

**CITY COUNCIL JOINT STRATEGIC PLANNING MEETING
WITH PLANNING BOARD**

**300 WEST CROWELL STREET
MONROE, NORTH CAROLINA 28112**

AUGUST 10, 2021 – 4:00 P.M.

AGENDA

www.monroenc.org

Due to the increased risk of exposure and possibility of transmission associated with the Delta strain of COVID-19, all guests, staff and elected officials will be required to wear face masks at this Meeting. As an additional precaution, the number of guests will be limited to the number of available seats. The face mask requirement and seating limitation will be enforced by law enforcement.

1. Call to Order
 - A. City Council
 - B. Planning Board
2. Introduction
3. Transform Monroe-Rewrite to Unified Development Ordinance and Zoning Map Update
4. Adjournment
 - A. City Council
 - B. Planning Board

-
- **Agenda** is tentative and is subject to change up to and including the time of the meeting.
 - At the discretion of City Council, **Agenda Items** listed above that are not discussed at the Strategic Planning Meeting or moved at the request of Council, may be carried forward to the City Council Regular Meeting at 6:00 p.m. to be considered.
 - **Cell Phones/Pagers:** As a courtesy, please turn off cell phones and pagers while Meeting is in progress.



STAFF REPORT

TO: City Council and Planning Board

VIA: Brian Borne, Interim City Manager

DATE: August 10, 2021

FROM: Lisa Stiwinter, Planning and Development Director

SUBJECT: Zoning Map Amendment Request to Rezoning Properties located within the City Limits of Monroe and Extra-Territorial Jurisdiction (ETJ) and a Text Amendment Request to Amend the Code of Ordinances-Title XV: Land Usage, Chapter 157 to Establish Unified Development Ordinance.

SUMMARY STATEMENT

Planning Board and City Council are requested to consider a zoning map amendment request to rezone properties located within the City limits of Monroe and ETJ and a text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157 to establish a new Unified Development Ordinance. The rewrite to the Unified Development Ordinance and Zoning Map update has been branded as the Transform Monroe project. The purpose of Transform Monroe is to develop a clear and user-friendly UDO that is consistent with city plans and policies and implements the relevant goals and recommendations from Forward Monroe-Land Use and Transportation Plan, which was adopted in April 2018. Forward Monroe-Land Use and Transportation Plan was designed as the City's blue print for development, its growth strategy and the foundation upon which future land use and transportation decisions are based. The Plan responds to existing challenges, anticipates future needs and prepares the community to accommodate future growth. At its core, Forward Monroe expresses the community's vision, identifies the community's values, and outlines the plans, programs, policies, and projects that will fulfill the vision over time. Forward Monroe also included an action plan that provides a broad set of recommendations that provide additional detail in phases, responsibilities, costs and funding sources. The Action Plan for Forward Monroe recommends the following as action items:

Short-term (2-5 Years)

- “Complete Transform Monroe-Rewrite to the Unified Development Ordinance and Zoning Map Update to codify and adopt zoning standards that assist in implementing the future Land Use and Transportation Plan”.
- “As part of Transform Monroe, update regulations to promote quality design with traditional neighborhood features”.
- “As part of Transform Monroe, require new developments to include bicycle facilities and parking as well as pedestrian connections between private property and the public right-of-way for all new developments”.
- “As part of Transform Monroe, ensure consistency of new or rehabilitated housing units with the character of surrounding neighborhoods and remove barriers to adaptive reuse of buildings”.
- “Incorporate transit-ready development into Transform Monroe by incentivize density and mixed-uses within transit priority zones”.
- “As part of Transform Monroe, seek ways to encourage mixed-income developments that increase economic diversity of existing and new neighborhoods”.

The establishment of Transform Monroe- new Unified Development Ordinance and Zoning Map update fulfills the above action items and serves as the most important implementation strategy for Forward Monroe-Land Use and Transportation Plan.

REVIEW

The City of Monroe’s current Unified Development Ordinance (UDO) and Zoning Map dates from 2003 and does not reflect the best zoning and planning practices. With the adoption of Forward Monroe-Land Use and Transportation Plan, the existence of several other adopted plans, and steady changes in demographics and development patterns, the City recognized the need to rewrite its UDO and update the zoning map. As one of the main tools to implement the land use plan, it is essential that a new ordinance respond to community values, goals, policies, and strategies identified in the land use plan update and new transportation plan.

Planning staff with the assistance of Kimley-Horn and Associates, national planning and engineering firm, have been working to develop a new Unified Development Ordinance and update to the Zoning Map that will serve to address the following goals and objectives:

- Provide a more predictable set of land use regulations for the community, developers and city officials by increasing the reliance on provisions of the ordinance instead of special legislative approvals.
- Improve the efficiency of the land development process by streamlining administrative review, approval, and permitting for routine matters.

- Integrate portions of other city ordinance provisions that are currently a part from the UDO.
- Eliminate outdated, unclear or contradictory language and the need for frequent and extensive interpretations.
- Update the format and structure to be more user-friendly and intuitive, including the heavy use of illustrations or other graphics to convey standards.
- Include mixed-use, overlay, commercial, industrial and residential districts that will help the city to achieve both high-quality greenfield projects and high quality infill and redevelopment projects.
- Incorporate new and innovative zoning and land development strategies.
- Support sound responsible economic development, multimodal transportation, and a sustainable built and natural environment.

Transform Monroe is the City's new Unified Development Ordinance (UDO) and is a consolidated document that contains all of the City's land use and development requirements. Transform Monroe is based on (implements) the City's Land Use Plan-Forward Monroe, Small-Area Redevelopment Plan-Concord Avenue Area Master Plan and the Downtown Master Plan as well as addresses recent amendments to the State's planning laws generally referred to as Chapter 160D. The UDO and Zoning Map update applies to land within the City's corporate limits and Extraterritorial Jurisdiction (ETJ) as identified on the City's official city limits and zoning map. The proposed UDO has "sections" that address specific topics and standards that are the following:

Proposed UDO Sections:

Section 1-Introduction
 Section 2-Forward Monroe and Relationship to the UDO
 Section 3-Administration (Review Procedures)
 Section 4-Traditional Zoning Districts
 Section 5-Mixed-Use Zoning Districts
 Section 6-Overlays
 Section 7-Permissible Uses and Standards
 Section 8-Supplemental Regulations
 Section 9-Wireless Telecommunication Facilities
 Section 10-Noconformities
 Section 11-Definition of Terms

As previously stated, the Transform Monroe project included a Zoning Map update. The City is requesting to rezone all properties located within the City limits of Monroe. What is Zoning?

