to reduce the degree of nonconformity.

11.7.3. Developed Lots

This category consists of lots, occupied for residential purposes at the time of the adoption of this Ordinance. These lots may continue to be used provided that whenever two or more adjoining lots of record are under single ownership, and such lots individually or together have less area than the minimum requirements for the watershed area in which they are located, such lots shall be combined to create lots that meet the minimum size requirements or to minimize the degree of nonconformity.

11.7.4. Prohibited Uses

This category consists of uses existing at the time of adoption of this Ordinance where such use of the land is not permitted to be established in the watershed area in which it is located. Such uses may be continued except as follows:

- (1)** When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use;
- (2)** Such use of land shall be changed only to an allowed use; and
- (3)** When such use ceases for a period of at least 180 continuous calendar days, it shall not be re-established.

11.7.5. Reconstruction of Buildings or Built-upon Areas

Any existing building or built-upon area not in conformance with the provisions of this Ordinance that has been damaged or removed may be repaired and/or reconstructed, provided:

- (1)** Repair or reconstruction is initiated within 12 months and completed within two years of such damage.
- (2)** The amount of built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

Chapter 12: Enforcement and Remedies

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CHAPTER 12: ENFORCEMENT AND REMEDIES

12.1 PURPOSE

This chapter establishes procedures through which the Town seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

12.2 COMPLIANCE REQUIRED

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the Town's jurisdiction.

12.3 VIOLATIONS

12.3.1. Violations Generally

(1) Failure to Comply with Ordinance or Term or Condition of Approval Constitutes Ordinance Violation

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other development approval or authorization granted in accordance with this Ordinance shall constitute a violation of this Ordinance punishable as provided in this chapter.

(2) Permits or Permit Approvals only Authorize Development Approved

Permits or permit approvals issued by a decision-making body authorize only the use, arrangement, location, design, density or intensity, and development set forth in such permits or development approvals.

12.3.2. Specific Violations

It shall be a violation of this Ordinance to undertake any land-disturbing activity contrary to the provisions of this Ordinance, including but not limited to any of the following:

- (1)** Develop land or a structure without first obtaining the appropriate permit or permit approval.
- (2)** Occupy or use land or a structure without first obtaining the appropriate permit or permit approval.

CHAPTER 12: ENFORCEMENT AND REMEDIES

12.4 RESPONSIBLE PERSONS

12.3.2 Specific Violations

- (3)** Develop land or a structure without complying with the terms or conditions of the permit or permit approval required to engage in development.
- (4)** Occupy or use land or a structure in violation of the terms or conditions of the permit or permit approval.
- (5)** Subdivide land without first obtaining the appropriate permit or permit approvals required to engage in subdivision.
- (6)** Subdivide land without complying with the terms or conditions of the permit or permit approval required to engage in development.
- (7)** 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.
- (8)** Remove existing trees from a site or parcel of land without first obtaining appropriate permits and permit approvals, and complying with their terms and conditions.
- (9)** Install, create, erect, alter, or maintain any sign without first obtaining the appropriate permit or permit approval.
- (10)** Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has lapsed.
- (11)** Create, expand, replace, or change any nonconformity except in compliance with this Ordinance.
- (12)** Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Ordinance.
- (13)** Increase the intensity or density of development, except in accordance with the standards of this Ordinance.
- (14)** Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Ordinance.

12.4 RESPONSIBLE PERSONS

Any person who violates this Ordinance shall be subject to the remedies and penalties set forth in this chapter.

12.5 ENFORCEMENT GENERALLY

12.5.1. Responsibility for Enforcement

The Planning Director shall be responsible for enforcing the provisions of this Ordinance in accordance with North Carolina General Statute Sections 160A-174, 160A-175, and 160A-193.

12.5.2. Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint. The complaint, stating fully the cause and basis therefore, shall be filed with the Planning Department, which shall properly record such complaint, investigate, and take appropriate action as provided by this Ordinance.

12.5.3. Enforcement Procedure

(1) Notice of Violations

When the Planning Department finds a violation of this Ordinance, the Planning Director shall take appropriate action to remedy the violation consistent with Section 12.6, Remedies and Penalties. The Planning Department shall notify, in writing, the person violating this Ordinance. Such notification shall indicate:

- (A)** The nature of the violation;
- (B)** Order the necessary action to abate the violation; and
- (C)** Give a deadline for correcting the violation.

The final Notice of Violation (the initial Notice of Violation may also be the final Notice of Violation) shall state what course of action is intended if the violation is not corrected within 15 days from the date the Notice of Violation was issued. The Notice of Violation shall also advise the violator of their rights to appeal the Notice of Violation to the Board of Adjustment (BOA) within 30 days of the date the Notice of Violation was issued.

(2) 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 Section 12.6, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this Ordinance.

CHAPTER 12: ENFORCEMENT AND REMEDIES

12.6 REMEDIES AND PENALTIES

12.6.1 Repeat Violations

12.6 REMEDIES AND PENALTIES

Any of the following remedies and enforcement powers may be used to administer and enforce this Ordinance following a Notice of Violation as described in Section 12.5, Enforcement Generally. While the Town may exercise any of the following remedies or penalties at any point following issuance of a Notice of Violation and the required correction period, the following remedies and penalties are listed in their general order or sequence of application.

12.6.1. Repeat Violations

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.

12.6.2. Civil Penalty

(1) In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, and pursuant to North Carolina General Statutes Section 160A-175, the standards in this Ordinance may be enforced through the issuance of civil penalties by the Planning Director.

(2) Subsequent citations for the same violation may be issued each day by the Planning Director if the offender does not pay the citation (except as otherwise provided in a Warning Citation) after it has been issued unless the offender has sought an appeal to the actions of the Planning Director through an Appeal of Administrative Decision (Section 2.3.14). Once the 15 day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Planning Director.

(3) Civil Penalties are established in Table 12.6.2, Civil Penalties.

TABLE 12.6.2: CIVIL PENALTIES	
CITATION	CIVIL PENALTY AMOUNT
Warning	None
First Citation	\$100.00
Second Citation	\$250.00
Third and Subsequent Citations for the Same Offense	\$500.00

- (4) 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.

12.6.3. Stop Work Order Issuance

Whenever a building or structure is being constructed, demolished, renovated, altered, or repaired in violation of any applicable provision of this Ordinance, the Planning Director may order the revocation of the Zoning Permit for such work and request a Stop Work Order be issued by the Iredell County Inspections Department. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

12.6.4. Revocation of Zoning Permit

The Planning Director may revoke any Zoning Permit by written notification to the permit holder when violations of this Ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance, or a permit has been mistakenly issued in violation of this Ordinance.

12.6.5. Injunction

When a violation occurs, the Planning Director 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.

12.6.6. Order of Abatement

In addition to an injunction, the Town may apply for and the court may enter into an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

- (1) Buildings or other structures on the property be closed, demolished, or removed;
- (2) Fixtures, furniture or other moveable property be moved or removed entirely;
- (3) Improvements, alterations, modifications or repairs be made; or
- (4) Any other action be taken that is necessary to bring the property into compliance with this Ordinance.

CHAPTER 12: ENFORCEMENT AND REMEDIES

12.6 REMEDIES AND PENALTIES

12.6.7 Equitable Remedy

12.6.7. Equitable Remedy

The Town may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the Town's application for equitable relief.

12.6.8. Criminal Penalties

Pursuant to North Carolina General Statutes Section 14-4, any person, firm, or corporation convicted of violating the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed five hundred dollars (\$500).

12.6.9. Execution of Court Decisions

The Planning Director may execute the Order of Abatement and will have a lien on the property in the nature of a mechanic's and material man's lien for the cost of executing the order.

12.6.10. Deny or Withhold Permits

The Planning Department 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.

12.6.11. Remedies for Disturbance or Destruction of Vegetation

(1) The disturbance of any landscaped area or vegetation required by this Ordinance shall constitute a violation of this Ordinance.

(2) Any person who violates any of the tree protection or landscaping provisions of this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance shall be subject to any one or all of the combination of the penalties authorized and prescribed by this Subsection. If a party continues to fail to comply with a particular provision, the party shall continue to remain subject to the penalties prescribed by this Subsection for the continued violation of the particular provision. Penalties assessed under this Subsection are in addition to, and not in lieu of, compliance requirements of this Ordinance. The Town may employ any of the remedies authorized for a municipality pursuant to North Carolina General Statutes Section 160A-175. Civil penalties for violation of this Ordinance shall be as follows:

- (A) Any act constituting a violation of this subsection resulting in the destruction, excessive trimming/pruning, or removal of vegetation without approval from the Town shall subject the property owner to a civil penalty of \$2.00 per square foot for the area damaged or destroyed, not to exceed \$50,000 dollars. Trees with a 12 inch DBH or greater are subject to table 12.6.11.
- (B) In the event that a bond has not been posted and accepted by the Town and the property owner has failed to plant the required trees as depicted on an approved landscape plan, the owner shall be fined \$500.00 per tree not installed not to exceed \$ 20,000 per day of violation.
- (C) Destruction or removal of trees greater than 12 inches (DBH) without the approval of the Town shall be incur a civil penalty equal to the amount of the value of the tree as listed in the "The Guide for Plant Appraisal, 9th Edition" published by The Council of Trees and Landscape Appraisers and The International Society of Arboriculture in conjunction with the information provided by the Southern Chapter of the International Society of Arboriculture. The civil penalties are described in Table 12.6.11, Tree Valuation Schedule:

TABLE 12.6.11 TREE VALUATION SCHEDULE			
TRUNK DIAMETER INCHES (DBH)	CROSS SECTION (SQUARE INCHES)	DECIDUOUS TREE (VALUE)	EVERGREEN TREE (VALUE)
12	113	\$3,869.12	\$3,385.48
15	177	\$6,006.48	\$5,802.92
20	314	\$10,751.36	\$9,407.44
30	707	\$24,207.68	\$21,181.72
40	1,809	\$61,940.16	\$54,197.84
NOTES: If the DBH of a tree that has been removed is not specifically listed on the above chart the civil penalty shall be the same as that of the next smallest DBH listed.			

- (D) A non-monetary penalty, in the form of increased or additional planting requirements may be assessed in addition to or in lieu of any monetary penalties prescribed under this Subsection.
- (E) If payment of assessed penalties is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to the Town Attorney for initiation of a civil action in the name of the Town for recovery of the penalty.

CHAPTER 12: ENFORCEMENT AND REMEDIES

12.7 CUMULATIVE PENALTIES

12.6.11 Remedies for Disturbance or Destruction of Vegetation

12.7 CUMULATIVE PENALTIES

The remedies provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

Chapter 13: Definitions and Rules of Interpretation

CHAPTER 13: DEFINITIONS AND RULES OF INTERPRETATION 13-1

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CHAPTER 13: DEFINITIONS AND RULES OF INTERPRETATION

13.1 GENERAL RULES FOR INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

13.1.1. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.3, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this Chapter 13: Definitions and Rules for Interpretation, the specific section's meaning and application of the term shall control.

13.1.2. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Ordinance 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.

13.1.3. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

13.1.4. 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.

13.1.5. 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, unless otherwise specifically stated.

CHAPTER 13: DEFINITIONS AND RULES OF INTERPRETATION

13.1 GENERAL RULES FOR INTERPRETATION

13.1.6 Delegation of Authority

13.1.6. Delegation of Authority

Any act authorized by this Ordinance to be carried out by a specific official of the Town may be carried out by a professional-level designee of such official.

13.1.7. 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 law shall be construed and understood according to such meaning.

13.1.8. 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.

13.1.9. 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.

13.1.10. 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.

13.1.11. 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 include the feminine gender, and vice versa.

13.1.12. Term Not Defined

In the event there is a term used in this Ordinance that is not defined in this section, the Planning Director shall have the authority to provide a definition through the Interpretation procedure (see Section 2.3.13, Interpretation) 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.

13.2 DEFINITIONS

The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section.

A

ABANDONMENT (OF REAL PROPERTY)

A parcel of land, use, or structure which has been physically and objectively discontinued, ceased, relinquished, vacated, and/or not maintained for a consecutive period of 180 or more days.

ABUTTING

The condition of two adjoining lots having a common property line or boundary including cases where two or more lots adjoin a corner, but not including cases where adjoining lots are separated by a street or alley.

ACCESSIBILITY, PEDESTRIAN

The likelihood a pedestrian can conveniently reach a destination via automobile, bicycle, or alternate mode of transportation.

ACCESSORY DWELLING UNIT

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.

ACCESSORY STRUCTURE

A structure that is subordinate in use and square footage to a principal structure or permitted use, or proportionate to site size and layout in the case of lots one (1) acre or larger.

ACCESSORY USE

A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and is located upon the same lot.

ACTIVE RECREATION USES

Uses or structures intended for specific active recreational uses such as play grounds, ball fields, tennis courts and other similar uses typically located in open space set-aside areas.

ADDITION

An attached structure added to an original structure after the completion of the original.

CHAPTER 13: DEFINITIONS AND RULES OF INTERPRETATION

13.2 DEFINITIONS

ADJACENT

A lot or parcel of land that shares all or part of a common lot line or boundary with another lot or parcel of land or that is directly across a public street or right-of-way.

ADMINISTRATIVE DECISION

Any decision made by the Planning Director or his or her designee.

ADMINISTRATIVE MANUAL

A document maintained by the Planning Department that serves as a user's guide to this Ordinance. The Administrative Manual contains copies of application forms, fees, schedule and contact information, as well as interpretations of the intent behind standards in this Ordinance.

ADMINISTRATOR, SUBDIVISION

The person designated by the Town Board of Mooresville to administer these regulations and to undertake other duties as called for in this Ordinance.

ADULT ENTERTAINMENT ESTABLISHMENT

An Adult Entertainment Establishment shall include any place defined as an "Adult Establishment" by North Carolina General Statute § 14-201.10 or "Sexually Oriented Businesses" by North Carolina General Statute § 160A-181.1.

AGGRIEVED PARTY

A person, with a legally recognized interest (i.e., fee simple ownership) and standing to appeal, that is injuriously affected by a decision from any decision-making body of the Town, including any officer or agent of the Town.

AIRPORT

Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

ALLEY

A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION

Any change or expansion in the size, configuration, or location of a structure; or any change or expansion in the use of a structure or lot, from a previously approved or legally existing size, configuration, location, or use.

ALTERNATIVE PARKING PLAN

A plan or other proposal to utilize one or more of the alternative parking provisions in Section 9.1.10, Alternative Parking Plans, as a means of providing more off-street parking spaces than typically allowed or fewer spaces than required.

AMATEUR HAM RADIO/TV ANTENNA

Any apparatus or group of apparatus, designed for the transmitting and receiving of electromagnetic waves that include shortwave radio, television, or other digital signals for private noncommercial use.

AMBIENT LIGHT

Describes the existing light levels in a neighborhood given off from streetlights, building lights, etc.

ANIMAL BOARDING

Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding or care of domestic animals for profit, but exclusive of animals used for agricultural purposes.

ANIMAL SHELTER

Any premises designated by Iredell County for the purpose of impounding and caring for domestic animals found running at large or otherwise subject to impoundment in accordance with the provisions of law.

APPEAL OF ADMINISTRATIVE DECISION

An appeal of an administrative decision-maker's interpretation or decision reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.3.14, Appeal of Administrative Decision.

APPLICANT

The owner of land, or the authorized representative of the landowner, applying for a development approval 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 as part of the development review processes.

ARBORIST, CERTIFIED

A person who is licensed (Combination of either a professional certification or International Society of Arboriculture Certified Arborist) to perform arboricultural work in the Town of Mooresville and its Extra-Territorial Jurisdiction.

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ARCHITECTURAL LIGHTING

Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

AREA MEDIAN INCOME OR “AMI”

The midpoint of regional income distribution, which is published annually by the U.S. Department of Housing and Urban Development.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain subject to a one percent or greater chance of flooding in any given year.

ARENA, AMPITHEATRE, OR STADIUM

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas.