- Zoning is a tool used to achieve the growth, aesthetic, and quality of life goals of the community.
- Zoning is used to separate incompatible uses of land, preserve character of neighborhoods, protect natural resources, and promote economic development.
- Each district is assigned specific uses and development types that are appropriate for various areas of the City.

The diagram below displays the former zoning districts and the new proposed zoning districts:

Zoning District Transitions		
FORMER ZONING DISTRICTS		*NEW* ZONING DISTRICTS
Residential Districts		Residential Districts
R-40 (Residential Low Density)	→	RLD (Residential Low Density)
R-20 (Residential Low Density)	→	RLD (Residential Low Density)
R-10 (High Density)	→	RMD (Residential Medium Density)
R-MF (Residential, Multi Family)	→	RHD (Residential High Density)
R-MH (Residential, Manufactured Home)	→	RLD (Residential Low Density)
Commercial Districts		Commercial Districts
CBD (Commercial Business District)	→	OM (Office/Medical) and DC-MX, DG-MX
OT (Office/Transitional)	→	OM (Office/Medical)
GB (General Business)	→	NB (Neighborhood Business) and GB (General Business)
Industrial Districts		Industrial Districts
GI (General Industrial)	→	GI (General Industrial)
		HI (Heavy Industrial)
		New Planned Districts
		PCD (Planned Commerce Development)
		PUD (Planned Unit Development)
		New Mixed-Use Districts
		DC-MX (Downtown Central Mixed-Use)
		DG-MX (Downtown Gateway Mixed-Use)
		CC-MX1 (Community Corridor Mixed-Use 1)
		CC-MX2 (Community Corridor Mixed-Use 2)
		RC-MX (Regional Corridor Mixed-Use)
		MD-MX (Medical District Mixed-Use)

Planning staff and Kimley-Horn and Associates held four (4) open house public workshops in various areas of the City in which every property owner was mailed an invitation. The purpose of the workshop was to discuss the proposed ordinances and rezoning as well as receive feedback from the public. The workshops were well attended with approximately 150 people that dropped by throughout the open house public workshops to offer comments. A project website was also created called “Transform Monroe” that contains all draft documents that includes proposed zoning map and draft ordinance sections for review and comment.

RECOMMENDATION

Planning Staff recommends approval of zoning map amendment to rezone properties located within the City Limits of Monroe and ETJ and a text amendment the Code of Ordinances-Title XV: Land Usage, Chapter 157 to establish a new Unified Development Ordinance.

Planning Board will need to take action on the following items:

1. *Motion to recommend adoption of Resolution Approving/Denying Land Development Compliance;*

If the Resolution of Land Development Plan Compliance is recommended for approval, the Planning Board will also need to make the following motion:

1. *Motion to recommend adoption of the Ordinance amending Chapter 157- Establish New Unified Development Ordinance and Official Zoning Map.*

If the Resolution of Land Development Plan Compliance is recommended for denial, the Planning Board will also need to make the following motion:

1. *Motion to recommend denial of the zoning map amendment*

Attachments:

1. Transform Monroe Newsletter
2. Powerpoint Presentation
3. TM Workshop Handout 1
4. TM Workshop Handout 2
5. O-2021-48-Delete Old UDO
6. O-2021-47-Adopt New UDO
7. O-2021-49-Delete Old Zoning Map
8. O-2021-50-Adopt New Zoning Map
9. Resolution

What is Transform Monroe?

Transform Monroe is the City's Unified Development Ordinance (UDO) and is a consolidated document that contains all of the City's land use and development requirements. Transform Monroe is based on (implements) the City's Land Use Plan—Forward Monroe, a Small-Area Redevelopment Plan-Concord Avenue Area Master Plan and the Downtown Master Plan, CA-O District as well as addresses recent amendments to the State's planning laws generally referred to as Chapter 160D. The proposed UDO has "sections" that address specific topics and standards ranging from review procedures and zoning districts to development standards such as parking, signage and architectural standards, and definitions. The UDO applies to land within the City's corporate limits and Extraterritorial Jurisdiction (ETJ) as identified on the City's official city limits and zoning map.

The diagram below identifies where the UDO is in the process of development. City staff and the consulting team have been working to build from the initial foundations outlined early on in the process (step 1), developing the key components of the UDO (step 2), refined and fine-tuned those items including at four public workshops (step 3) and are now proceeding toward legislative review and adoption.

This newsletter provides a quick overview of key components to be provided in the updated UDO, including the proposed layout of the specific sections.

CURRENT UDO

City staff is currently working with the consulting team, Kimley-Horn, to prepare the compiled UDO section drafts (public review). Concurrently, City staff is working with the City's legal consultant on items of consistency. All of the UDO sections have been drafted and received an initial review, and most were then revised based on either City staff and or legal consultant comments. The UDO will be presented to the Planning Board in August and City Council in September for adoption.

The UDO sections are provided on page 4 of this newsletter for Council's review and information.

WHERE WE'RE AT



A lot is changing in Monroe and North Carolina. The City adopted **F**orward**M**onroe, the City's Land Use Plan. Meanwhile, new state planning laws (NCGS Chapter 160D) made the previous regulations outdated. A cohesive, updated document is needed to replace the older UDO providing the City with the tools to implement its vision for growth and development.



Key Components of the UDO

MIXED USE VERSUS TRADITIONAL DISTRICTS (SECTIONS 4 AND 5)

Forward Monroe identified a vision including *Land Use Character Areas*. These Character Areas form the basis for the proposed Mixed Use Districts, which provide for a high-quality and predictable development and redevelopment form within specific areas of the City. The Mixed Use Districts differ from typical, Traditional Districts because they provide for a mix of residential and non-residential uses, standards for compact urban forms, and potential for enhanced community benefits. Traditional Districts are synonymous with “single use/type” districts aimed at protecting existing residential neighborhoods, conventional commercial, and industrial properties within the City.

USE TABLE (SECTION 7.1)

Within each zoning district, a list of specific uses are permitted by right or by special use permit (special permission). In some cases, specific uses require City Council approval. The UDO includes a table of permissible uses, Table 7.1. (see example below). The table of permissible uses is based on the broader “Use Categories” or groups of similar uses (Residential Use, Public and Institutional Use, Commercial Use, Office/Medical, Industrial Uses, and Other). The table identifies the Use Category and specific use and whether it is permitted within a specific zoning district. The table identifies if the use is allowed by-right (permitted), special use permit (approval with special considerations) or if the use is not permitted in a district.