ASSESSED VALUE

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity assigned by the Iredell County Property Appraiser’s office for the purposes of taxation.

ASSISTED LIVING/NURSING HOME

A building, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, health care assistance, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or proprietor. Accessory uses may include dining rooms and infirmary facilities for intermediate or skilled nursing care solely for the use of the occupants residing in the principal facility.

ATTACHED RESIDENTIAL

Residential development including the live/work, multi-family, and town house dwelling Use Types.

ATTACHED RESIDENTIAL BUILDING FORM

A structure or group of structures configured to appear as two or more residential dwelling units in a single building with or without individual entryways, porches, or balconies in accordance with the standards in Section 6.7.3, Attached Residential Building. Building facades may be configured to appear as a single building or group of connected individual buildings.

ATTACHED SQUARE

Open space area ringed by tree plantings around the perimeter, typically bounded on three sides by streets or other rights-of-way, and devoted to different forms of active recreation.

ATTACHED STRUCTURE

A structure that shares a common ten ft. load bearing wall with the primary structure or that is added and makes use of the primary structure as part of a new addition.

AUTHORIZED AGENT

A person with express written consent to act upon another's behalf.

AUTO SALES (BROKER ONLY)

A business dealing with the trading of automobiles without the use of a sales lot.

AUTO DEALER (INDOOR STOCK ONLY)

A business that has the right to sell automobiles; however, the automobiles must be located totally within the building in which the business is established.

AUTO DEALER

A business that has the right to sell automobiles; allows for outside display of inventory for sale.

AUTO REPAIR (AT A RESIDENTIAL USE)

General repair, rebuilding, or reconditioning of a single engine or motor vehicle owned by the residential dwelling's occupant as an accessory use to a single-family residential dwelling unit.

AUTO SERVICE AND REPAIR

Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, boats, jet skis, and similar vehicles, including the sale, installation and servicing of parts. Examples of this use include, but are not limited to, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, car washes and similar repair and service activities, but exclude auto sales and dismantling, salvage or storage yards.

AUTOMOTIVE COUNTRY CLUB

Automotive Country Club are gated, climate-controlled, secure spaces, for sale or lease, for storing, maintaining, and enjoying being around vehicles and boats, as well as space for lounging, entertaining, and general private usage. These places include storage spaces, room for personal mechanical work to take

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place, bathrooms, kitchenettes (if desired by the owner or lessee), lounge and relaxing areas, and some small gathering spaces.

Amended(TA-2021-01, July 6, 2021)

B

BAKERY, RETAIL

An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

BALUSTER RAILING

A railing with closely spaced supports.

BANNER

A sign made of flexible material used to advertise a business or a product for sale.

BAR, NIGHTCLUB, OR SIMILAR ESTABLISHMENT

An establishment having as its principal or predominant use the serving of alcohol for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such uses is derived from alcohol sales, and the secondary source from the serving of food. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities. Performances related to the display of Specific Anatomic Areas (as classified by Section 14-202.10 of the North Carolina General Statutes) are considered as Adult Entertainment uses.

BASE FLOOD ELEVATION

That elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater chance of flooding in any given year.

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 to tourists, vacationers, and business people, where provision of meals is limited to guests only.

BEDROOM

A separate room or space used or intended to be used for sleeping purposes.

BERM

An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

BEST MANAGEMENT PRACTICE

A wide range of management procedures, schedules of activities, prohibitions on practices and other management protocols which have been demonstrated to effectively control the quality and quantity of storm water runoff, and which are compatible with the land use or other land disturbing activity.

BICYCLE-PEDESTRIAN FACILITIES

Significant improvements and provisions to accommodate or encourage bicycle and pedestrian travel. Such facilities can be located both within and outside of the street right-of-way. Facilities within the street right-of-way include bicycle lanes, cycle tracks, sidewalks, shared use sidepaths, or pavement marking that provide a dedicated or shared space for active transportation. Facilities outside the street right-of-way include greenways and trails.

BICYCLE-PEDESTRIAN SUPPORT FACILITIES

Minor improvements and provisions to accommodate or encourage active transportation. Such facilities include bicycle parking, signage, signals, street furniture, and storage facilities located within or outside the street right-of-way.

BILLBOARD

An advertising sign which exceeds the maximum height and/or sign message area limitations of this Ordinance and directs the attention of the public to a commodity, product, service, activity or any other person, place or thing which is not located, found, or sold on the premises upon which such sign is located.

BIO-RETENTION DEVICE

A form of best management practice for treating storm water runoff with a small pervious detention pond and a series of woody and herbaceous vegetation planted to facilitate pollution uptake.

BLOCKFACE

The lands abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.

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BOARD OF ADJUSTMENT

A quasi-judicial board appointed by the Board of Commissioners and Iredell County Commissioners.

BOARD OF COMMISSIONERS

Board of Commissioners of the Town of Mooresville, North Carolina who are elected by the citizens of Mooresville for four-year staggered terms.

BONDING

The process whereby a subdivider, owner, or developer of land posts a performance guarantee, usually in the form of cash or a letter of credit which is available for use by the Town to install or repair required public or private improvements agreed to as part of the Site Plan or Subdivision, or other permit approval if the subdivider, owner, or developer fails to install or repair such facilities.

BOTANICAL OR COMMUNITY GARDEN

A garden having collections of living plants for the purposes of scientific research, conservation, display, education, small-scale food production, or leisure.

BREWERY LARGE

An establishment that produces ales, beers, hard-ciders or similar beverages on-site producing more than 15,000 barrels (465,000 US gallons) of beverage (all beverage types combined) annually.

BREWERY SMALL

An establishment that produces ales, beers, hard-ciders or similar beverages on-site, producing 15,000 barrels (465,000 US gallons) or less of beverage (all beverage types combined) annually.

BREW PUB

An establishment that produces ales, beers, hard-ciders, or similar beverages on-site. Sale of beverages for off-site consumption in keeping with the laws and regulations of the North Carolina Alcoholic Beverage Control Commission (ABC) and Federal Bureau of Alcohol, Tobacco, and Firearms, and Explosives (ATF). Service of brewed beverages must be in conjunction with the service of food. Brewpubs may not produce more than 15,000 barrels (465,000 us gallons) of beverage (all beverage types combined) annually. May include the distribution of beverages for consumption at other sites.

BUFFER, PERIMETER

Vegetative material and structures (i.e., walls, fences) along with a specified distance that are used to separate uses from each other as required by this Ordinance.

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 which is intended to remain undisturbed.

BUILD OUT

Development of land to its full potential or theoretical capacity as permitted under current or proposed zoning district designation.

BUILT-UPON AREA

Built upon area shall include the portion of a development project that is covered by impervious cover including building, pavement, gravel area (e.g., roads, parking lots, paths) recreational facilities (e.g., tennis courts), etc. (NOTE: Wooden slatted decks and the water area of a swimming pools are considered pervious.)

BUILDING

A structure that is enclosed and isolated by a roof and exterior walls and used for shelter, support, or enclosure as a residence, business, industry, or other public or private purpose, or accessory thereto, the construction of which may require a Building Permit under the State Building Code.

BUILDING ENVELOPE

The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, and minimum yard setbacks or build-to lines, buffers, easements, or other applicable regulations.

BUILDING FOOTPRINT

The area of a lot or parcel 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.

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 mean height level between eaves and ridge of gable, hip, cone, gambrel, or shed roofs.

BUILDING LINE

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A line establishing the minimum allowable distance between the nearest part of any building, excluding porches, bay windows, covered porches, decks, and patios, to the nearest edge of a street right-of-way, lot line, or easement.

BUILDING MAIN BODY

As used in Chapter 6, Building Form Standards, the primary mass of a building. The main body may be augmented by side or rear wings as well as bays, porches, and balconies.

BUILDING MASS

The height, width, and depth of a structure.

BUILDING PERMIT

An official document issued by the Iredell County Inspections Department pursuant to this Ordinance and the State Building Code authorizing the erection, construction, reconstruction, restoration, alteration, enlargement, conversion, remodeling, demolition, moving, or repair of a building or structure.

BUILDING STORY

A building story is 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. Typically, story height in a residential structure is twelve feet per story, and story height in a nonresidential structure is fifteen feet per story. Half-story spaces are less than twelve and fifteen feet in height, typically with some or all of the space no greater than six feet in height.

BUILDING WING

As used in Chapter 6, Building Form Standards, a portion of a building attached to the sides or rear of the main body, but smaller in size and scale than the main body.

BUILDING, HEATING, OR ELECTRICAL CONTRACTOR OFFICE

Offices for building, heating, plumbing, or electrical contractors, and related storage facilities.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which it is located.

BUILD-TO LINE

The line at which construction of a structure is to occur on a lot. A build-to line runs parallel to the front lot line and is established to create an even building facade line on a street.

BULB-OUT

A rounded portion of a sidewalk that extends out into a street to provide safe haven for pedestrians seeking to cross the street.

BULLETIN BOARD

A changeable sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

C**CALIPER**

A horticultural method of measuring the diameter of a tree trunk for the purpose of determining size. The caliper of the trunk is measured six inches above the ground for trees up to and including four inches in diameter, 12 inches above the ground for trees greater than four inches and up to ten inches in diameter, and at breast height (4½ feet) for trees ten inches or greater in diameter.

CAMPER/RV

A vehicle that is either self-propelled or towed behind a passenger vehicle that provides a place for temporary stay (sleep) while on a trip or vacation. The definition shall also include such terms as travel trailer, fifth wheel, pop-up, and self-contained trailer.

CANOPY

A permanent, but not completely enclosed structure that may be attached or adjacent to a building for the purpose of providing shelter to people or automobiles, or a decorative feature on a building wall. A canopy is not a completely enclosed structure.

CANOPY TREE

A Tree with a trunk that measures at least 24 inches in circumference measured at diameter at breast height (DBH).

CAPACITY

The maximum lawful level of use of any structure, or part thereof, as determined by the Town's adopted building code and expressed in terms of occupants, seats, persons, employees, or other units specified by the Building Code.

CAPITAL IMPROVEMENT PLAN

A proposed schedule of future projects requiring the expenditure of public funds with cost estimates and anticipated financing means.

CARPORT

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A roofed structure not more than 75 percent enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles.

CASUALTY DAMAGE

Damage to a use, lot, or structure from an event that is sudden, unexpected, and unusual, such as a hurricane, earthquake, fire, flood, theft, or similar event.

CATERING SERVICE

An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

CEMETERY

Land used or dedicated to the burial of the dead, including columbariums, mausoleums and necessary maintenance facilities, but not including a crematory.

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 APPROPRIATENESS

A permit reviewed and approved, approved with conditions, or denied by the Historic Preservation Commission in accordance with Section 2.3.16, Certificate of Appropriateness.

CERTIFICATE OF OCCUPANCY

A document issued by the Iredell County Inspections Department allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

CHANGE OF USE

The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

CITATION

As used in Chapter 12: Enforcement and Remedies, a formal notice to a person that he or she is charged with a violation of this Ordinance, and that penalty is due.

CIVIC BUILDING FORM

A structure or group of structures configured to appear as an institutional, governmental, or other civic building through the use of high quality materials, classic architecture, significant building placement, or other features in accordance with the standards in Section 6.7.4, Civic Building Form.

CIVIC/INSTITUTION USE

Use and associated facilities for the provision of a public service or purpose and operated by a federal, state, or local government, public or private utility, public or private school, library, agency, tax exempt organization, or government owned facility or land.

CIVIC USES

Uses, whether publicly or privately-owned, that intended to serve as public gathering spaces.

CLOSE

An open space serving building fronts located internal to a block.

COLLECTOR STREET

A street as classified in the Town of Mooresville Comprehensive Transportation Plan and as noted in the Town of Mooresville Street Classification List.

COLLEGE OR UNIVERSITY

A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates on buildings or premises of any tract size owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions. Trade or vocational schools are a different Use Type.

COMMENCEMENT OF CONSTRUCTION

The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the

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property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

COMMERCIAL/RETAIL BUILDING FORM

A structure or group of structures configured for the purposes of commercial and retail activity. Buildings using this building form are generally located on single lots along major thoroughfares, and are configured to be easily accessible by automobile as well as by foot in accordance with the standards in Section 6.7.7, Commercial/Retail Building Form.

COMMERCIAL RECREATION, INDOOR

A private indoor (entirely within enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).

COMMERCIAL RECREATION, OUTDOOR

A private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, privately owned golf driving ranges, miniature golf facilities, outdoor commercial tourist attractions, and privately owned active sports facilities such as ball fields and basketball courts, racquet and tennis club facilities (outdoor), and drive-in theatres.

COMMON LIGHTING SYSTEMS

The key technical issues to consider when selecting a preferred lighting system include: Illumination Levels, Uniformity, Obstructive Light Levels, Daylight Appearance (pole number, fixture density), and Lamp Type (affects color rendition)

COMMON OPEN SPACE

Portion of a proposed development required for reservation as permanent open space by Section 7.3, Open Space Standards.

COMMUNITY GARDEN

See "Botanical or Community Garden".

COMMUNITY SERVICES USE

A public building to be used as a place of meeting, recreation, or social activity and not operated for profit.

COMPATIBLE

A term used to describe how the visual aspects of a structure (including signage) are similar to or consistent with the other structures on the same parcel, site, or in the immediate vicinity. Visual aspects include, but are not limited to: color, texture, materials, scale, size, form and aspect.

CONCEPT PLAN

See "Plan, Concept".

CONDITIONAL USE PERMIT

A permit reviewed and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.3.3, Conditional Use Permit.

CONDITIONAL ZONING DISTRICT CLASSIFICATION

The classification of land on the Official Zoning District Map subject to conditions of approval imposed by the Board of Commissioners in accordance with Section 2.3.2, Conditional Zoning District Classification.

CONDOMINIUM

A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).

CONFERENCE AND TRAINING CENTERS

A facility designed to accommodate less than 500 persons and used for conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

CONNECTIVITY

The relative degree of connection between streets, sidewalks, or other means of travel.

CONSERVATION SUBDIVISION

The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as open space for conservation and/or recreation purposes in accordance with Section 2.3.10(6), Conservation Subdivision.

CONSTRUCTION ACTIVITY AREA ZONE

An area 20 feet around a building's footprint or the limits or area of a site disturbed by grading or development activity.

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CONSTRUCTION TRAILER

A trailer typically towed by a commercial vehicle which includes mobile homes, manufactured homes, or containerized offices and are used for normal office functions in conjunction for a construction project excluding sales. A camper cannot be used as a construction trailer.

CONTIGUOUS

Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.

CONTINUOUS VISUAL SCREEN

Screening of vehicular use areas or outside storage by evergreen vegetative material, berms, or structures (walls and fences), or a combination of these items designed to obstruct off-site views of the vehicular use area typically to a height three feet above the adjacent grade.

COPY

Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

CORNICE

Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

COUNTY

Iredell County, North Carolina.

COUNTRY CLUB

Land area and buildings containing golf courses, swimming pools, tennis courts, or similar recreational facilities along with a clubhouse and customary accessory uses which are open to members and their guests, or to the general public on a fee basis.

CREMATORY

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

CRITICAL AREA

The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed

(whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

CRITICAL ROOT ZONE

An underground area extending laterally in all four cardinal directions from the base of a tree's trunk to a distance the greater of one-and-one-half (1½) times the perimeter of the tree's drip line, or a distance of nine inches in radius from the trunk for each inch of trunk diameter at breast height.

CROSS-ACCESS

Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

D**DAY CARE (SMALL)**

A place where daytime care, supervision, and protection is provided to a maximum of six (6) children or adults who are not the legal wards or foster children of the attendant adult within an occupied residence.

DAY CARE (LARGE)

Any facility operated for the purpose of providing care, protection and guidance to more than six (6) individuals during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

DECK (ATTACHED)

A structural platform that is attached to the principal structure intended for outdoor lounging and entertainment. The term deck can be interchangeable with patio and porch.

DECK (DETACHED)

A structural platform that is not attached to the principal structure intended for outdoor lounging and entertainment. The term deck can be interchangeable with patio.

DEDICATION

A gift, by the owner, or a right to use of land for a specified purpose or purposes, because of a transfer of property rights in entailed, dedication must be made by written instrument, and is completed with an acceptance and in a form acceptable for recording.

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DENSITY, GROSS

The number of dwelling units on the entire area of a tract or lot.

DENSITY, NET

The number of dwelling units on a tract or lot minus the area of public rights-of-way, areas of flood hazard, lakes or water bodies, or wetlands under the jurisdiction of the U.S. Army Corps of Engineers.

DETACHED HOUSE BUILDING FORM

A structure configured to appear as a single-family detached dwelling in accordance with the standards in Section 6.7.1, Detached House Building.

DETACHED RESIDENTIAL

Residential development including the duplex and single-family detached dwelling Use Types.

DETACHED SQUARE

A formal open space with uniform on-center tree spacing around the perimeter, bounded on all four sides by streets or other rights-of-way, and intended to serve active recreation needs.

DETACHED STRUCTURE

A free standing structure that does not share a common 10 ft. load bearing wall with a principal structure.

DETENTION

The temporary on-site restraining of stormwater in a pond or other receptacle.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

DEVELOPMENT

The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of trees or ground cover, or the division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

- Construction or enlargement of a building or structure;
- Change in the type of use of a building, structure, or land;
- Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;

- Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land;
- Demolition of a structure or the removal of trees from a parcel of land;
- Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other body of water or alteration of any wetland; and
- Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

DEVELOPMENT REVIEW COMMITTEE

A group of Town staff who review and approve Concept Plans, Site Plans, and Subdivision Preliminary Plats.

DIAMETER AT BREAST HEIGHT (DBH)

The measurement of the diameter of a tree trunk over 12 inches in diameter taken at a height of four-and-one-half (4½) feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.

DIRECT PEDESTRIAN ACCESS

Pedestrian access to a use or facility from the larger pedestrian network via an improved pedestrian pathway, including but not limited to a sidewalk, multi-purpose trail, recreational trail, or other access easement. Such pedestrian pathways may be located within the public right-of-way, or other public or private access easement.

DISTRICT

An area delineated on the Official Zoning District Map which sets forth standards and guidelines for all development within the prescribed district.

DISTRICT, OVERLAY

A zoning district that encompasses one or more underlying zoning district and that imposes additional requirements above that required by the underlying zoning district.

DRIPLINE

A vertical line that extends from the outermost branches of a tree's canopy to the ground around the circumference of the tree.

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DRIVE-THROUGH

A facility designed to enable a person to transact business while remaining in a motor vehicle.

DRIVEWAY ENTRANCE

A vehicular access way or series of accessways providing ingress and egress to a use or development from a public street, private street, or vehicular use area associated with another use. Such access way may be the primary drive aisle, or may be a separate driveway.

DRIVEWAY, PRIVATE

A roadway serving two (2) or fewer lots, building site or other division of land and not intended to be public ingress or egress.

DUKE ENERGY SHORELINE MANAGEMENT DIVISION

An office of the Duke Energy Corporation given the authority and responsibility to manage uses within 100 linear feet of the full pond elevation of Lake Norman by the Federal Energy Regulatory Commission (FERC). Activities under the jurisdiction of the Shoreline Management division include hydroelectric facilities, public recreation access, wildlife enhancements, piers, docks, marinas, excavation and conveyances, and shoreline stabilization.

DUKE ENERGY SHORELINE MANAGEMENT GUIDELINES

A set of guidelines and specific criteria for conducting construction, stabilization, and excavation activities related to private piers, multi-slip marinas, conveyances, dredging, and shoreline stabilization within 100 linear feet of the Lake Norman full pond elevation.

DWELLING OR DWELLING UNIT

A building or portion thereof, 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.

DWELLING, DUPLEX

A single-family dwelling unit attached to one other single-family dwelling unit by a common vertical wall. Each dwelling unit may be located on its own lot, or both may be located on a single lot.

DWELLING, LIVE/WORK

A structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.

DWELLING, MANUFACTURED HOME

A structure built on an integral chassis and designed to be used as a single-family dwelling unit when connected to the required utilities, fabricated in an offsite manufacturing facility under the authority of the National Manufactured Home Construction and Safety Standards Act, and designed to be transportable in one or more sections.

DWELLING, MOBILE HOME

A structure built on an integral chassis and designed to be used as a dwelling unit when connected to the required utilities, fabricated in an offsite manufacturing facility before June 15, 1976, in one or more sections, designed to be transported for installation or assembly at the building site. Sections do not carry the HUD Code Seal. This definition does not include recreational vehicle, manufactured home, or modular home.

DWELLING, MULTI-FAMILY

A dwelling containing three or more individual dwelling units, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings.

DWELLING, SINGLE-FAMILY DETACHED

A residential building containing not more than one dwelling unit to be occupied by one family, not physically attached to any other principal structure. For regulatory purposes, this term does not include mobile homes, recreational vehicles, or other forms of temporary or portable housing. Manufactured buildings constructed for use as single-family dwelling units (manufactured home dwellings) are treated similar to single-family detached dwellings.

DWELLING, TOWNHOUSE

A type of multi-family dwelling, in which five or more individual dwelling units are located on individual lots, but attached by one or more common party walls which are shared by one or more units for more than 50 percent of their total linear distance along the lot line. The habitable spaces of different dwelling units are typically arranged on a side-by-side rather than a stacked configuration.

E**EASEMENT**

A grant by the property owner of a strip of land for a specified purposes and use by the public, a corporation, or persons, such as for utilities.

ELECTRONIC GAMING OPERATIONS

Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash,

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merchandise or other items of value are redeemed or otherwise distributed, 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, or cybercafés. This does not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under State law (for example, church or civic organization fundraisers).

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.

EMPLOYMENT CENTER

An area of higher-intensity commercial or industrial uses that typically employs a large amount of people.

ENCROACHMENTS

Any portion of a structure or appurtenance extending beyond a designated zoning setback, easement, property line, or public right-of-way.

ENGINEERED STORM WATER CONTROLS

The system of inlets, conduits, channels, ditches, and appurtenances that serve to collect and convey stormwater through and from a given drainage area.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

Under the National Environmental Policy Act (NEPA), a comprehensive report that describes the natural features and characteristics of a proposed development, the environmental changes that will occur as a result of the development activities on the site, and the mitigation measures to be taken to minimize undesirable impacts to the environment.

EQUINE STABLE/RIDING ACADEMY

A commercial use associated with the keeping of horses or ponies. Such uses include stalls, feeding areas, paddocks, haylofts, corrals, and other similar outdoor exercise/performance areas.

ERECT

To build, construct, attach, hang, place, suspend or affix, also including the painting of wall signs.

EROSION/SEDIMENT CONTROL PLAN

A set of drawings, other documents, and supporting calculations submitted as a prerequisite to obtaining a permit to undertake a land disturbing activity. The plan indicates necessary land management and treatment measures, including

drawings and supporting calculations, BMPs, maintenance guidelines, and a timetable for installation.

ESTABLISHED GRADE

Established grade is the finished grade following grading, excavation, or other land-disturbing activity.

EXISTING DEVELOPMENT

Structures, buildings, site specific plan or other projects that are completely built or that at a minimum have established a vested right as of the effective date of this Ordinance based on at least one of the following being satisfactorily proven to the Planning Department for the specific development in question:

1. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the development, or
2. Having an outstanding valid building permit as authorized by North Carolina General Statutes Section 153A-344.1 and North Carolina General Statutes Section 160A-385.1, or
3. Having an approved site specific or phased development plan as authorized by North Carolina General Statutes Sections 153A-344.1 and 160A-385.1.

EXISTING LOT (LOT OF RECORD)

A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to ___ the effective date of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption the 1987 Subdivision Ordinance.

EXPANSION

An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements or structures.

EXTRACTIVE INDUSTRY

A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.

EXTRATERRITORIAL JURISDICTION

The area outside municipal limits where the Town of Mooresville exercises planning, zoning, and subdivision powers.

F**FAÇADE**

The exterior wall of a building parallel to the frontage line or the street that fronts the parcel on which the building is located. Facades may be on the front, side, or rear elevation of the building.

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. (amended 10/5/2015, TA-2015-11)

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. For purposes of this definition, "persons with disabilities" means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)B. (amended 10/5/2015, TA-2015-11)

FAMILY ESTATE SUBDIVISION

Family subdivision means a division of a tract of land to divide land from a common ancestor among tenants in common (as defined by North Carolina General Statutes), all of whom inherited by intestacy or by Will.

FARM

Land on which the raising of crops or livestock, including orchards, vineyards, nurseries, or animal husbandry, along with any buildings or structures necessary to conduct such activities.

FEDERAL HIGHWAY ADMINISTRATION

The agency that oversees the process of planning, designing, and constructing a federally funded highway project.

FEDERAL TRANSIT ADMINISTRATION

The agency that in developing improved mass transportation methods, techniques, facilities, and equipment, encourages planning and establishment of urban mass transportation systems, and assists states and local governments and their authorities in financing urban mass transportation systems.

FENCE

A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

FIXTURE

A gas-powered, battery-powered, solar-powered or electrically powered device that is secured to a wall, ceiling, pole, or post that is used to hold one or more lamps (or jets) and is intended to emit light.

FLAG LOT

See "Lot, Flag".

FLEX/INDUSTRIAL BUILDING FORM

A structure or group of structures configured to house manufacturing, light manufacturing, warehousing, or combination of these uses where the building's form is dependent upon the activities taking place within it in accordance with the standards in Section 6.7.9, Flex/Industrial Building Form. The Flex/Industrial Building Form is the least regulated of the building forms in this Ordinance.

FLOOD LIGHT

Any light fixture or lamp that incorporates a refractor to concentrate light output into a directed beam in a particular direction.

FLOOD HAZARD AREA

The area designated by the Town, pursuant to this Ordinance, as an area where development must be regulated to prevent damage from flooding. The flood hazard area must include and may exceed the base floodplain.

FLOODPLAIN

Areas including and contiguous with lakes, streams, other bodies of water, as well as inland depression areas whose elevation is equal to or lower than the projected 100 year flood elevation.

FLOOR

The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

FLOOR AREA, GROSS

The sum of the gross horizontal areas of each floor of the principal building' and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

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FLOOR AREA RATIO (FAR)

The ratio of gross floor area of all structures on a lot to total lot area.

FOOT CANDLE

The amount of light that falls onto a surface as emitted by an exterior lighting device.

FOOT-CANDLE (FC)

A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

FORECOURT

An open space area buffering the front of a building from the street it fronts planted with a single species of tree, and intended for active recreation.

FRATERNAL INSTITUTION

A group of associated facilities for business associations, civic, social and fraternal, professional membership organizations, excluding private nightclubs and similar establishments, and generally operated as a non-profit enterprise.

FRONT BUILDING LINE, SEE BUILD-TO-LINE

A line corresponding with the forward-most portion of a building's front façade.

FRONT FAÇADE

The side or elevation of a structure that contains the structure's architectural front.

FRONT LOT LINE

The front lot line is the line connecting the two side lot lines along the edge of the lot adjacent to the right-of-way of the street that provides the lot's street address (also referred to as the "Lot Frontage").

FRONT ON/FRONTAGE

The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right of way. All sides of a lot that abuts a street shall be considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage. For purposes of this definition, the terms "front on" and "frontage" shall have the same meaning.

FRONTAGE CONDITIONS

The visual appearance generated by a series of building facades facing a street.

FUEL OIL/BOTTLE GAS DISTRIBUTOR

An establishment that distributes fuel oil or bottled gases such as propane or liquid petroleum for compensation.

FULL CUT OFF

An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture. "Full Cut-off" Lighting Systems incorporated a downward aiming array of fixtures set close to the supporting pole, arrayed around the field-side of the pole at various heights. Individual fixtures are composed of a reflector enclosed within an essentially open-bottomed, box-like structure. "Full cut-off" refers to the fact that the lamp placement inside the box and above the plane of the bottom opening eliminates, or cuts off, all direct light above the plane of the fixture opening. "Full Cut-off" system designs may incorporate both metal halide and high-pressure sodium lamps.

FULL CUT-OFF LENS

An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

FUNCTION

The natural or proper action for which something is designed, used, or exists.

FUNERAL HOME

An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals; may contain a crematory.

G**GABLE ROOF**

See "Roof, Gable".

GENERAL CODE OF ORDINANCES

The collection of regulations from the Town of Mooresville enforceable as municipal law.

GENUS

A taxonomic category ranking below a family and above a species and generally consisting of a group of species.

GLARE

Light that hinders or bothers the human eye due to the eye's difficulty in adjusting to different levels of light. Direct glare from a light source is typically an important issue in the design and operation of athletic field lighting installations, both in terms of players and nearby populations. Topography and vegetation can change the impacts of glare. There is no industry standard for measuring glare once a project is completed. However, there may be design steps that may mitigate the effects of glare such as increased pole height.

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GLAZING

The portion of an exterior building surface occupied by glass or windows.

GOLF COURSE (PUBLIC OR PRIVATE)

A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course, public or private, may include a clubhouse with dining facilities, shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

GOLF DRIVING RANGE

A limited area on which golf players do not walk, but onto which they drive golf balls from a common driving tee. Such uses may include a concessions stand, netting, exterior lighting fixtures, putting greens, as well as maintenance and outdoor storage areas. Such uses do not include golf courses.

GOVERNMENT FACILITIES

An office or other facility of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, motor vehicle licensing and registration services, maintenance and repair centers, equipment, or outdoor storage yards.

GRADE

The elevation of the land or land level at a specific point.

GRADE, STREET

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.

GREATER STREET SYSTEM

The network of all existing public streets within the Town.

GREEN

An informal open space area with irregular plantings or topography located in an urban environment and intended to serve active recreation needs.

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, as well as

underground utilities or facilities such as bicycle paths, footpaths, and bridle paths.

GROSS FLOOR AREA

The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, excluding attic areas with a headroom of less than seven feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, parking structures and 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.

GROUND COVER

Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

H**HALFWAY HOUSE**

A licensed home for juveniles or adult persons on release from more restrictive custodial confinement or the facility they are initially placed in-lieu of more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently.

HEAVY EQUIPMENT SALES, RENTAL, OR REPAIR

An establishment engaged in the display, sale, leasing, or rental of heavy equipment of 12,000 or more pounds gross vehicular weight.

HEAVY TRUCKS OR TRAILERS

Trucks or trucks with trailers with a gross vehicle weight of 20,000 pounds or more.

HEIGHT

The vertical distance from the mean grade elevation taken at the fronting street side of a structure to the parapet or roof line of a flat roof, the eave of a pitched roof, or the deck line of a mansard roof.

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-density option were used) as prescribed by the Environmental Management Commission's adopted Water Supply Watershed Protection Rules.

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HIGHWAY

A controlled access highway that is part of the federal interstate highway or statewide uniform highway system.

HIP ROOF

See "Roof, Hip".

HISTORIC DISTRICT OVERLAY

A zoning district that includes supplementary or replacement regulations for the purpose of protecting the neighborhood character and historic value of structures.

HISTORIC PRESERVATION COMMISSION

The Town of Mooresville Historic Preservation Commission, as identified in this Ordinance.

HOME OCCUPATION

A business, profession, occupation, or trade which is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, and is incidental and secondary to the residential use of the lot and which does not adversely or perceptively affect the character of the lot or surrounding area. Home occupation includes but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; dentists or physician's offices and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business which is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

HOSPITAL

An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by state law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

HOTEL, MOTEL, AND SIMILAR USES

Hotel and motel are to be considered synonymous uses. A hotel or motel means a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or

a rooming house. Such uses may include microwaves and refrigerators for each guest unit.

HUE

The visible color emitted from an artificial source of exterior lighting.