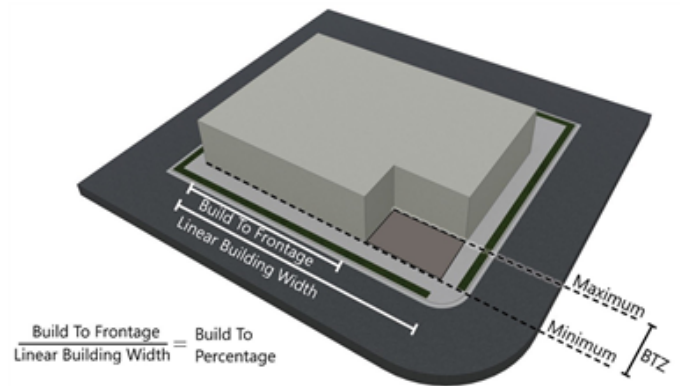
TABLE 7.1. - TABLE OF PERMISSIBLE USES																	
“P” = Permitted, “S” = Special Use Permit Required, “ ” (Blank Cell) = Prohibited																	
Use Type	Traditional Districts										Mixed-Use Districts						REFERENCE
	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	DC-MX	DG-MX	CC-MX1	CC-MX2	RC-MX	MD-MX	
Office/Medical Uses																	
Professional Office	X	X	X	P	P	P	P	X	P	P	P	P	P	P	P	P	7.2.7.A
Personal & Financial Services without Drive-Through	X	X	X	P	P	P	P	X	P	P	P	P	P	P	P	P	7.2.7.B
Personal & Financial Services with Drive-Through	X	X	X	P	P	P	P	X	X	P	P	P	P	P	P	P	7.2.7.C
Hospital	X	X	X	P	X	P	X	X	X	P	X	X	X	X	X	P	7.2.7.D
Medical/Dental Office	X	X	X	P	P	P	X	X	P	P	P	P	P	P	P	P	7.2.7.E
Rehabilitative Clinic	X	X	X	S	X	X	X	X	X	X	X	X	X	X	X	X	7.2.7.F
Animal Hospital/Veterinarian	X	X	X	P	S	P	X	X	X	P	P	P	P	P	P	P	7.2.7.G

GRAPHICS (VARIOUS SECTIONS)

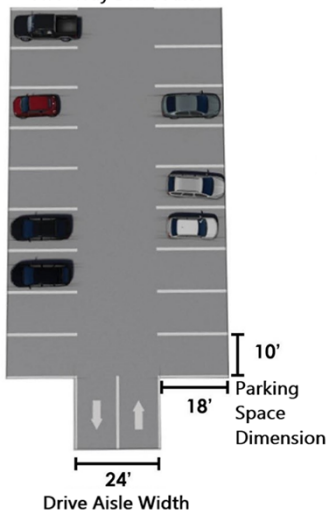
Graphics help illustrate key terms and standards throughout the UDO. These graphics include:

- **Building setbacks** that define front, side, rear yards and how far back from a property line a building/structure must be)
- **Build-to-zone (BTZ)** that defines how close a building needs to be to a property line
- **Parking area dimensions** that define parking space depth, width and drive aisle width);
- **Transparency** that defines how much of a building must include windows, doors or similar features
- **Signage and landscape/buffering**

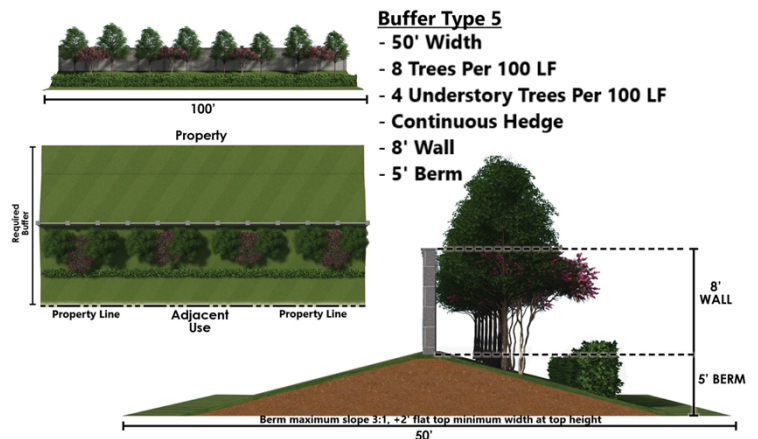
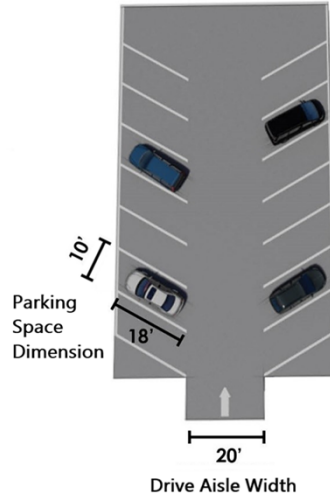
Examples of these graphics are provided for reference.



90 Degrees - Head-In Parking
Two-Way Drive Aisle



30 Degrees Parking
One-Way Drive Aisle



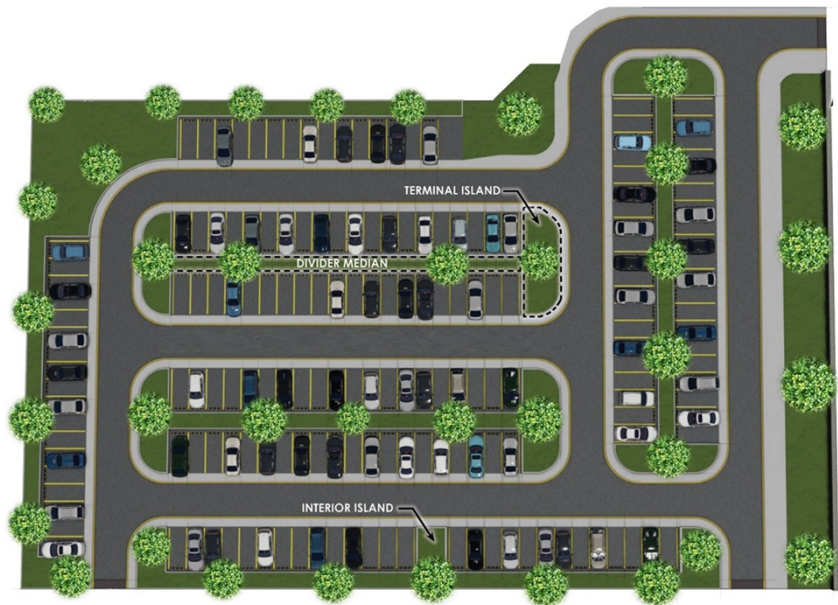


RECOMMENDED UPDATES

Throughout the development of the UDO, updates and amendments to the current standards are being proposed. Some of the primary changes involve Signs (Section 8.2), Landscape, Buffering, Fences and Walls (Section 8.3) and Parking (Section 8.4). Each of these sections expand the City's current standards, refine other standards, and/or create standards where standards may not have been developed (or were limited in scope).