HUMAN-SCALE DESIGN

The relationship between the dimensions of the human body and the proportion of the spaces that people use. Human-scale design includes buildings, building features, and exterior materials that are organized into discreet units that are easily distinguished from surrounding features, sized to be easily perceived by the human eye, and of a small scale so as to create a proportional relationship with pedestrians using nearby areas.

I**IESNA**

The illuminating /engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

ILLUMINANCE

The density of the flow of light falling on a surface. Illuminance as defined in this Section is measured in foot-candles (FC), which is defined as one lumen uniformly distributed over an area of one square foot.

ILLUMINATION, DIRECT

Main beam angle of a lighting fixture.

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 thereof, constituting physical addition to real property.

INERT DEBRIS

Trash, rubble, remains, or other discarded material that is not engaged in a process of decomposition.

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INFILL LOT

See "Lot, Infill".

INTERPRETATION

An interpretation of this Ordinance made in writing by the Planning Director or designee in accordance with the standards in Section 2.3.13, Interpretation.

INTERSTATE

A controlled access highway that is part of the federal interstate highway system.

INTERMODAL

A description of a transportation system that connects more than one mode.

IN-HOME DAY CARE

A child care arrangement located in a residence where, at any one time, more than two children, but less than six children who are not dependents of the occupant, receive child care.

INTERMITTENT STREAM

A stream which fails to convey water for some or part of the year due to fluctuations in season, temperature, or humidity.

IREDELL COUNTY HEALTH DEPARTMENT

The Health Department for Iredell County, North Carolina, as identified in this Ordinance.

K

KENNEL, OUTDOOR

A facility where dogs, cats, or other domestic animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. Such a facility may have an indoor and outdoor component.

L

LAKE NORMAN MARINE COMMISSION

The commission responsible for all matters relating to or affecting public recreation and water safety on Lake Norman including maintenance of a navigational management system, boater education programs, the Aquatic Plant Management Plan, and coordination with Duke Energy.

LAMP

The component of a luminaire that produces the light.

LAND

The earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

LAND DEVELOPMENT DESIGN STANDARDS MANUAL

The official Town document to which the Town adheres that includes design standards, engineering standards, and specifications regarding the configuration of public infrastructure.

LANDOWNER

Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner. The person shown on the records of the register of deeds of the county shall be presumed to be the person in control of the property.

LANDSCAPE ARCHITECT

A person who, on the basis of demonstrated knowledge acquired by professional education or practical experience, or both, has been granted, and holds a current certificate entitling him or her to practice landscape architecture and to use the title landscape architect in North Carolina under the authority of Chapter 89 of the North Carolina General Statutes.

LANDSCAPE STRIP, PERIMETER

Vegetative material associated with the perimeter landscaping required for a vehicular use area.

LARGE RETAIL BUILDING FORM

A single structure configured to house tenants engaged in retail sales activities in accordance with the standards in Section 6.7.8, Large Retail Building.

LATTICE TOWER

A freestanding steel framework tower with three or four sides designed to support antennas or other communications equipment.

LEVEL OF SERVICE STANDARD (LOS)

A qualitative assessment of a road's operating condition; generally described using a scale of A (little congestion) to E/F (severe congestion).

LIGHT SOURCE

The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

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LIGHT TRESPASS

Effects of light that strays from the intended purpose and becomes an annoyance, a nuisance, or a deterrent to visual performance. As such, light trespass should always be considered negative, unlike spill light, which can have positive or negative attributes. Light trespass is the encroachment of light causing annoyance, loss of privacy, or other nuisance.

LIGHTING PLAN (ISOLUX OR PHOTOMETRIC)

A document that indicates the proposed variations and intensities of light affected by the development on a site at a given point in time.

LIMITED ACCESS HIGHWAY

A highway or other high traffic volume street where access from individual lots is limited or controlled.

LIVE/WORK UNIT

A structure that accommodates both working and living or housing functions, typically with a retail unit on the first floor and a dwelling unit above.

LOADING SPACE, OFF-STREET

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

LOCAL STREET

A street as classified in the Town of Mooresville Comprehensive Transportation Plan and as noted in the Town of Mooresville Street Classification List.

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 these regulations.

LOT DEPTH

Lot depth means the horizontal distance between the midpoints of straight lines connecting the front lot line and the rear lot line.

LOT FRONTAGE

See "Front Lot Line".

LOT LINE

Lot lines mean the lines bounding a lot as established by ownership.

LOT OF RECORD

A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Iredell County prior to ____ the effective date of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to ____ the effective date of this Ordinance.

LOT WIDTH

The distance between the side lot lines measured along a setback line or build-to line, or the distance measured between the side lot lines along the street right-of-way if no setback has been established.

LOT, CORNER

A lot located at the intersection of two or more streets.

LOT, FLAG

A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

LOT, INFILL

A lot of record with or without an existing use that is two acres in size or less.

LOT, INTERIOR

A lot other than a corner lot with only one frontage on a street.

LOT, IRREGULARLY SHAPED

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.

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 Ordinance, or a subsequent amendment hereto, for the zoning district in which it is located.

LOT, REVERSE FRONTAGE

Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees. A reverse frontage lot may also be a corner lot, through lot, or an interior lot.

LOT, SINGLE-FAMILY

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A lot that is located in a subdivision within a zoning district that allows single-family 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.

LOT, SINGLE-TIER

A lot which backs up to a limited access highway, railroad, water body, physical barrier, or other type of use other than another lot.

LOT, THROUGH

A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

LOW INCOME HOUSEHOLD

A household whose income is more than fifty percent (50%), and does not exceed eighty percent (80%), of area median income (AMI)

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.

LAND USE PLANNING AND LAND ALLOCATION (LUPLA)

The practice of characterizing land parcels by their uses, development intensity, or other traits, based on population and infrastructure growth projections.

LUMEN

A unit of luminous flux.

LUMINAIRE

A complete lighting system including a lamp or lamps and a fixture.

M

MAINTAINED ILLUMINATION

MAJOR RECREATIONAL EQUIPMENT

Vehicles or other recreational equipment including boats, boat trailers, camping trailers, recreational vehicles, motorized homes, house trailers, and similar equipment typically larger than 400 feet used primarily for recreational purposes.

MAJOR SUBDIVISION

A major subdivision is a subdivision of land where new public or private streets or roads are proposed, and/or the entire tract to be subdivided is greater than five

(5) acres, and/or more than 10 lots are created after the subdivision is completed.

MAJOR UTILITY

See "Utility, Major".

MANSION APARTMENT BUILDING FORM

A structure or group of structures configured to appear as a large single-family dwelling structure with or without individual entryways, porches, or balconies in accordance with the standards in Section 6.7.2, Mansion Apartment Building.

MANUFACTURED/MOBILE HOME PARK

A parcel or subdivision of land to accommodate mobile homes and manufactured housing per the Section 5.3.1(C), Manufactured/Mobile Home Park.

MANUFACTURED HOME

A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1976", 42 U.S.C. Sec 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

MANUFACTURING, HEAVY

Manufacturing uses that involve the generation outside the property of noise, odor, vibration, or dust. Examples include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum refining, and manufacture of chemicals, fertilizers, paint, and turpentine.

MANUFACTURING, LIGHT

The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such

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uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

MAP AMENDMENT

A type of zoning district change reviewed and approved, or denied by the Board of Commissioners in accordance with Section 2.3.1, Official Zoning District Map Amendment.

MARINA

Any facility for the mooring, berthing, docking, storing or securing of watercraft and marine related equipment. A marina may include, subject to the underlying zoning district, boat sales, boat fuel sales, boat repair, marine equipment sales, boat and jet ski rentals, and other uses clearly incidental to watercraft activities. This definition does not include community piers, individual residential piers with multiple slips, and other non-commercial boat docking facilities.

MASS GRADING

The large scale denuding of existing vegetation and alteration of existing slope and natural contours in favor of cleared areas with very uniform relief.

MASSING

The physical volume or bulk of a structure's facade.

MASTER PLAN

A land use plan that illustrates a site's natural conditions, access, programmatic improvements, and that is intended to guide development over a number of years or in several phases.

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."

MEDICAL TREATMENT FACILITY

An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, or psychologists, and where patients may or may not be lodged overnight.

MINIMUM LOT SIZE

The minimum amount of land area, measured horizontally, included within the lines of a lot as required by this Ordinance. Lands located within any private easements shall be included within the lot size.

MINIMUM SIGHT STOPPING DISTANCE

The minimum sight stopping distance is the sum of the distance (measured in linear feet) traversed by a vehicle from the instant the driver sights an object necessitating a stop to the instant the brakes are applied, plus the distance required to stop the vehicle (from the instant brake application begins) before it reaches a stationary object in its path.

MINOR SUBDIVISION

A minor subdivision is subdivision of land where no new public or private streets are proposed, and the entire tract to be subdivided is five (5) acres or less, and where ten (10) or fewer lots will result after the subdivision is completed.

MINOR UTILITY

See "Utility, Minor".

MITIGATION

Measures taken to eliminate or minimize impacts from development activities.

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.

MOBILE FOOD VENDOR

A service establishment operated from a licensed and movable vehicle (with or without an attached trailer) that vends or sells food and/or drink processed or prepared on-site to walk-up customers.

MOBILE HOME

A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the

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place of its construction to the location, or subsequent locations, at which it is intended to be a permanent home and designed to permit the occupancy thereof as a dwelling place for one or more persons. Even if structure rests on a permanent foundation, with wheels, tongue, hitch and axle or lug bolts permanently removed, it shall be construed as a mobile home. This structure is constructed in accordance with the rules and regulations as set forth in "Mobile Homes, Modular Dwelling Units and other Factory Building Structures", 1970 Edition published by the North Carolina Department of Insurance, and lacks the certification indicating compliance with the National Manufactured Housing Construction And Safety Standards Act.

MOBILE HOME PARK

A parcel or subdivision of land to accommodate mobile homes per the provisions of this Ordinance.

MODERATE INCOME HOUSEHOLD

A household whose income is more than eighty percent (80%) and does not exceed one-hundred percent(100%), of area median income (AMI).

MODIFICATION OF ARCHITECTURAL STANDARD

A permit reviewed and approved or denied by the Planning Director in accordance with Section 6.5.2, Modification of Architectural Standard.

MODULAR STRUCTURES

Sectional prefabricated buildings or structures that consist of modules or sections constructed on or off site in accordance with the North Carolina State Building Code usually composed of components assembled in a manufacturing plant and transported to the building site for assembly on a permanent foundation.

MONOPITCH ROOF

See "Roof, Monopitch".

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.

MULTIMODAL TRANSPORTATION

Transportation systems that integrate or connect more than one mode, such as train and bus transit, or automobile park-and-ride and rail.

N

NEIGHBORHOOD CENTER

As used in Section 3.3.8, Traditional Neighborhood Development District, 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.

NONCONFORMING LOT

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING SIGN

Any sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING STRUCTURE OR BUILDING

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING USES

Any actual and active use lawfully being made of any land, building, sign or structure not otherwise abandoned, which exists on the effective date of this Ordinance or on the effective date of any amendment thereto, and renders such existing use illegal within a district, or which does not comply in any fashion with any of the regulations of this Ordinance or any amendments thereto. If the property or structure is vacant or unused on the effective date of this Ordinance or any amendment thereto, it shall be conclusively presumed that the property or structure is subject to the provisions of this Ordinance or any amendments thereto. A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMITY

A nonconforming use, structure, lot of record, or sign.

NON-PROFIT HOUSING ENTITY

A community housing development organized (CHDO) defined in 24 C.F.R. § 92.2, including 42 U.S.C.A §12773.

NON-POINT SOURCE POLLUTION

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Pollutants, such as suspended solids, petroleum derivatives, trash, or other materials dissolved in or carried by storm water runoff into water bodies or ground water during the natural cycle of precipitation.

NORTH CAROLINA COMMERCIAL BUILDING CODE

A set of standards and regulations established by the North Carolina Building Council that control building design, construction, and materials used in commercial or nonresidential construction.

NORTH CAROLINA GENERAL STATUTES

The laws created by the State of North Carolina legislature and to which the Town of Morrisville is required to uphold.

NOTICE OF VIOLATION

An initial notice indicating an infraction of the Zoning Ordinance; not associated with a fine.

NURSERY

See "Plant Nursery."

NURSING HOME

See "Assisted Living/Nursing Home".

O

OFFICE, SINGLE TENANT

A room, or group of rooms typically within a single structure used for conducting the affairs of a single business or professional establishment such as offices for retail and wholesale establishments, offices for lawyers, accountants, engineers, architects, doctors, dentists, banking services, investment banking, stock brokerage, investment services, credit card services, and similar activities.

OFFICE, MULTI-TENANT

A room, or group of rooms within one or more structures used for conducting the affairs of two or more businesses or professional establishments such as offices for retail and wholesale establishments, offices for lawyers, accountants, engineers, architects, doctors, dentists, banking services, investment banking, stock brokerage, investment services, credit card services, or any combination of these establishments.

OFFICIAL MAPS OR PLANS

Any maps or plans officially adopted by the Town Board of Mooresville

ON SITE, OFF SITE

Located on the lot relative to a use, or structure; or located off the lot relative to a use, or structure.

OFF-SITE IMPROVEMENTS

Any infrastructure improvements or new construction done in conjunction with the development of specific proposed land use application that are not contained within the area to be subdivided or developed.

OPACITY

A measurement indicating the degree of obscuration of light or visibility.

OPEN SPACE (1)

Portion of proposed development required for reservation as permanent open space by Section 7.3 Open Space Standards.

OPEN SPACE (2)

Space suitable for passive recreation, gardens or landscaping which may include areas left in their natural state, trails, ponds, stream banks, recreation areas, areas of excessive slopes, low-lying areas, marshland, environmentally-sensitive areas, and required landscaping areas. Such space must be free of automobile traffic and parking, and be readily accessible to all those for whom it is required.

OPEN SPACE, ACTIVE

Space suitable for active forms of recreation, including athletic fields, playgrounds, pools, courts, tracks, linear open space, and similar uses that are well served by streets, parking facilities, spectator areas, restroom facilities, and exterior lighting where appropriate.

OPEN SPACE, COMMON

An open space area owned privately or in common for use by all members of the public.

OPEN SPACE, PASSIVE

Required open space areas designated for passive recreation uses including gazebos, picnic areas, fountains, plazas, and similar hardscape areas. Such areas may also include undisturbed natural vegetation.

OPEN SPACE, PRIVATE

Space on each building lot that is for the private use of inhabitants.

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ORDINANCE

A document of regulations enforceable as municipal law.

OUTDOOR DISPLAY/SALES

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

OUTDOOR STORAGE (PRINCIPAL USE)

The keeping, in an unroofed area of any goods, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles for sale in a new or used car sales lot. Such activities may be the principal use of the land where located or as an accessory use to another principal use.

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.

OVERLAY DISTRICT

A zoning district that includes supplementary or replacement regulations to the requirements of the underlying, base zoning district.

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.

PARCEL SERVICES

Retail sales or business services establishment to facilitate the transmittal and receipt of parcels.

PARK, PUBLIC AND PRIVATE

Land used for 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.

PARKING, OFF-SITE

An off-street parking area provided on a different parcel than the use it is intended to serve.

PARKING, ON STREET

A location or area within the right-of-way of a public or private street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage, striping, or parking meters.

PARKING, SHARED

Off-street parking facilities shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).

PARKING, TANDEM

A parking space within a group of two or more parking spaces arranged one behind the other.

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.

PARKING DEMAND STUDY

An analysis of the total number of parking spaces required in order to accommodate the maximum number of vehicles for parking purposes by a particular use or site at any given time, including the parking requirements for all employees, occupants, clients, and visitors.

PARKING LOT

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

PARKING LOT DRIVE AISLE

A vehicular access way located within an off-street parking or vehicular use area which serves individual parking stalls and driveways.

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PARKING SPACE, ACCESSIBLE

A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.

PARKING SPACE, OFF-STREET

A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

PARKING STRUCTURE

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

PARKWAY

A greenway bounded by streets instead of individual lots.

PASSIVE RECREATION

Recreational activities that generally do not require a developed site. Examples include hiking, horseback riding, and picnicking.

PATHWAYS, PEDESTRIAN

Interconnected paved walkways that provide a 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.

PERENNIAL STREAM

A stream or other channel that holds flowing water 365 days a year.

PERFORMANCE GUARANTEE

Any security that may be accepted by the Town or another government unit to assure that improvements required as part of an application for development will be satisfactorily completed.

PERIMETER BUFFER

See "Buffer, Perimeter".

PERIMETER FENCES AND WALLS

For the purposes of Section 9.4.4, Perimeter Fences and Walls Abutting Public ROW, a fence or wall of three feet or more in height that is located within 20 feet of the edge of a public street right-of-way, and runs parallel to or alongside the adjacent public right-of-way for at least two linear feet.

PERMANENT AFFORDABILITY OR PERMANENTLY AFFORDABLE

A requirement that workforce Dwelling Units that are required by Section 5.6 remain affordable for at least 15 years, to the extent permitted by law.

PERMANENT POOL

The typical area, water level, or depth of a natural or man-made body of water or impoundment.

PERMITTED USES

Uses allowed to occur by right within a designated zoning or other planning district.

PERSON

For the purposes of enforcing this Ordinance in accordance with Chapter 12: Enforcement and Remedies, "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 the remedies and penalties established in Chapter 12: Enforcement and Remedies, for violating this Ordinance 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 Ordinance; 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.

For all other purposes, "person" means any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

PERVIOUS SURFACE

A surface that is penetrable by water to some degree. Pervious surfaces may be constructed of mixed pervious and impervious surfaces such as concrete and grass, or 'grass-crete'

PIER

A general term that includes docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

PIER, COMMERCIAL

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A boat-docking facility owned and operated by private enterprise.

PIER, COMMUNITY

A boat-docking facility associated with a subdivision or defined residential portion of the Town with a limited number of boat slips serving the residents of the subdivision or neighborhood.

PIER, RESIDENTIAL

A boat-docking facility that is utilized solely for residential purposes and not by commercial or public groups.

PIER, SHARED

A boat-docking facility that is used by more than one association or utilized for multiple purposes (e.g. commercial fishermen and community boat slips).

PILASTER

A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.

PLAN, CONCEPT

A concept plan reviewed by the Development Review Committee in accordance with Section 2.3.8, Concept Plan.

PLAN, SITE

A site plan approval reviewed and approved or denied by the Development Review Committee in accordance with Section 2.3.9, Site Plan.

PLAN, SKETCH

A sketch plan reviewed by the Planning Department and the Engineering Department in accordance with Section 2.3.7, Sketch Plan.

PLANNING BOARD

The Town of Mooresville Planning Board, established by ordinance in accordance with NCGS 160A-361 and 160A-362.

PLANNING DIRECTOR

The Planning Director of the Town of Mooresville or a designee.

PLANT NURSERY (RETAIL)

The growing, storage, and sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials for retail sale to members of the general public. Such uses may include greenhouses; outdoor storage of goods, materials, and equipment; irrigation systems; and caretaker's dwellings.

PLANT NURSERY (WHOLESALE)

The growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales, conducted from within a building and not exceeding 20% of the combined wholesale and retail sales volume during any calendar year.

PLANTING STRIP

Areas adjacent to property lines 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.

PLANTING SEASON

The dormant time of the year for trees beginning with leaf drop and ending with bud break; generally late fall to early spring.

PLAT

A map or plan of a parcel of land which is to be, or has been subdivided.

PLAYGROUND

An area devoted to active recreation typically associated with residential neighborhoods.

PLAZA

An 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.

PORTABLE SHIPPING CONTAINER

Transportable containers designed and used primarily for temporary storage of building materials, household goods, personal items, or other materials on residential lots.

PORTICO

A roofed area, open to the air on one or more sides, typically supported on one side by the facade of a building and on the remaining sides by columns or arches.

PRESENT USE VALUE STANDARD

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A designation used by a County Property Appraiser to denote land which is being used for agricultural purposes.

PRIMARY DRIVE AISLE

The main aisle(s) that extends from the street right-of-way or from the driveway entrance(s) serving a development along the front of the building it serves.

PRIMARY ENTRANCE (ARCHITECTURAL FRONT)

The place of ingress and egress to a building, parcel, or development used most frequently by the public.

PRIMARY STREET

See 'Street, Primary'.

PRINCIPAL USE

The primary purpose or function that a lot serves or is proposed to serve.

PRIVATE ROAD

An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6

PRODUCE STAND

A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include "pick your own" establishments where customers gather their own produce from the fields for purchase and off-site consumption.

PROJECT AREA

Any area of land or water, regardless of the number of individual lots contained therein, on which development is proposed under this Ordinance.

PROTECTED AREA

As used in Section 4.2, Watershed Protection Overlay District, 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 AREA

The area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundaries of the protected area

are defined as within five miles of the normal pool elevation of the reservoirs (measured from normal pool elevation) or to the ridge line of the watershed (whichever comes first); or ten (10) miles upstream and draining to the intake located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first). Local governments may extend the protected area. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of five (5) to ten (10) miles. In some cases the protected area will encompass the entire watershed.

PUBLIC INFRASTRUCTURE

All infrastructures that will be turned over to the Town of Mooresville for ownership and maintenance. This shall include, but not limited to water and sewer lines, pump stations, fire hydrants, storm drainage, streets, regulatory and public safety signage. For purposes of site plan and subdivision approval, public infrastructure shall include any private infrastructure that requires state or local permitting.

PUBLIC PARK OR SQUARE

Land used for gathering, recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural or urban features.

PUBLIC HEARING

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed ordinances, amendments or other official Town business which require public participation and input.

PUBLIC SEWER DISPOSAL SYSTEM

A system serving two (2) or more dwelling units and approved by the North Carolina Department of Human Resources, Division of Health Services.

PUBLIC TRANSPORTATION TERMINAL OR STATION

A building or other location where a transfer of people from different modes of transportation takes place.

Q**QUASI-JUDICIAL PUBLIC HEARING**

A formal public hearing involving the legal rights of specific parties conducted by the Town Board of Commissioners or the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the

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hearing, and typically involve findings of fact made by the decision-making body.

QUORUM

The minimum number of board members that must be present in order to conduct official business or take official action.

R

REAR LOT LINE

The rear lot line is the line connecting the two side lot lines along the edge of the lot opposite from the frontage line.

RECONFIGURATION

A change in the form or design of an existing development or structure.

RECONSTRUCTION

The act of putting a structure back in working order, in approximately its original form.

RECREATIONAL, COMMERCIAL INDOOR

A commercial recreational land use conducted entirely within a building, including but not limited to an arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, pool or billiard hall, skating rink, sports center, swimming pool, tennis court.

RECREATIONAL, COMMERCIAL OUTDOOR

Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include but are not limited to driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.

REGISTER OF DEEDS

The duly designated Register of Deeds of Iredell County, North Carolina.

REGISTERED ENGINEER

A person who, by reason of special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, has acquired by engineering education and

subsequently licensed as a professional engineer by the Board established in Chapter 89C of the North Carolina General Statutes.

RELIGIOUS INSTITUTION

A building or group of buildings used by a bona fide religious group for public workshop or religious assembly, including accessory facilities, buildings and uses including but not limited to private schools, administrative offices, licensed adult or child daycare, playgrounds and cemeteries.

RENOVATION

The act of improving a structure or development by rebewing and restoring component parts.

RESEARCH AND DEVELOPMENT

A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use.

RESERVATION

The setting aside of parcels of land for a specific purpose. Reservations of land are encouraged for future development of streets, parks, and civic buildings.

RESTAURANT, INDOOR AND OUTDOOR SEATING

An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on the premises. Such a facility may include indoor and outdoor seating, but no drive-through service.

RESTAURANT, WITH DRIVE-THROUGH SERVICE

An establishment where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages to persons seated inside, outside, in automobiles, and/or in other than a completely enclosed building on the premises.

RETAIL USE, TYPE I

Commercial enterprises of 5,000 square feet in size or smaller that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Generally, such uses are intended to serve the general area or neighborhood in which they are located. Examples of Type I Retail Uses include financial institutions; laundry and dry-cleaning drop-off establishments; photographic and artist studios; mailing or packing services; retail bakeries; hair, tanning, and nail salons; personal

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care services; massage therapy and day spas; dance or music classes; stores selling books, clothing, and dry goods; taxidermists; income tax return preparers; repair of TV's, bicycles, clocks, watches, shoes, guns, canvas products, appliances and office equipment; tailoring and shoe repair; and locksmith.

RETAIL USE, TYPE II

Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Generally, such uses are located near neighborhood edges and along major streets, and intended to serve groups of neighborhoods. Examples of Type II Retail Uses include stores selling, leasing, or renting consumer, home and business goods, whether new or used, including alcohol for off-site consumption, art, art supplies, electronic equipment, fabric, furniture, flowers, groceries and food sales, household products, jewelry, recorded music, pets, pet food, pharmaceuticals, plants, printer material, stationary, and videos; photocopy and blueprint services; psychics and mediums; funeral homes and mortuaries. Any Type I Retail Use exceeding 5,000 square feet in size shall be classified as a Type II Retail Use.

RETAIL USE, TYPE III

Commercial enterprises that provide goods and/or services directly to the consumer located along major thoroughfares and in primarily nonresidential areas. These types of retail uses generally provide a range of goods and services that are regional in scale, and have the highest square footage and intensities of the retail Use Types, are auto-oriented, and often include some form of outdoor storage or display. Examples include shopping centers with more than three tenants; home improvement, hardware, and garden supply stores; automobile, boat, mobile home sales, service, and repair; building material sales; rental equipment yards; farm and machinery sales;

RETENTION

The permanent holding and maintenance of stormwater in a pond or other receptacle.

RENOVATION

The act of improving a structure or development by renewing and restoring comps.

REVERSE FRONTAGE

Orientation of a building on a lot bounded by more that one street that results in the rear of the building abutting or facing a street. A reverse frontage lot may also be a corner lot, through lot, or an interior lot.

RIGHT-OF-WAY

The land dedicated, deeded, used, or to be used for a street, road, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up rights to the land so long as it is being or will be used for the intended purpose. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contain not only the street pavement, but also the sidewalk, grass area, and underground or aboveground utilities.

RIPARIAN BUFFER

See "Buffer, Riparian".

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.

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, MONOPITCH

A roof with a single pitch (also referred to as a "shed" roof).

ROOF LINE

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 projection.

ROOMING HOUSE

Any building or portion thereof for providing lodging, but not meals, to not more than five guests where rent is paid to the owner or proprietor.

S**SANITARY SEWAGE SYSTEM**

A complete system of sewage collection, treatment and disposal including approval privies, septic tank systems, connection to public or community sewage systems, sewage reuse or recycle systems, mechanical or biological treatment systems, or other such systems.

SATELLITE ANTENNA DISH

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A round or parabolic antenna and its supporting structure for the purposes of sending and/or receiving radio or electromagnetic signals.

SCALE

A certain proportioned size, extent, or degree, usually judged in relation to some standard or point of reference.

SCHOOL (ELEMENTARY, MIDDLE, INTERMEDIATE, SENIOR HIGH)

A public or private school offering general, technical, or alternative instruction at the pre-school, elementary, middle, and/or secondary school levels which operates in buildings or on premises of any tract size leased or owned by the educational institution for administrative purposes, classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities which further the education mission of the institution.

SELF-SERVICE STORAGE (INDOOR)

A building internally divided into sections for use for storage of items, either temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.). Indoor facilities are classified by having the rentable storage units accessible from the inside of the building, are typically climate-controlled, and have the general appearance of an office or commercial building.



SELF-SERVICE STORAGE (OUTDOOR)

A building or series of buildings internally divided into sections for use for storage of items, wither temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.). Outdoor facilities are generally classified by having a substantial number of storage units directly accessible from the outside of the building.

**SETBACK**

The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the structure or its supporting member whichever is nearest to the property line or right-of-way.

SEVERE PRUNING

The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (i.e., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), or if more than one-third (1/3) of the overall circumference of a tree is exposed by pruning cuts.

SEWAGE

The waste water and its contents from kitchen, bathroom, toilet, lavatory and laundry of any residence, business establishment, industrial plant, institution, or any public building.

SHARED PARKING

See "Parking, Shared."

SHED ROOF

A roof with a single slope.

SHOEBOX-STYLE LIGHTING FIXTURE

An exterior lighting device in the shape of a box that is typically mounted on a pole and constructed to direct illumination to a constrained area directly beneath the lighting fixture.

SHOPFRONT BUILDING FORM

A structure or group of structures configured for the purposes of commercial and retail activity that include a storefront with display windows and a primary entryway on the front façade. Buildings using this building form are generally built to the edge of the sidewalk, and may include different upper story uses in accordance with the standards in Section 6.7.5, Shopfront Building.

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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, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

SIDE LOT LINE

The side lot line is the lot line connecting the front and rear lot lines regardless of whether it abuts a right-of-way or another lot line.

SIGHT DISTANCE TRIANGLE

The triangular area computed based on the visibility at an intersection, within which no sign may interfere with visibility (Assuming eye level at three-and-one-half (3½) feet to six feet from a distance of 15 feet from the edge of the pavement).

SIGHT TRIANGLE

The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the curb or a driveway).

SIGN

Any object, display or structure, or part thereof, situated outdoors, 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 the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

SIGN, ARM

A sign whose sign face is suspended from a support arm at a right angle to the ground.

SIGN, CAMPAIGN OR ELECTION

A sign that advertises a candidate for political office, or issue to be voted on, on a definite election day.

SIGN, CANOPY (OR AWNING SIGN)

A sign attached to or painted on a canopy or awning.

SIGN, DIRECTIONAL

A sign used to guide vehicular and/or pedestrian traffic by using such words as "entrance," "exit," "parking," "one-way," or similar directional instructions, but not including any advertising message except logos.

SIGN, DIRECTORY

A ground or building sign that lists tenants or occupants of a building or development project, with unit numbers, arrows, or other directional information.

SIGN, FLASHING OR ANIMATED

Any sign, which, by method or manner of illumination, flashes on or off, winks, 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, GROUND

A sign suspended or supported by one or more uprights or braces anchored in the ground with no more than (30) thirty inches clearance from the bottom of the sign to the ground.

SIGN, HANGING

A sign suspended from under a canopy covering a sidewalk or pedestrian arcade.

SIGN, IDENTIFICATION

A sign bearing the address of the premises or name of the occupant, but containing no logo or commercial message.

SIGN, INCIDENTAL

An informational sign that has a purpose secondary to the use of the site on which it is located, such as an "entrance" or "no parking" sign. Such signs do not contain a commercial message that is legible from off-site areas.

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SIGN, INTERSTATE

A sign located on land within 1,000 feet of the center line of the Interstate 77 right-of-way.

SIGN, MARQUEE

A sign attached to or mounted to the top of a marquee.

SIGN, MENU BOARD

An accessory sign providing menu items and prices associated with a drive-through window or walk-up service window.

SIGN, MONUMENT

A ground-mounted sign in which the area between the bottom edge of the sign and the ground is substantially filled with a solid architectural material. Solid architectural materials include wood, brick, stone, masonry, or hard-coat stucco but do not include aluminum or similar materials. Substantially filled shall be defined as at least two-thirds (2/3) of the area between the edges of the sign and the ground.

SIGN, PROJECTING

Any sign other than a wall sign that is attached to and projects from the wall or face of a structure more than 18 inches, including an arcade/marquee sign.

SIGN, PUBLIC INTEREST

A sign including noncommercial information of interest that may or may not be associated with a particular location.

SIGN, REAL ESTATE

A sign advertising real property for sale or lease

SIGN, REGULATORY

A sign indicating federal, state, or municipal regulations for automobiles, trucks, bicycles, pedestrian movement, loading, or parking.

SIGN, ROOF

A sign that is placed above or supported on the top of a building.