For example, parking introduces minimum and maximum parking standards as well as provisions for shared parking, on- and off-street parking, satellite parking, and an “alternative parking plan” (alternate study provided to the City for review by an applicant). Parking requirements provide minimum and maximum standards to meet the parking needs generated by the various uses permitted by Forward Monroe and the UDO. This is done by providing a range of acceptable parking that responds to market conditions and individual project needs.

In addition, the Parking section links to the Landscape section with enhanced standards for parking lot landscaping and buffering. The key is to provide flexibility in the number of parking spaces provided, encourage shared parking between uses, minimize stormwater runoff and create more aesthetically pleasing parking areas.



UDO Sections

The UDO has been designed to help improve the flow of information and create links between key standards and sections. A total of 11 Sections are proposed:

1. Introduction
2. Forward Monroe and Relationship to the UDO
3. Administration (Review Processes) (includes the City's various review processes and procedures including review bodies and authorities)
4. Traditional Zoning Districts
5. Mixed-Use Zoning Districts
6. Overlays (includes floodplain, watersheds, historic and airports)
7. Permissible Uses and Standards
8. Supplemental Regulations (includes subdivision standards, signs, landscaping/buffering, parking, design standards, lighting and open spaces)
9. Wireless Telecommunication Facilities
10. Nonconformities
11. Definition of Terms



August 10, 2021

Transform **M**onroe

City of Monroe Unified Development Ordinance (UDO)

AGENDA

- Introduce Transform Monroe
- Review entire UDO and Proposed Zoning Map
- Compare previous zoning districts to new zoning districts
- Recommendation for Approval





Introduction

- What is Transform Monroe?
- Significance of UDO
- Where Are We in the Process?

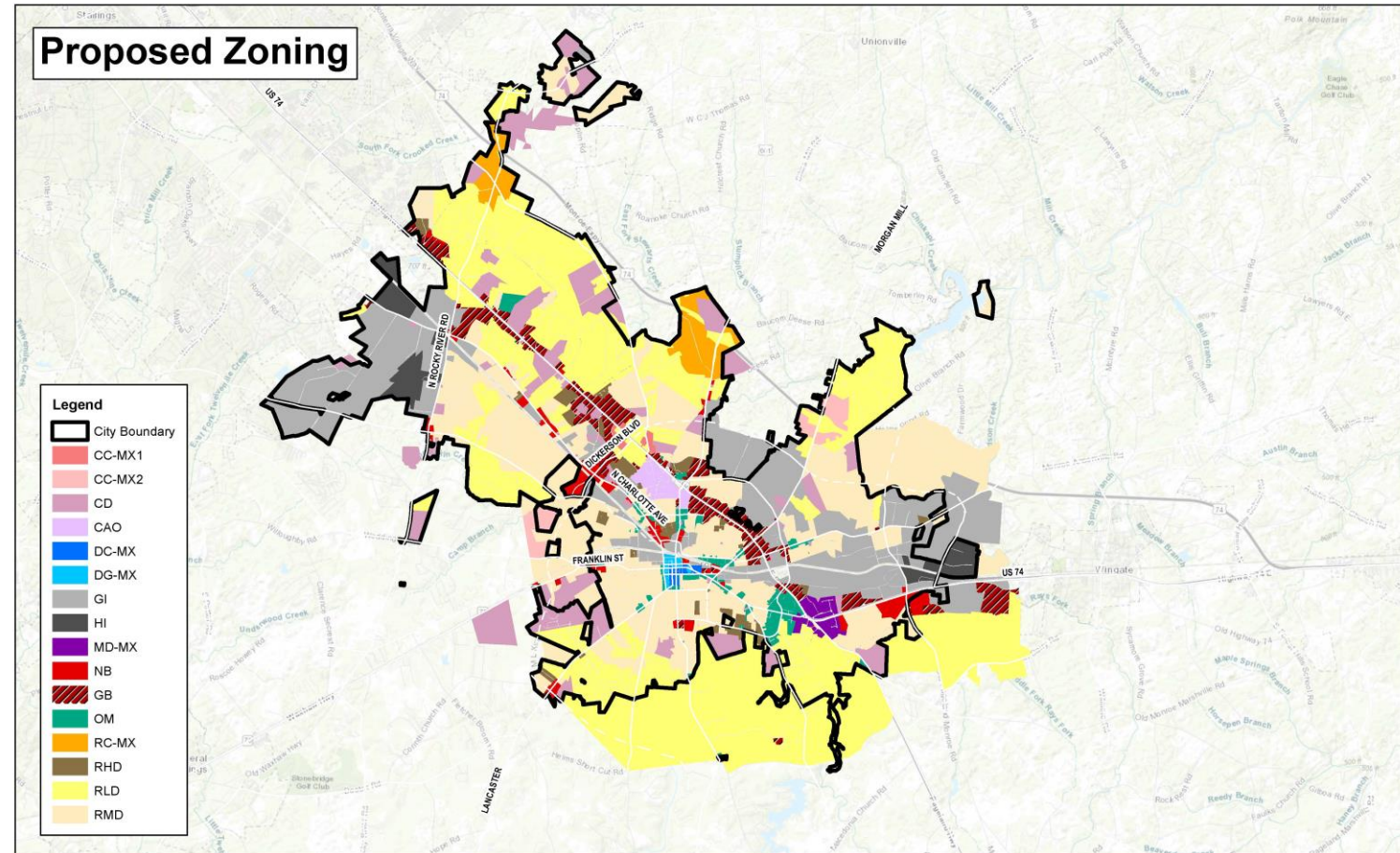
What Is Transform Monroe?

- In 2018, the City adopted *Forward Monroe* (long range planning and transportation plan).
- The plan recommended *Transform Monroe* as a priority.
- Transform Monroe is a new Unified Development Ordinance (UDO)
 - Provides consistency with *Forward Monroe*.
 - Result in a dynamic and progressive city that is a great place to live, work, and visit.
 - Provides a blueprint for how the city's physical environment will change over time.



What is Zoning?

- Basic tool of land use
 - Zoning “Districts”
 - Land Uses
 - Permitted/Prohibited/Special Exception (By Permission)
 - Density/Intensity
 - Setbacks/Building Zones
 - Building Height
 - Parking
 - Signage
 - Landscape/Buffering
 - Design Standards
 - Other Conditions/Requirements



Where Are We in the Process?