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 or advertising display designed to be displayed for a short period of time (thirty consecutive days, maximum; 6 months between occurrences). Included in this category are banners and retailers' signs temporarily displayed for the purpose of informing the public of a sale or "special" offer.

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, WAYFINDING

A specialized directional off-premise sign that is part of a town approved and coordinated program for the purpose of facilitating vehicular traffic to local points of interest, as designated and recognized by the Town's way-finding sign program.

SIGN FACE

The advertising display surface area of a sign that includes the copy or message. In the case of freestanding signs, consists of the entire surface area of the sign on which copy could be placed. Where a sign has two display faces back to back, the area of only one face shall be considered the sign face area. Where a sign has more than one display face, all areas that can be viewed simultaneously shall be considered the sign face area. In the case of a sign whose message is fabricated together with the background that borders or frames that message, sign face area shall be the total area of the entire background. In the case of a sign whose message is applied to a background that provides no border or frame, sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems, and other elements of the sign message.

SIGN FRIEZE AREA

A narrow band located on façade(s) of a building that face a street intended for display of signage. The sign frieze is typically clad in a material that differs from the rest of the façade, and utilizes muted tones and very little articulation.

SIGN HEIGHT

The vertical distance as 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.

SIGN LIGHTING, BACK LIT

Illumination of a sign face where the letters are raised beyond the sign's background and lighting sources that illuminate the background. The lighting sources are covered so that they are not visible and only the sign's background is illuminated.

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SIGN SUPPORT STRUCTURE

For freestanding signs, the poles or bracing to which the sign is attached or mounted.

SIGNIFICANT VEGETATION

Existing healthy self-supporting vegetation on a parcel or site which is composed of canopy trees with a diameter of 12 inches or greater and understory trees with a trunk caliper of four (4) inches or greater. Significant vegetation does not include vines, non-woody vegetation, damaged, diseased, or nuisance trees.

SILVICULTURE

The farming of trees in accordance with the State of North Carolina Forestry Commission requirements.

SITE PLAN

See "Plan, Site".

SITE-SPECIFIC SITE PLAN (VESTING PLAN)

A diagram to scale showing the development plans for a project and containing all information required of Site Plans and/or Subdivision Plats.

SITE LANDSCAPING

Required vegetative material consisting of trees and shrubs that are placed on a development site to soften built edges and provide transitions.

SKETCH PLAN

See "Plan, Sketch".

STACKING/STANDING AREA

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is not permitted within the stacking/standing area.

STATE

The state of North Carolina.

STATE ROADWAY SYSTEM

The system of surface roadways owned and operated by 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.

STREET CHICANE

A series of devices or curb extensions that alternate from one side of the street to another and are intended to narrow the street car way width as a traffic calming device.

STREET FACING GARAGE/CAR PORT

A garage or carport oriented so that the vehicular entrance or exit fronts or faces the primary street fronting the principle structure on the same lot.

STREET GRADE

See “Grade, Street”.

STREET JOG (STREET OFFSET)

An offset of two or more streets at their intersection where the centerlines of at least two of the street segments are not in alignment with one another on opposing sides of the intersection.

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.

STREETSCAPE

An area along a street that may be required by this Ordinance to provide special landscape plantings or other treatment.

STREET, ALLEY

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A minor way, typically 20 feet in width or less, intended to be used primarily for vehicular service access to the rear or side of properties otherwise abutting on a public street.

STREET, ARTERIAL

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. A street as classified in the Town of Mooresville Comprehensive Transportation Plan and as noted in the Town of Mooresville Street Classification List.

STREET, COLLECTOR

A street which carries traffic from local streets to the arterial system consists of principal entrance streets for residential, nonresidential and mixed-use developments and provides for major circulation within the developments.

STREET, CUL-DE-SAC

A street having one end open to traffic and the other terminated by 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 (7) individual lots and provide circulation for 1- or 2- family detached 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. (Amended 1/3/2017; TA-2016-10)

STREET, PERIMETER

A street bounding a portion of the perimeter lot line of a multi-building development.

STREET, PRIMARY

The street adjacent to the primary facade of a building or structure. Buildings typically obtain their street address from the lot's location on the Primary Street.

STREET, PRIMARY INTERNAL

As used in Section 6.7.3, Attached Residential Building, the primary or principal street providing ingress and egress to internal buildings within a multi-building development.

STREET, SECONDARY INTERNAL

As used in Section 6.7.3, Attached Residential Building, a secondary street or street providing internal access within a multi-building development, but not the primary or principal street providing ingress and egress to buildings in the development.

STREET, SERVICE

A lower order single-loaded street oriented parallel to a higher order street that serves lots abutting the higher order street.

STRIP OR RIBBON COMMERCIAL DEVELOPMENT

The location of high amounts of commercial, retail, and office development in a linear pattern along both sides of arterial or collector roadways which is generally dependent on direct access to the roadway via multiple curb cuts and access points.

STRUCTURAL REPLACEMENT COST

For the purposes of Chapter 11: Nonconformities, it means the cost of replacing the structure the day prior to its destruction, based on a market appraisal performed by a certified appraiser, at the landowner's expense.

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.

SUBDIVIDER

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein described.

SUBDIVISION

A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition:

1. The combination or recombination of portions of parcels platted and recorded prior to the effective date of this Ordinance, or portions of lots platted in compliance with this Ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to

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the standards of this Ordinance and the appropriate planning area classification.

2. The division of land into parcels greater than 10 acres where street right-of-way dedication or reservation is not involved.
3. The creation of strips of land for the widening or opening of streets, sidewalks, or greenways, or the location of public utility rights-of-way.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate planning area classification.
5. The division of land into plots or lots for use as a cemetery.
6. The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.
7. The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
8. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
9. The division of a tract or parcel of land resulting from condemnation or deed in lieu of condemnation by either a public or private condemner.

SUBDIVISION FINAL PLAT

A type of subdivision approval reviewed and approved or denied by the Planning Director in accordance with Section 2.3.10(5), Subdivision Final Plat.

SUBDIVISION PRELIMINARY PLAT

A type of subdivision approval reviewed and approved or denied by the Development Review Committee in accordance with Section 2.3.10(4), Subdivision Preliminary Plat.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage

occurred giving rise to the repair or reconstruction. Substantial improvement shall not include, however any repair or improvement required bringing the structure into compliance with existing state or Town health, sanitary, safety, or building Ordinance specifications necessary to ensure safe habitation of the structure.

SURFACE PARKING LOT

An area used for the off-street parking or storage of vehicles (including ingress and egress or other areas devoted to vehicular use) located at grade.

SWIMMING POOL

An above- or below-ground structure that is filled with water and used for swimming.

T**TANDEM PARKING**

See Parking, Tandem.

TELECOMMUNICATIONS FACILITY, COLLOCATION (ON EXISTING BUILDING OR TOWER)

A situation in which one or more different communication service providers place communication antenna(s) or other communications equipment on a common antenna-supporting structure (building, tower, or other stationary device).

TELECOMMUNICATIONS FACILITY, FREESTANDING

A structure erected on the ground and used primarily for the support of antennas for communication purposes and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.

TEXT AMENDMENT

An amendment to the language of this Ordinance approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.3.1, Official Text Amendment.

TOWN

Town of Mooresville, North Carolina.

TOWN ATTORNEY

The town Attorney of the town of Mooresville, or his or her designee.

TOWN BOARD

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See “Board of Commissioners”.

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.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT

A form of development that encourages mixed-use, compact development with integrated land uses centered on public spaces, and a strong emphasis on pedestrian orientation.

TRAFFIC CALMING DEVICE

A natural or constructed feature located within or adjacent to a street that is designed to reduce motorist speed or vehicle volumes, while at the same time increasing safety for pedestrians and non-motorized vehicles.

TRAFFIC IMPACT

An adverse traffic impact as represented by an increase in congestion, worsening of level of service, or reduction in safety and efficiency.

TRANSPORTATION CONFORMITY

The measure of the degree of compliance of a transportation system with air quality emission standards.

TRANSPORTATION IMPACT ANALYSIS

A transportation impact analysis (TIA) is a tool for evaluating the incremental impacts that new development may have on the surrounding transportation system. It enables local decision-makers to evaluate whether a development is appropriate for a site and/or identify mitigation measures that are necessary to maintain the integrity of the transportation system. Minimum thresholds for requiring a transportation impact analysis (TIA) and guidelines for the content and methodologies included in a TIA report are presented in the Town of Mooresville Transportation Impact Analysis Procedures Manual.

TRANSPORTATION IMPACT MITIGATION MEASURE

Any measure or improvement taken by or required of the developer while maintaining an acceptable level of service to lessen, abate, or reduce the traffic impact of the development on the public street and highway system.

TRANSPORTATION IMPROVEMENT PLAN

A planning document that identifies priority transportation routes and transit modes and allocates funding for them.

TREE CANOPY (1)

Area of the tree above ground including the trunk and branches measured in mass or volume.

TREE, CANOPY (2)

As used in Section 7.1.6 Retention of existing Tree Canopy, the canopy or tree cover composed of crowns of healthy, self-supporting significant vegetation that exists on a parcel or lot.

TREE, CANOPY (3)

Trees that are intended to provide shade due to their spread and height.

TREE, DECIDUOUS

A tree that drops its foliage annually before becoming dormant.

TREE, EVERGREEN

A tree with foliage that is not dropped, or that remains green throughout the year.

TREE, ORNAMENTAL

A flowering or showy tree that has an expected height at maturity of no greater than 30 feet. Similar to understory trees.

TREE, PRUNING

An operation performed on a tree for the removal of any branches, alive, diseased, or dead, in order to prevent or suppress diseases or to balance or shape the tree for any reason whatsoever.

TREE, SHADE

A tree with a trunk that measures at least 24 inches in circumference measured at the diameter at breast height (DBH). Required in parking lots and as street trees or canopy trees to provide shade.

TREE, SIGNIFICANT

The crowns of all healthy self-supporting canopy trees with a diameter of ten inches or greater and understory trees with a caliper size of four inches or greater that are candidates for retention in a Tree Protection Zone.

TREE, SPECIMEN

Any canopy tree with a DBH of 36 inches or more and any understory or ornamental tree with a DBH of ten inches or more.

TREE, UNDERSTORY

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A tree that has an expected height at maturity of no greater than 30 feet.

TREE PROTECTION ZONE

The portion of a development site located under a tree canopy area to be retained during the development process.

TREE REMOVAL PERMIT

A permit reviewed and approved, approved with conditions, or denied by the Development Services Staff in accordance with Section 2.3.12, Tree Removal Permit.

TREE TOPPING

Excessive and arbitrary removal of all parts of the tree above and beyond a certain height with no regard for the structure or growth of the tree. The vertical stem or main leader and the upper primary limbs on trees are cut back to stubs at a uniform height.

TREE, VIABLE

An existing, healthy, properly-formed, and pest and disease-free tree that has a high probability for continued life following completion of adjacent development activities, as determined by the Planning Department or a certified arborist.

TRIP DISTRIBUTION

The allocation of trips to different roads in a model.

TRUCK OR FREIGHT TERMINAL

A use where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

TWO-FAMILY LOT

See "Dwelling, Duplex"

U

UNDERSTORY TREE

A tree that has an expected height at maturity of no greater than 30 feet.

UNIFORM SIGN PLAN

A plan establishing requirements for size, location, and design of signage for uses located on a single lot or within a single development.

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.

UNIVERSITY

See "College or University".

UTILITY, MAJOR

Infrastructure services providing regional or community-wide service that are owned and operated privately or by a public entity. Major Utilities typically include water towers, waste treatment plants, potable water treatment plants, solid waste facilities, lift stations, and electrical substations.

UTILITY, MINOR

Infrastructure services that need to be located in or near the neighborhood or Use Type where the service is provided. Examples of Minor Utilities include storm water retention and detention facilities, telephone exchanges, and park-and-ride facilities.

V**VARIANCE**

A development application reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.3.4, Variance.

VARIANCE (WATERSHED)

A development application reviewed and approved, approved with conditions, or denied by the Watershed Review Board in accordance with Section 2.3.5, Watershed Variance.

VEHICULAR USE AREA

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

VEHICULAR USE AREA LANDSCAPING, INTERIOR

Vegetative material, structures (walls or fences), berms, and associated ground cover located within the interior of a parking lot, or other vehicular use area for the purposes of providing visual relief and heat abatement.

VEHICULAR USE AREA LANDSCAPING, PERIMETER

Vegetative material, structures (walls or fences), berms, and associated ground cover located around the perimeter of a parking lot, or other vehicular use area when such areas are adjacent to a street right-of-way or land in a residential

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district or residentially developed lands, used property for the purposes of screening the vehicular use area from off-site views.

VERTICAL CONSTRUCTION

Any and all building construction that occurs above the base floor elevation of a structure. This includes, but is not limited to framing, walls, piping, ductwork, roofing, etc. Footing foundation, and concrete slab work are not included in this definition.

VERTICAL MIXED-USE STRUCTURE

A pattern of development that integrates several types of uses (e.g. retail, office, residential) within a building, occurring on different floors. A typical example of a vertical mixed-use development is a building that includes active uses, such as stores and restaurants, at the street level and residential or office uses on the upper floors.

VESTED RIGHT

The right to undertake and complete a development or use of property under the terms and conditions of an approved Site-Specific Development Plan currently in effect or as otherwise allowed by law.

VESTED RIGHTS DETERMINATION

An application for granting of a vested right reviewed and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.3.15, Vested Rights Determination.

VETERINARY CLINIC/BOARDING

A facility for the care and treatment of animals, including household pets and larger domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components.

VILLAGE GREEN

A centrally-located common open area serving a neighborhood or group of neighborhoods. Such areas are typically level, flat, and grass-covered, and may include additional recreational facilities, seating, exterior lighting, public art, fountains, or other civic features.

W

WALL PACKS

An exterior lighting device that is flush-mounted on a vertical wall surface.

WAREHOUSE

A use engaged in 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.

WATER-BORNE STRUCTURE

Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

WASTE-RELATED SERVICES

Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Accessory uses may include recycling of materials, offices, outdoor storage, and repackaging and trans-shipment of by-products.

WATER-RELATED FACILITY

Any structure for which the use requires access to or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, marine railways, piers, floats and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water-related facilities.

WATERSHED REVIEW BOARD

The Watershed Review Board for Mooresville, North Carolina.

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.

WING WALL

A half-wall or other building wall with a height of less than one story that is utilized to screen service areas, mechanical equipment, or other building features required to be obscured from view.

WHOLESALE SALES

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials or office or retail sales of business supplies/office equipment.

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WORKPLACE BUILDING FORM

A structure or group of structures configured for the purposes of employment-related activity. Buildings using this building form are generally two stories in height, include different upper story uses, and may include a portion of the required off-street parking between the building and the street it faces in accordance with the standards in Section 6.7.6, Workplace Building.

WORKFORCE DWELLING UNIT

A dwelling unit that is restricted for occupancy by a household within the target income prescribed by Section 5.6 and Table 5.6.1 of this Ordinance

X

XERISCAPE

A set of landscape maintenance principles that emphasize use of native, drought tolerant plants, and practices making efficient use of water.

Y

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 Ordinance. 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.

YARD, FRONT

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.

YARD, REAR

A space extending across the full width of the lot between the rear façade of the principal structure and the rear lot line and measured perpendicular to the structure to the closest point of the rear lot line. Rear yards extend from the back of a structure to the lot line. Generally, accessory structures are permitted within this yard.

YARD, REQUIRED

The open space between a lot line and the yard line and the façade of a building within which no structure may be located except as permitted in this Ordinance.

YARD, SIDE

A space extending from the front yard to the rear yard between the principal structure façade and the side lot line and measured perpendicular from the side lot line to the closest point of the principal structure facade. Side yards extend from the sides of a structure to a street right-of-way or lot line.

Z**ZERO LOT LINE LOT**

A lot that includes a principal structure that is located directly atop one or more lot lines. Such lots are typically associated with townhomes and within the Town Center and Village Center Districts.