**You Are
Here!**



Proposed UDO

Existing vs Proposed UDO Layout

Existing UDO

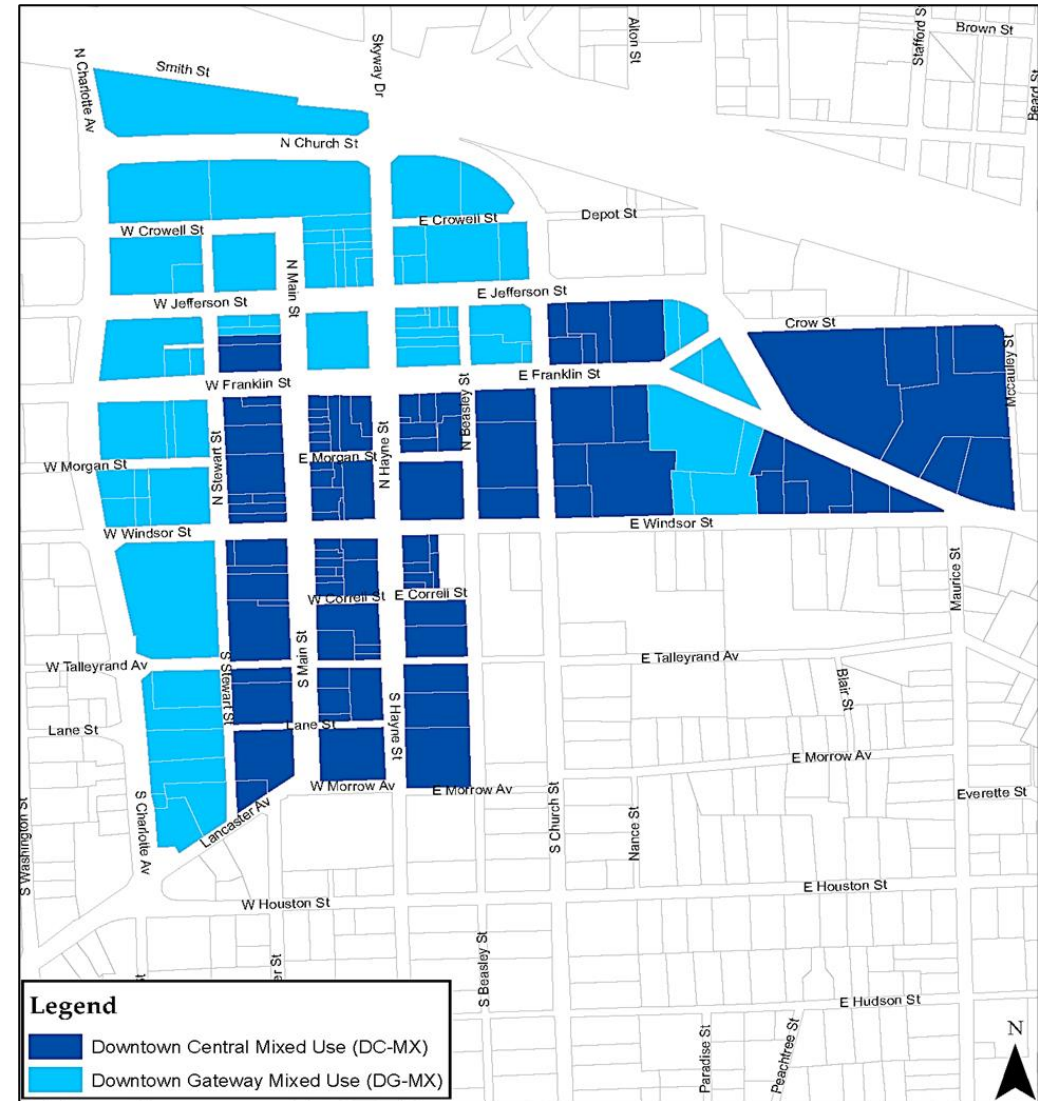
- Section 1 – General Provisions
- Section 2 – Basic Definitions and Interpretations
- Section 3 – Administrative Mechanisms
- Section 4 – Permits and Final Plat Approval
- Section 5 – Appeals, Variances, and Interpretations
- Section 6 – Hearing Procedures for Appeals and Applications
- Section 7 – Enforcement and Review
- Section 8 – Nonconforming Situations
- Section 9 – Zoning Districts and Zoning Map
- Section 10 – Permissible Uses
- Section 11 – Supplementary Use Regulations
- Section 12 - Density and Dimensional Regulations
- Section 13 – Recreational Facilities and Open Space
- Section 14 – Floodways, Floodplains, Drainage, and Erosion
- Section 15 – Parking
- Section 16 – Historic District Regulations
- Section 17 – Screening, Landscaping, and Tree Preservation
- Section 18 – Amendments

Proposed UDO

- Section 1 – Introduction
- Section 2 – Forward Monroe and Relationship to the UDO
- Section 3 – Administration (Review Process)
- Section 4 – Traditional Zoning Districts
- Section 5 – Mixed-Use Zoning Districts
- Section 6 – Overlays
- Section 7 – Permissible Uses and Standards
- Section 8 – Supplemental Regulations
- Section 9 – Wireless Telecommunication Facilities
- Section 10 – Nonconformities
- Section 11 – Definition of Terms

Major Changes/Additions

- Creation of Mixed-Use Districts
- Parking Standards
- Signage
- Non-Residential Design Standards
- Landscape & Buffer Standards
- “Use” Definitions
- *Chapter 160-D Compliance*





Chapter 160D

Chapter 160D

1. Eliminates Combined Conditional Use/Special Use
 - Cannot have district with “just” special uses
2. May use FBC or districts
3. Conditional Zoning requires “consent”
4. Administrative Approvals (minor amendments not variance)
5. Permit “Lengths”



Section 1

Introduction

Section 1 – Introduction

1.1 – Title, Intent and
Applicability

1.2 – Zoning Map

1.3 – Zoning Districts

1.4 – Transitional Provisions

Establishes authority and intent
of the UDO

Applicability

Official Zoning Map

Transitional Provisions





Section 2

Forward Monroe and
Relationship to the UDO

Section 2 – Forward Monroe and Relationship to the UDO

2.1 – Purpose of Forward Monroe

Forward Monroe is the City's blueprint for development and growth

2.2 – Purpose of the UDO

Adopted in April 2018

Guides future citywide plans

The UDO implements the policies and goals of Forward Monroe





Section 3

Administration

Section 3 – Administration

3.1 – Purpose

3.2 – Summary Development Process Table

3.3 – Review and Decision-Making Bodies

3.4 – Review Processes

3.5 – Regulatory Provisions

Establishes Development Review
Processes and Guidelines

Establishes Review Bodies:

- Planning and Development Director
- Technical Review Committee
- Board of Adjustment
- Planning Board
- Historic District Commission
- City Council





Section 4

Traditional Zoning Districts

Section 4 – Traditional Zoning Districts

4.1 – Introduction

4.2 – Residential Zoning Districts

4.3 – Commercial Zoning Districts

4.4 – Industrial Zoning Districts

4.5 – Planned Districts

4.6 – Conditional Zoning

Section 4 – Traditional Zoning Districts

- Establishes Traditional Zoning Districts and development standards including **"New" Districts**

Table 4.1 Traditional Zoning Districts		
Residential Zoning Districts		
RLD	Residential, Low Density	Section 4.2.1.
RMD	Residential, Medium Density	Section 4.2.2.
RHD	Residential, High Density	Section 4.2.3.
Commercial Zoning Districts		
OM	Office/Medical	Section 4.3.1.
NB	Neighborhood Business	Section 4.3.2.
GB	General Business	Section 4.3.3.
Industrial Zoning Districts		
GI	General Industrial	Section 4.4.1.
HI	Heavy Industrial	Section 4.4.2.
Planned Districts		
PCD	Planned Commerce Development	Section 4.5.1.
PUD	Planned Unit Development	Section 4.5.2.
Conditional Districts		
C-R	Conditional, Residential	Section 4.6.E.
C-O	Conditional, Office	Section 4.6.F.
C-C	Conditional, Commercial	Section 4.6.G.
C-I	Conditional, Industrial	Section 4.6.H.

Zoning District Transitions

Zoning District Transitions		
FORMER ZONING DISTRICTS		*NEW* ZONING DISTRICTS
Residential Districts		Residential Districts
R-40 (Residential Low Density)	→	RLD (Residential Low Density)
R-20 (Residential Low Density)	→	RLD (Residential Low Density)
R-10 (High Density)	→	RMD (Residential Medium Density)
R-MF (Residential, Multi Family)	→	RHD (Residential High Density)
R-MH (Residential, Manufactured Home)	→	RLD (Residential Low Density)
Commercial Districts		Commercial Districts
CBD (Commercial Business District)	→	OM (Office/Medical) and DC-MX, DG-MX
OT (Office/Transitional)	→	OM (Office/Medical)
GB (General Business)	→	NB (Neighborhood Business) and GB (General Business)
Industrial Districts		Industrial Districts
GI (General Industrial)	→	GI (General Industrial)
		HI (Heavy Industrial)
		New Planned Districts
		PCD (Planned Commerce Development)
		PUD (Planned Unit Development)
		New Mixed-Use Districts
		DC-MX (Downtown Central Mixed-Use)
		DG-MX (Downtown Gateway Mixed-Use)
		CC-MX1 (Community Corridor Mixed-Use 1)
		CC-MX2 (Community Corridor Mixed-Use 2)
		RC-MX (Regional Corridor Mixed-Use)
		MD-MX (Medical District Mixed-Use)

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Section 5

Mixed-Use Zoning Districts

Section 5 – Mixed-Use Zoning Districts

5.1 – Purpose and Intent

5.2 – Mixed-Use Zoning District Maps, District Development Standards, and Permissible Uses

5.3 – Mixed-Use Zoning District Development Standards of General Applicability

5.4 – Downtown Districts

5.5 – Community Corridor Mixed-Use 1 District (CC-MX1)

5.6 – Community Corridor Mixed-Use 2 District (CC-MX2)

5.7 – Regional Corridor Mixed-Use District (RC-MX)

5.8 – Medical District Mixed-Use (MD-MX)

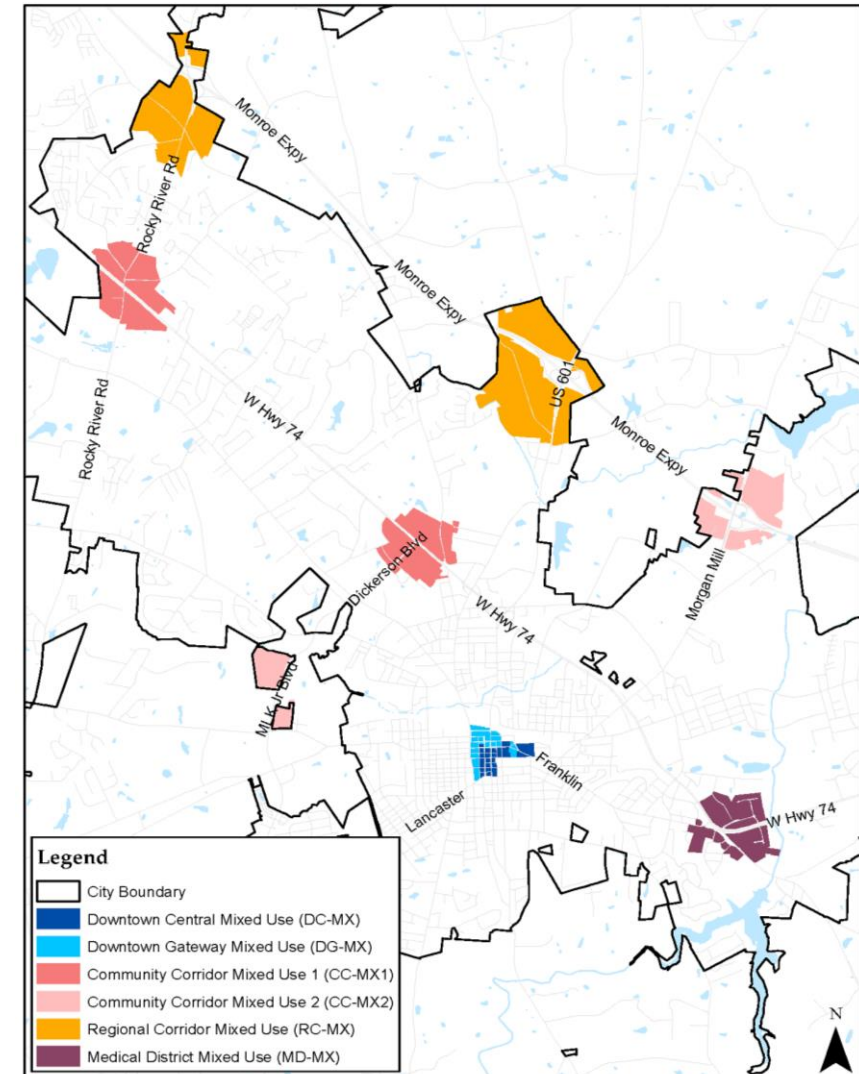
5.9 – Mixed-Use Zoning District Parking Standards