ZONING ADMINISTRATOR

The employee(s) or agent(s) designated by the Town Manager to oversee the administration and enforcement of these regulations.

ZONING DISTRICT

A geographic area of land designated on the Official Zoning District Map and subject to uniform land use regulations related to uses, density, or other similar attributes.

ZONING MAP

The Official Zoning District Map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.

ZONING ORDINANCE

This Ordinance, the officially adopted Zoning Ordinance of the Town of Mooresville, North Carolina.

ZONING PERMIT

A permit reviewed and approved, approved with conditions, or denied by the Planning Director in accordance with Section 2.3.11, Zoning Permit.

(amended 7/7/2008, TA-2008-13; 4/6/2009, TA-2009-05 & TA-2009-10; 9/8/2009, TA-2009-18; 2/1/2010, TA-2010-04; 5/3/2010, TA-2010-08; 9/7/2010, TA-2010-02; 12/6/2010, TA-2010-17 & TA-2010-18; 1/3/2011, TA-2010-10 & TA-2010-13; 4/4/2011, TA-2011-01; 9/6/11, TA-2011-06; 3/5/2012, TA-2012-01, TA-2012-05, 5/7/2018, TA 2018-04; 12/3/2018 TA-2018-08)

CHAPTER 13: DEFINITIONS AND RULES OF INTERPRETATION

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CHAPTER 14: SOLAR ENERGY SYSTEMS

14.1 PURPOSE

The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems (SESs) in the Town of Mooresville in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of this ordinance to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation, support the diversification of the state's energy portfolio, strengthen energy and grid security, reduce greenhouse gas emissions, reduce local air and water pollution, and aid North Carolina in meeting its Renewable Portfolio Standard. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law. Within residential subdivisions, Home Owner Associations (HOAs) that were established prior to this Ordinance, may have rights to approve or deny the use of accessory SESs on the front roof of homes or other areas if visible from the rights-of-way.

14.2 DEFINITIONS

Solar Energy System (SES) - the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing for principal uses. Area restrictions for ancillary uses are measured by the area covered by the solar panels, not the total area of the parcel. The term SES applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. A system fits into one of three system types: Level 1 SES, Level 2 SES, and Level 3 SES.

(1) Level 1 Solar Energy System - Level 1 SESs include the following:

- (A)** Roof-mounted on any code-compliant structure.
- (B)** Ground-mounted on an area of up to 50% of the footprint of the primary structure on the parcel but no more than 1/2 acre.
- (C)** Covering permanent parking lot and other hardscape areas that is $\leq 1/2$ an acre.
- (D)** Building integrated solar (i.e., shingle, hanging solar, canopy, etc.).

(2) Level 2 Solar Energy System - Level 2 SESs are ground-mounted systems not included in Level 1 that meet the area restriction listed below:

- (A)** Any Residential zoning district (R2, R3, R5, RMX, RMX-MH (RMX-Manufactured Home), TND-CU : SES ≤1 acre
- (B)** Any commercial/business/mixed use/office/ industrial district: SES ≤ 1 acre
- (C)** R2 & R3: SES ≤10 acres
- (D)** VC, CMX, HB, Planned Campus-CU: SES ≤10 acres
- (3) Level 3 Solar Energy System** – Level 3 SESs are systems that do not satisfy the parameters for a Level 1 or Level 2 Solar Energy System. This includes ground-mounted SESs >10 acres in R2 & R3 as a principal use or ancillary use. It also includes ground-mounted SESs > 10 acres as an ancillary use in CMX, HB, VC, and Planned Campus.

14.3 APPLICABILITY

- (1)** This ordinance applies to the construction of any new SES within the jurisdiction of the Town of Mooresville.
- (2)** An SES established prior to the effective date of this ordinance shall remain exempt:
- (A)** Exception: Modifications to an existing SES that increases the SES area by more than 5% of the original footprint or changes the solar panel type (e.g. photovoltaic to solar thermal) shall be subjected to this ordinance.
- (3)** Maintenance and repair are not subject to this ordinance.
- (4)** This ordinance does not supersede regulations from local, state, or federal agencies. Some important examples of such regulations include, but are not limited to:

(A) Building/Electrical Permits Required

Nothing in this ordinance modifies already established building standards required to construct a SES. SESs must meet the requirements of the current Edition of the International Fire Code.

(B) Onsite Wastewater System Avoidance

Nothing in this ordinance modifies already established Department of Health and Human Services requirements. A SES shall not be constructed over onsite waste water systems (e.g. septic systems) unless approved by the Department of Health and Human Services.

(C) Stormwater Permit Required

Nothing in this ordinance modifies the requirements or exempts any SES of complying with the various stormwater jurisdictions and regulations established by the Department of Environment and Natural Resources. North Carolina statute requires the acquisition of stormwater permits for construction projects that impact stormwater runoff.

(D) Historic Districts and Neighborhood Overlays

Nothing in this ordinance modifies already established State Historic Preservation Office requirements and the architectural requirements of Neighborhood Overlays. May require additional permitting (certificates of appropriateness per the Historic Preservation Commission) to install solar in Historic Districts. See Chapter 4: Overlay Zoning Districts.

14.4 PERMITS REQUIRED

A zoning permit is required for all levels of Solar Energy Systems. The type of permit required for an SES is displayed in Table 14.1: Permit Requirements per Districts. See also Section 14.10 for SESs as Accessory or Ancillary uses or structures. All levels of SESs must meet the requirements of the current Edition of the International Fire Code.

Table 14.1 PERMITS REQUIRED PER DISTRICT

Types of Permits Required: P=Permitted Use; D=Development Standards; Conditional Use Permit								
Zoning District	R-2, R-3	R5, RMX, RMX-MH,	NMX & TC	VC	CMX & HB	Industrial Hybrid &	Exclusive Industrial	Planned Campus-
Solar Energy Systems								
Roof-mounted, parking lot cover, or building integrated (Level 1)	P	P	P	P	P	P	P	P
Ground-mounted:								
Up to 50% of the footprint of the primary structure (Level 1) \leq ½ ac.	P	P	P	P	P	P	P	P
\leq 1 acre (Level 2)	D	D	D	D	D	D	D	D
\leq 10 acres (Level 2 or 3)	D	CUP	CUP	D	D	D	D	D
$>$ 10 acres (Level 3)	D			CUP	CUP			CUP

14.5 PARCEL LINE SETBACKS

The following table provides the Parcel Line setback to ground mounted SES equipment, excluding any security fencing, poles, and wires necessary to connect to facilities of the electric utility.

Table 14.2: Parcel Line Setbacks

Zoning District	Level 1	Level 2	Level 3		
			Front	Side	Rear
Residential - R2 & R3	Per Zoning District	Per Zoning District	30’*	15’*	25’*
Residential – R5, RMX, RMX-MH, TND-CU			NA	NA	NA
NMX & TC			NA	NA	NA
Village Center - VC			30’*	15’*	25’*
CMX & HB			30’*	15’*	25’*
Industrial-Hybrid & General			NA	NA	NA
Exclusive Industrial			NA	NA	NA
Planned Campus			30’*	15’*	25’*
*100’ setback for SES equipment, excluding any security fencing, to any residential dwelling unit. If the SES is on a working farm where the primary residential structure of the farm is on an adjacent lot then this 100’ setback will not apply to this primary residential structure					
**Ground-mounted SES must comply with district front yard limitations and setbacks, or otherwise not impair sight distance for safe access to or from the property or other properties in the vicinity					
***Level 1 SESs are not subject to screening requirements typically applied to accessory utility systems (HVAC, dumpsters, etc.).					

14.6 HEIGHT LIMITATIONS

The height of systems will be measured from the highest natural grade below each solar panel.

Table 14.3: Height Limitations*

Zoning Districts	Level 1	Level 2	Level 3
All Zoning Districts	Roof-mounted: Per zoning district** Ground-mounted: 20'	20'	20'
*This excludes utility poles and any antennas constructed for the project.			
**Roof-mounted may extend above the roof line a maximum of 12".			

14.7 AVIATION NOTIFICATION (SEE APPENDIX F FOR ADDITIONAL INFORMATION)

The requirements below apply only to Level 1, 2, & 3 systems over half (½) an acre in size:

- (1) A map analysis showing a radius of five (5) nautical miles from the center of the SES with any airport operations within this area highlighted shall be submitted with permit application.
- (2) For consideration of potential impacts to low altitude military flight paths, notification of intent to construct the SES shall be sent to the NC Commanders Council at least 30 days before the CUP/SUP hearing for Level 3 SESs and at least 30 days before starting construction for applicable Level 1 & Level 2 SESs. Notification shall include location of SES (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application.
- (3) The latest version of the Solar Glare Hazard Analysis Tool (SGHAT) shall be used per its user's manual to evaluate the solar glare aviation hazard. The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least 30 days before the CUP/SUP hearing for Level 3 SESs and at least 30 days before starting construction for Level 1 & Level 2 SESs. Proof of delivery of notification and date of delivery shall be submitted with permit application.

CHAPTER 14: SOLAR ENERGY SYSTEMS

14.8 LEVEL 1 SOLAR ENERGY SYSTEM REQUIREMENTS

- (A)** Airport operations at airport in the National Plan of Integrated Airport Systems (NPIAS) within 5 nautical miles of the center of SES: provide required information to the Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina
- (B)** Airport operations at airport not in the NPIAS, including military airports, within 5 nautical miles of the center of SES: provide required information to the NC Commanders Council for military airports and to the management of the airport for non-military airports

Any applicable SES design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contact specified in 7.c.i and 7.c.ii above for accurate records of the as-built system.

14.8 LEVEL 1 SOLAR ENERGY SYSTEM REQUIREMENTS

Level 1 SESs are a permitted use provided they meet the applicable height, setback, aviation notification, and related district standards. All SESs require a zoning permit. Roof-mounted on any commercial, institutional, or public building will require an upfit permit with associated documentation (Appendix B per the current NC Building Code).

14.9 LEVELS 2 & 3 SOLAR ENERGY SYSTEM REQUIREMENTS

These requirements are in addition to height, setback, aviation notification, and applicable district standards.

(1) Site Plan

A site plan shall be submitted to the Development Services Staff demonstrating compliance with:

- (A)** Setback and height limitations established in Tables 2 and 3,
- (B)** Applicable zoning district requirements such as lot coverage,
- (C)** Applicable solar requirements per this ordinance.

(2) Visibility

- (A)** SESs (Level II and III) shall be constructed with screening (as required by the applicable zoning district or development standards, Chapter 7.2.9.).
- (B)** Screening of roof-mounted SESs may be required at the discretion of the staff on a case by case basis.
- (C)** Screening of parking shade structure SESs may be required at the discretion of the staff on a case by case basis.

- (D)** Signage for security, safety, and emergency contacts shall be provided on the security fencing. Security fencing shall not be used for advertising.
- (E)** If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.

(3) Decommissioning

(see Appendix G for a sample decommissioning plan and Appendix H for example abandonment clause and information on decommissioning)

- (A)** A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with permit application.
 - (i) Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.)
 - (ii) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations
 - (iii) Restoration of property to condition prior to development of the SES.
 - (iv) The timeframe for completion of decommissioning activities.
 - (v) Description of any agreement (e.g. lease) with landowner regarding decommissioning.
 - (vi) The party currently responsible for decommissioning.
 - (vii) Plans for updating this decommissioning plan.
- (B)** Before final electrical and zoning inspections, the decommissioning plan must be recorded with the Register of Deeds office of Iredell County and a sealed copy returned to the Development Services Staff.

(4) Abandonment

A SES that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SES provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Development Services staff of the intent to maintain and reinstate the operation of that facility. It is the responsibility SES owner(s) or land owner to remove all equipment and facilities and restore the parcel to its condition prior to development of the SES

- (A)** Upon determination of abandonment, the Development Services staff shall notify the party (or parties) responsible that they must remove the SES and restore the site to its condition prior to development of the SES within three hundred and sixty (360) days of notice by the Zoning Administrator.
- (B)** If the responsible party (or parties) fails to comply, the Development Services staff may take steps to remove the SES, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SES and restore the site to a non-hazardous condition.

(5) Construction Waste Management Plan

A developer of an SES2, SES3, and any roof-mounted SES over 1/2 an acre in size is required to file a Construction Waste Management Plan (CWMP) with the Development Service Department prior to construction. See Solar Appendices for example. SES1 Development is encouraged to have a Construction Waste Management Plan to increase recycling and thus reduce the amount of debris sent to landfills.

14.10 SOLAR ENERGY SYSTEMS AS ACCESSORY STRUCTURES

- (1)** Roof-mounted SESs (Level 1) of any size are permitted in all zoning districts as an accessory structure to code compliant buildings. A zoning permit is required. Aviation notification may be required.
- (2)** Ground-mounted SESs are permitted as accessory structures for parking lot cover (Level 1) in all zoning districts.
- (A)** Parking accessory structures for residential use must meet setbacks and be in the side or rear yard.
- (B)** HOAs may further restrict location of residential parking accessory structures, if applicable.
- (C)** Parking accessory structures for commercial/business/industrial/institutional uses may be placed wherever the parking is permitted per district and building form except that the structures must meet the district setbacks. This does not include any area or zoning district under the governance of the Historic Preservation Commission.
- (3)** Ground -mounted SESs (Level 1 -other than for parking) are permitted as accessory structures in all zoning districts up to 50% of the footprint of the primary structure.

CHAPTER 14: SOLAR ENERGY SYSTEMS

14.10 SOLAR ENERGY SYSTEMS AS ACCESSORY STRUCTURES

- (4) Ground-mounted SESs that are $\leq 1/2$ acre (Level 1) and ancillary to the principle structure are permitted in all zoning districts, requiring all of the Development Standards per Section 14.8 as applicable.
- (5) Ground-mounted SESs ≤ 10 acres (Level 2) that are ancillary to the principal structure are permitted per Table 14.10.1 with Development Standards.
- (6) Ground-mounted SESs >10 acres (Level 3) that are ancillary to the principal structure are permitted per Table 14.10.1 with Development Standards or a Conditional Use Permit (See Table 14.10.1).

Table 14.10.1: Permit Requirements per District For Accessory / Ancillary SES use:

Types of Permits Required: P= Permitted Use; D= Development Standards; C= Conditional Use								
Zoning District	R2, R3	R5, RMX, RMX-MH, TND-CU	NMX & TC	VC	CMX & HB	Industrial Hybrid & General	Exclusive Industrial	Planned Campus-CU
Solar Energy Systems-Ancillary								
Roof-mounted, parking lot cover (side or rear), or building integrated (Level 1)	P	P	P	P	P	P	P	P
Ground-mounted:								
Up to 50% of the footprint of the primary structure (Level 1) $\leq 1/2$ acre	P	P	P	P	P	P	P	P
Parking lot cover (front)				D*	D*	D*	D*	D*
(Level 2) ≤ 1 acre	D	D	D	D	D	D	D	D
≤ 10 acres (Level 2)	D			D	D	D	D	D
>10 acres (Level 3, as ancillary)	D			C	C			C
*At The discretion of the staff								

Chapter 15: Appendix

CHAPTER 15: Appendix 15-2

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CHAPTER 15: APPENDIX

15.1 FINAL PLAT FOR MINOR SUBDIVISIONS AND RECOMBINATION PLATS

15.1.1. Certificate of Ownership and Dedication

(1) For Minor Subdivisions

CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the owner of the property shown and described here on, which is located in the subdivision jurisdiction of the Town of Mooresville and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

Owner

Date

State

County

I, _____, a Notary Public for said County and State, do hereby certify that
(Printed name of Notary)

_____, the property owner(s) personally appeared before me
(Printed or typed name(s) of owner(s))

this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal,

this _____ Day of _____, in the year _____.

Notary Signature

Notary Printed name

NOTARY SEAL OR STAMP

My Commission Expires

(2) For Recombination Plats

CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the owner of the property shown and described here on, which is located in the Jurisdiction of the Town of Mooresville and ha I hereby adopt this recombination plat with my free consent and establish minimum building setback lines as noted.

Owner

Date

State

County

I, _____, a Notary Public for said County and State, do herby certify that
(Printed name of Notary)

_____, the property owner(s) personally appeared before me
(Printed or typed name(s) of owner(s))
this day and acknowledged the due execution of the foregoing instrument. Witness my hand and
official seal,

this _____ Day of _____, in the year_____.

Notary Signature

Notary Printed name

My Commission Expires

NOTARY SEAL OR STAMP

CHAPTER 15: Appendix

15.1 FINAL PLAT FOR MINOR SUBDIVISIONS AND RECOMBINATION PLATS

15.1.2. Certificate of Survey and Accuracy in Accordance With the Standards and Practice for Land Surveying in North Carolina

State of North Carolina

Iredell County

I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1: _____, (that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____); that this map was prepared in accordance with G.S. 47-30, as amended.

Witness my hand and seal this _____ day of _____, A.D. 20____.

Registered Land Surveyor

Official Seal

Registration Number

15.1.3. Certification of Review Officer for Minor Plats and Recombination Plats

State of North Carolina

County of Iredell

I, _____, Review Officer of Iredell County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording

Review Officer

Date

CHAPTER 15: Appendix

15.1 FINAL PLAT FOR MINOR SUBDIVISIONS AND RECOMBINATION PLATS

15.1.4. Certificate of Approval for Recording for Minor Subdivisions

(1) This Certificate is not required on Recombination Plats.

I hereby certify that the subdivision plat shown here has been found to comply with the Subdivision Regulations of the Town of Mooresville, North Carolina and that this plat has been approved for recording in the Office of the Register of Deeds of Iredell County.

Subdivision Administrator
Town of Mooresville, North Carolina

Date

If the final plat is approved, the subdivider shall record the reproducible copy with the Iredell County Deeds Office within ninety (90) days of approval; otherwise such approval shall be null and void.

15.2 FINAL PLAT FOR MAJOR SUBDIVISIONS

15.2.1. Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described here on, which is located in the subdivision jurisdiction of the Town of Mooresville and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, walks, parks, and all public sanitary sewer, storm sewer conveying public run-off, and public water lines to the Town of Mooresville.

Date

Signature of Owner(s)

State

County

I, _____, a Notary Public for said County and State, do hereby certify
Printed or typed name(s) of owner(s)
that, the property owner(s) personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal

this_____, Day of _____, in the year_____.

Notary Signature

Notary Printed Name

NOTARY SEAL OR STAMP

My Commission Expires

CHAPTER 15: Appendix

15.2 FINAL PLAT FOR MAJOR SUBDIVISIONS

15.2.2. Certificate of Survey and Accuracy

State of North Carolina,
County of Iredell

I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book_____, Page_____, etc.) (other); that the ratio of precision as calculated by latitudes and departure is 1: _____, (that the boundaries not surveyed are shown as broken lines plotted from information found in Book_____, Page_____); that this map was prepared in accordance with G.S. 47-30, as amended. Witness my hand and seal this _____ day of _____, A.D. 20_____.

Official Seal

Registered Land Surveyor

Registration Number

15.2.3. Certificate of Review Officer

State of North Carolina
County of Iredell

I, _____, Review Officer of Iredell County, certify that the map or plat to which this Certification is affixed meets all statutory requirements for recording

Review Officer

Date

CHAPTER 15: Appendix

15.2 FINAL PLAT FOR MAJOR SUBDIVISIONS

15.2.4. Certificate of Approval for Recording

I hereby certify that the subdivision plat shown here on has been found to comply with the Subdivision Regulations of the Town of Mooresville, North Carolina and that this plat has been approved for recording in the Office of the Register of Deeds of Iredell County.

Subdivision Administrator
Town of Mooresville, North Carolina

Date

15.2.5. Annexation Notes

The Following notes shall be included on all annexation mylars and bond prints submitted to the Town of Mooresville.

NOTE 1

The provisions of G.S. 47-30 shall not apply to the boundary plat of areas annexed by municipalities nor to plats of municipal boundaries, whether or not required by law to be recorded in the state of North Carolina. Made this _____ day of _____, _____
Day Month Year

Professional Land Surveyor

NOTE 2

The Town Board of Commissioner of the Town of Mooresville, North Carolina meeting in regular session on the _____ day of _____, _____ approved the extension of the corporate limits of the Town of Mooresville, North Carolina as shown on this plat and as recorded in the Minute Book _____, Page _____.

_____ and/or _____
Town Clerk Mayor

CHAPTER 15: Appendix

15.2 FINAL PLAT FOR MAJOR SUBDIVISIONS

15.2.6. Provisions for Subdivisions Located in a Water Supply Watershed

All subdivisions of land or recombination plats shall have a statement signed by the Subdivision Administrator indicating whether or not a subdivision or recombination plat lies within a designation Water Supply Watershed. Said statement shall take one of the following forms, as appropriate for a Subdivision or Recombination Plat:

The (name of subdivision) Subdivision (or Recombination Plat) Property, to the best of my knowledge, does not lie within a Water Supply Watershed designated by the North Carolina Division of Environmental Management.

Date

Watershed Administrator

Lots (fill in appropriate lot numbers) of the (name of subdivision) Subdivision (or Recombination Plat). Property to the best of my knowledge, lie within the (classification of watershed) of the (name of body of water), as designed by the North Carolina Division of Environmental Management. Lots (fill in appropriate Lot number) of the (name of subdivision) (or Recombination Plat) Property does not lie within a water supply watershed.

Date

Watershed Administrator

All lots within the (name of subdivision) (or Recombination Plat) Property to the best of my knowledge, lie within the (classification of watershed) of the (name of body of water), as designed by the North Carolina Division of Environmental Management.

15.3 FLOOD DAMAGE PREVENTION ORDINANCE

NON-COASTAL REGULAR PHASE

15.3.1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

(1) STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Board of Commissioners of the Town Of Mooresville, North Carolina, does ordain as follows:

(2) FINDINGS OF FACT

- (A)** The flood prone areas within the jurisdiction of the Town Of Mooresville are subject to periodic inundation which results 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.

(3) STATEMENT OF PURPOSE

It is the purpose of this ordinance 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.

(4) OBJECTIVES

The objectives of this ordinance 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)** Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (G)** Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

15.3.2. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

ACCESSORY STRUCTURE

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

an extension or increase in the floor area or height of a building or structure.

APPEAL

a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

AREA OF SPECIAL FLOOD HAZARD

see "Special Flood Hazard Area (SFHA)".

AUTOMOTIVE COUNTRY CLUB

Automotive County Clubs are gated, climate-controlled, secure spaces, for sale or lease, for storing, maintain, and enjoying being around vehicles and boats, as well as space for lounging, entertaining, and general private usage. These places include storage spaces, room for personal mechanical work to take place, bathrooms, kitchenettes (if desired by the owner or lessee), lounge and relaxing areas, and some small gathering spaces.

BASE FLOOD

the flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE)

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

any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING

see "Structure".

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.

DEVELOPMENT

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.

DISPOSAL

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

the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

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) was completed before the initial effective date of the floodplain management regulations adopted by the community.

FLOOD OR FLOODING

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 of runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

an official map of a community, issued by the Federal Emergency Management Agency, 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 INSURANCE

the insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM)

an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard

Areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS)

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 Federal Emergency Management Agency. 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

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

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

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

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

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

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.

FLOODWAY

the channel of a river or other watercourse 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.

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 Base Flood Elevation (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 openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

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.

HAZARDOUS WASTE MANAGEMENT FACILITY

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)

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:

- (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.

LOWEST ADJACENT GRADE (LAG)

the 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 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

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

a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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.

MEAN SEA LEVEL

for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

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.

NON-ENCROACHMENT AREA

the channel of a river or other watercourse 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

construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.

PRE-FIRM

construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.

PRINCIPALLY ABOVE GROUND

that at least 51% of the actual cash value of the structure is above ground.

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.

RECREATIONAL VEHICLE (RV)

a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REFERENCE LEVEL

is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.

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 two (2) feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

REMEDY A VIOLATION

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

relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

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.

SOLID WASTE DISPOSAL FACILITY

any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

SOLID WASTE DISPOSAL SITE

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)

the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

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

a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

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:

- (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.

VARIANCE

is a grant of relief from the requirements of this ordinance.

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 in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION (WSE)

means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or 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.

15.3.3. GENERAL PROVISIONS

(1) LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of the Town of Mooresville and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

(2) BASIS FOR ESTABLISHING THE 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 Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Iredell

dated March 18, 2008, which are adopted by reference and declared to be a part of this ordinance.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:

Town Of Mooresville, dated May 1, 1980

Iredell County Unincorporated Area, dated May 15, 1980

(3) ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.

(4) 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.

(5) ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(6) INTERPRETATION.

In the interpretation and application of this ordinance, 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.

(7) WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of the Town Of Mooresville or by any

officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town Of Mooresville (community) from taking such other lawful action as is necessary to prevent or remedy any violation.

15.3.4. ADMINISTRATION.

(1) DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Planning Director, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

(2) FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(A) Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (i) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (a)** 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;
 - (b)** the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;

- (c)** flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
 - (d)** the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - (e)** the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D;
 - (f)** the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (g)** the certification of the plot plan by a registered land surveyor or professional engineer.
 - (ii)** Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - (a)** Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - (b)** Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - (c)** Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
 - (iii)** If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
 - (iv)** A Foundation Plan, drawn to scale,, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - (a)** 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
 - (b)** Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
 - (v)** Usage details of any enclosed areas below the lowest floor.

- (vi) 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.;
- (vii) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (viii) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.
- (ix) 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.

(B) Permit Requirements

The Floodplain Development Permit shall include, but not be limited to:

- (i) A description of the development to be permitted under the floodplain development permit.
- (ii) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.
- (iii) The regulatory flood protection elevation required for the reference level and all attendant utilities.
- (iv) The regulatory flood protection elevation required for the protection of all public utilities.
- (v) All certification submittal requirements with timelines.
- (vi) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- (vii) The flood openings requirements, if in Zones A, AO, AE or A1-30.
- (viii) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

(C) Certification Requirements

- (i) Elevation Certificates

- (a)** An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator 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 (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator 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 as-built Elevation Certificate (FEMA Form 81-31) 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 Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator 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.

(ii) Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), 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 Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator 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.

(iii) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).

(iv) 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.

(v) Certification Exemptions

The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

(a) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);

(b) Temporary Structures meeting requirements of Article 5, Section B(7); and

- (c)** Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).

(3) DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (A)** Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (B)** Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
- (C)** Notify adjacent communities and the North Carolina Department of Crime Control and 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).
- (D)** Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (E)** Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (F)** Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).
- (G)** Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).
- (H)** Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article 4, Section B(3).
- (I)** When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2).

- (J)** Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (K)** When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section D(2)(b), in order to administer the provisions of this ordinance.
- (L)** When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (M)** Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (N)** Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

- (O)** Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (P)** Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (Q)** Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (R)** Follow through with corrective procedures of Article 4, Section D.
- (S)** Review, provide input, and make recommendations for variance requests.
- (T)** Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (U)** Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).
- (4)** CORRECTIVE PROCEDURES.

- (A)** Violations to be corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (B)** Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
- (i) that the building or property is in violation of the floodplain management regulations;
 - (ii) that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (iii) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

(C) Order to Take Corrective Action

If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

(D) Appeal

Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(E) Failure to Comply with Order

If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

(5) VARIANCE PROCEDURES

- (A)** The Board of Adjustment as established by the Town Of Mooresville , hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- (B)** Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (C)** Variances may be issued for:
- (i) 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;
 - (ii) functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (iii) any other type of development, provided it meets the requirements of this Section.
- (D)** In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;

- (v) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (vi) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) 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
 - (xi) 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.
- (E)** A written report addressing each of the above factors shall be submitted with the application for a variance.
- (F)** Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (G)** Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will 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.
- (H)** The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (I)** Conditions for Variances
- (i) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

- (ii) 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.
- (iii) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (iv) Variances shall only be issued prior to development permit approval.
- (J)** 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.
- (K)** 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.
 - (i) The use serves a critical need in the community.
 - (ii) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (iii) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - (iv) The use complies with all other applicable Federal, State and local laws.
 - (v) The Town Of Mooresville has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

15.3.5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

(1) GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions 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.
- (C)** All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (D)** Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the regulatory flood protection elevation. These 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.
- (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)** Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (I)** Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance 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 ordinance.

- (J)** 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 Article 4, Section E(10). 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 provisions of Article 4, Section B(3).
- (K)** All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (L)** 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.
- (M)** All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (N)** 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.
- (O)** 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.
- (P)** When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

(2) SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

(A) 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, as defined in Article 2 of this ordinance.

(B) 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, as defined in Article 2 of this ordinance. Structures located in A, AE, AO, and A1-30 Zones 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 Article 5, Section G(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational plan and inspection and maintenance plans.

(C) Manufactured Homes

- (i) 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, as defined in Article 2 of this ordinance.
- (ii) 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 NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (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 thirty-six (36) inches in height, an engineering certification is required.
- (iii) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).

- (iv) 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.

(D) Elevated Buildings

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 be constructed entirely of flood resistant materials; and
- (iii) shall include, in Zones A, AO, AE, and A1-30, 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:
 - (a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (b) 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;
 - (c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (d) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - (e) 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

- (f) 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 as outlined above.

(E) Additions/Improvements.

- (i) 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:
 - (a) 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.
 - (b) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (ii) Additions to post-FIRM structures with no modifications 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.
- (iii) 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:
 - (a) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (b) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(F) Recreational Vehicles

Recreational vehicles shall either:

- (i) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- (ii) meet all the requirements for new construction.

(G) Temporary Non-Residential Structures

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator 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 Floodplain Administrator for review and written approval:

- (i) a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) 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.

(H) (H) 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 the provisions of Article 5, Section A(1);
- (vi) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and

- (vii) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of Article 5, Section B(4)(c).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

(3) RESERVED

(4) STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, shall apply:

- (A)** No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (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 Base Flood Elevation (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 ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.
 - (ii) When floodway or non-encroachment area 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 of Article 5, Sections B and F.

- (iii) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Article 3, Section B and utilized in implementing this ordinance.
- (iv) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

(5) 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 of Article 5, Sections A and B; 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 (1) foot at any point within the community.

(6) FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. 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 Article 5, Sections A and B, 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, 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 upon completion of the proposed encroachment.
- (B)** If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (C)** No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (i) the anchoring and the elevation standards of Article 5, Section B(3); and
 - (ii) the no encroachment standard of Article 5, Section F(1).

(7) STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, 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 Article 5, Sections A and B, 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 two(2) feet, above the highest adjacent grade; or at least four (4) 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 as required in Article 5, Section G(1) 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 Article 4, Section B(3) and Article 5, Section B(2).
- (C)** Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

15.3.6. LEGAL STATUS PROVISIONS.

(1) EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE

This ordinance 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 of the Town Of Mooresville enacted on December 15, 1977, as amended, which are not reenacted herein are repealed.

The date of the initial flood damage prevention ordinance for each municipal jurisdiction within Iredell County, within the Town of Mooresville is as follows: December 15, 1977. The date of the initial flood damage prevention ordinance for the unincorporated areas of Iredell County is April 7, 1987.

(2) EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

(3) EFFECTIVE DATE.

This ordinance shall become effective January 7, 2008.

(4) ADOPTION CERTIFICATION

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Board of Commissioners of the Town Of Mooresville , North Carolina, on the 7 day of January, 2008.

WITNESS my hand and the official seal of the Town Of Mooresville, this the 7 day of January, 2008.

(signature)

CHAPTER 16: HEADING 1

16.1 HEADING 2

Body 2

16.1.1. Heading 3

Body 3

(1) List 3

(2) Heading 4

Body 4

(A) List 4

(B) Heading 5

Body 5

(i) List 5

(ii) Heading 6

Body 6

(a) List 6

(b) Heading 7

Body 7

(1) List 7

Body 8