5.10 - Mixed-Use Zoning District Incentives

Section 5 – Mixed-Use Zoning Districts

- Establishes Mixed-Use Zoning Districts and development standards

Table 5.1 Mixed-Use Zoning Districts		
Character Areas (FLUM)	Implementing Mixed-Use Zoning District	UDO
Downtown	DC-MX - Downtown Central Mixed-Use	Sec. 5.4.
	DG-MX – Downtown Gateway Mixed-Use	Sec. 5.4.
Neighborhood Mixed Use Centers	CC-MX1 – Community Corridor Mixed-Use 1	Sec. 5.5.
	CC-MX2 – Community Corridor Mixed-Use 2	Sec. 5.6.
Regional Mixed-Use Centers	RC-MX – Regional Corridor Mixed-Use	Sec. 5.7.
Medical District	MD-MX Medical – Medical District Mixed-Use	Sec. 5.8.



Mixed-Use Zoning Districts (Downtown Districts)

- Downtown Central Mixed-Use (DC-MX)
 - Allows for urban, high-quality development that features a mixture of uses
- Downtown Gateway Mixed-Use (DG-MX)
 - Acts as a gateway to the downtown area
 - Allows for less intense mixture of uses

Downtown Mixed-Use Districts Development Standards			
		Downtown Central Mixed-Use (DC-MX)	Downtown Gateway Mixed-Use (DG-MX)
Building Height		Maximum 3 stories (By Right)	Maximum 3 stories (By Right)
		5 stories (Via Mixed-Use Incentives)	5 stories (Via Mixed-Use Incentives)
Density		10 Units/Acre (By Right)	10 Units/Acre (By Right)
		15 Units/Acre Maximum (See Section 5:10 for Incentives)	15 Units/Acre Maximum (See Section 5:10 for Incentives)
Building Placement (min/max)	Front/Street	0'/5' ¹	0'/20' ²
	Side ³	0'/5'	0'/10'
	Rear ⁴	0'/20'	0'/20'
Lot	Length (min)	25'	50'
	Width (min)	25'	50'
	Coverage (min/max)	75%/100%	50%/75%
Frontage	% Requirement	75%	75%
	Active Use Areas	Permitted	Permitted, but active use area shall not be physically adjacent to residentially zoned property
	Entrances	Front	Front
Parking	Placement	Rear	Side/Rear
	Shared Parking	Permitted (See Section 5.9)	Permitted (See Section 5.9)
	Accessory Parking Structure	Permitted if parking structure allows for a mixture of uses on ground floor	Permitted if parking structure allows for a mixture of uses on ground floor
	Incentives Permitted	Yes (See Section 5.10)	Yes (See Section 5.10)
Open Space		See Section 8.8: Open Space	See Section 8.8: Open Space
Architectural Standards		See Section 8.7: Design Standards	See Section 8.7: Design Standards
		Minimum 50% transparency for ground floor, minimum 40% for upper floors	Minimum 50% transparency for ground floor, minimum 40% for upper floors
Notes:			

¹ Can be increased by a factor of 1.5 where an active use area is provided.

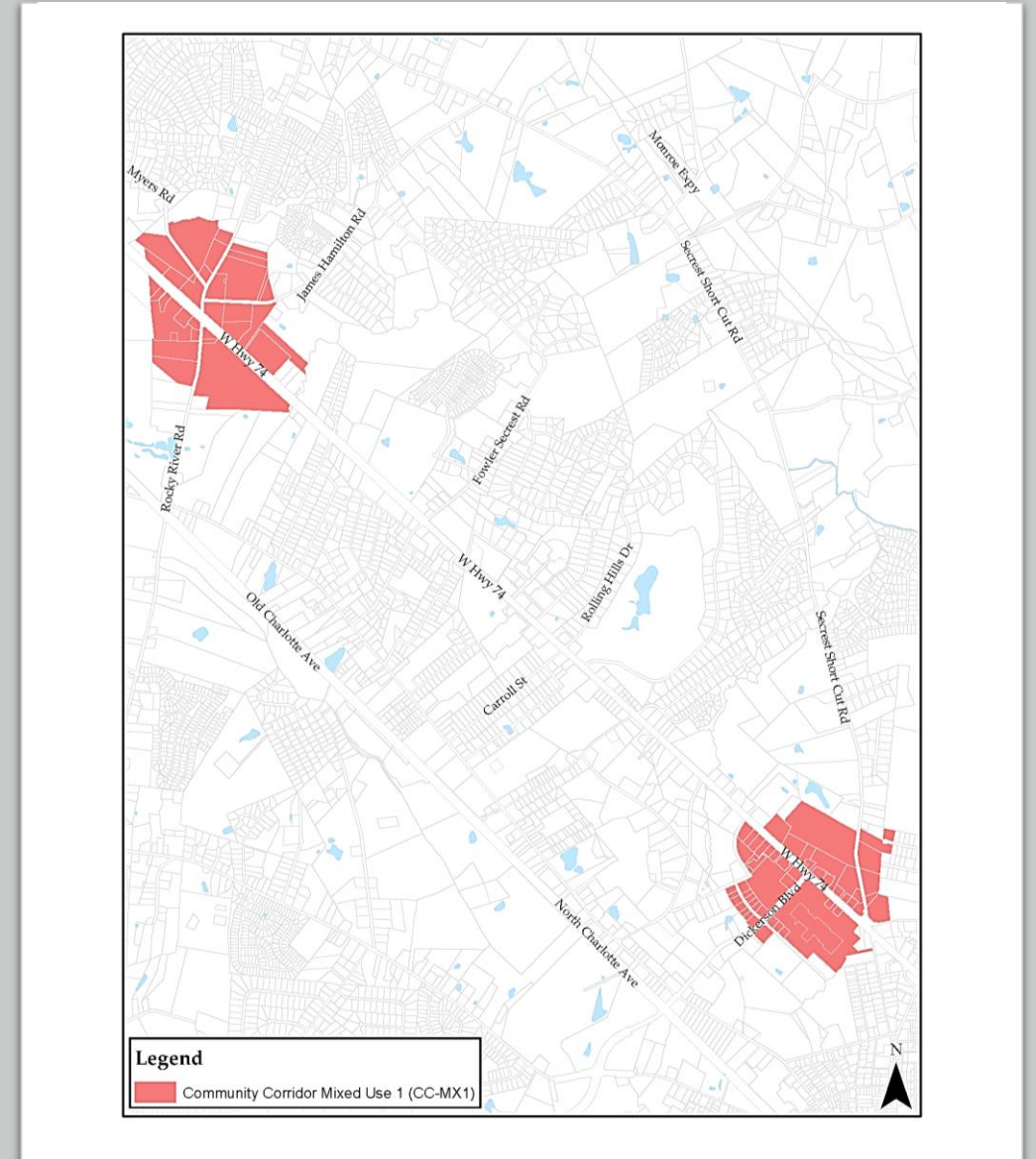
² Can be increased by a factor of 0.5 where an active use area is provided.

³ 25’ may be permitted to accommodate those lots without access to an alley or shared driveway in order to accommodate a driveway where rear serving parking or loading is provided.

⁴ Except where served by rear parking, not to exceed 50’ without a design alternative.

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Mixed-Use Zoning Districts (Community Corridor Mixed- Use 1 District)



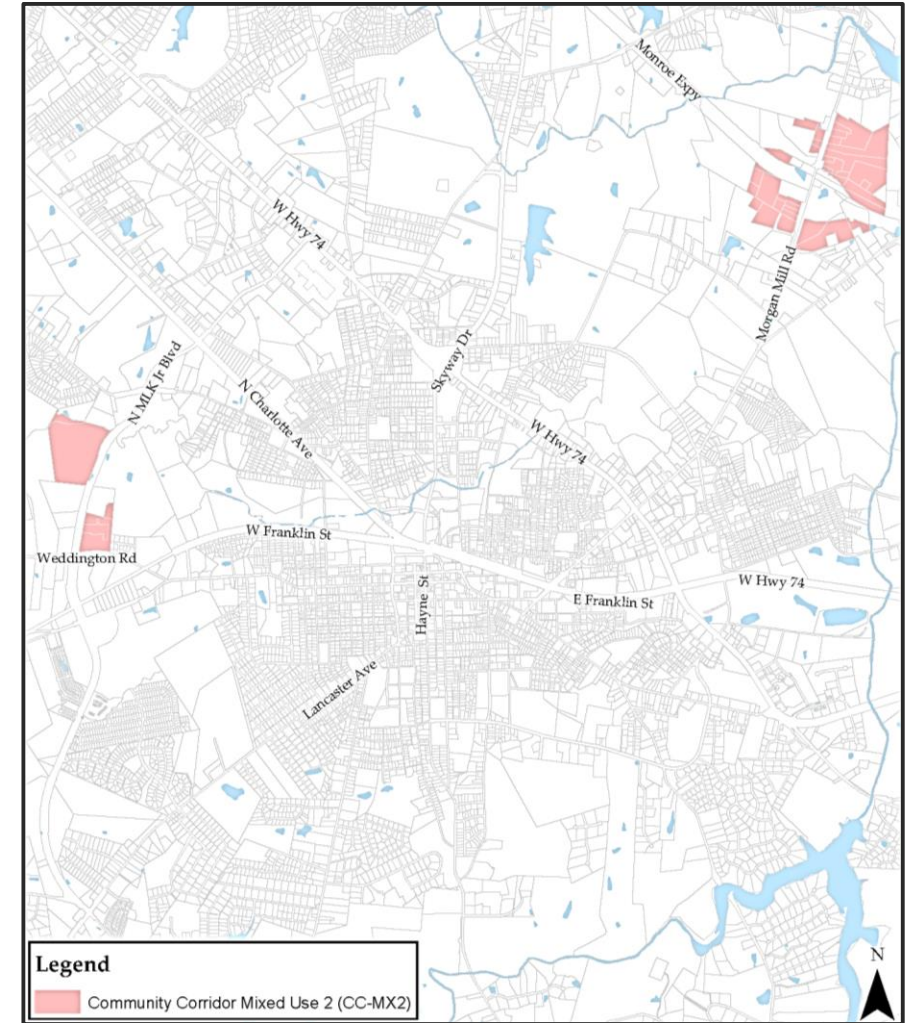
Mixed-Use Zoning Districts

(Community Corridor Mixed-Use 1 District)

- Community Corridor Mixed-Use 1 (CC-MX1)
 - Allows for community level retail for areas in greater radius than the immediate neighborhood
 - Vertical and horizontal mix of uses

CC-MX1 District Development Standards			
Building Height		Maximum 4 Stories Buildings above 3 stories shall be situated closer to US 74 where practicable	
Density		8 Units/Acre (By Right) 10 Units/Acre Maximum (See Section 5:10 for Incentives)	
Building Placement (min/max)	Front/Street ¹	15'/30'	
	Side ²	5'/25'	
	Rear ³	10'/50'	
Lot	Length (min)	100	
	Width (min)	50	
	Coverage (min/max)	50%/85%	
Frontage	% Requirement	75%	
	Active Use Areas	Permitted, but active use area shall not be physically adjacent to residentially zoned property	
	Entrances	Oriented to street	
Parking	Placement	Off-Street	
	Shared Parking	Permitted (See Section 5.9)	
	Accessory Parking Structure	Not Permitted	
Incentives Permitted		Yes (See Section 5.10)	
Open Space		See Section 8.8: Open Space	
Architectural Standards		See Section 8.7: Design Standards Minimum 40% transparency for each story of a building	
<u>Notes:</u> ¹ Can be increased by a factor of 1.5 where an active use area is provided. ² 44’ may be permitted to accommodate those lots without access to an alley or shared driveway in order to accommodate a driveway where rear serving parking or loading is provided. ³ Except where served by rear parking, not to exceed 60’ without a design alternative. Also accommodates required buffering.			

Mixed-Use Zoning Districts (Community Corridor Mixed-Use 2 District)



Mixed-Use Zoning Districts

(Community Corridor Mixed-Use 2 District)

- Community Corridor Mixed-Use 2 (CC-MX2)
 - Allows for neighborhood-oriented commercial uses that are within a convenient traveling distance from the neighborhood in which they serve
 - Vertical and horizontal mix of uses

CC-MX2 District Development Standards		
Building Height		Maximum 3 Stories
Density		6 Units/Acre (By Right) 10 Units/Acre Maximum (See Section 5:10 for Incentives)
Building Placement (min/max)	Front/Street ¹	15'/30'
	Side ²	5'/25'
	Rear ³	10'/50'
Lot	Length (min)	100
	Width (min)	50
	Coverage (min/max)	50% / 75%
Frontage	% Requirement	60%
	Active Use Areas	Permitted, but active use area shall not be physically adjacent to residentially zoned property
	Entrances	Oriented to Street
Parking	Placement	Off-Street
	Shared Parking	Permitted (See Section 5.9)
	Accessory Parking Structure	Not Permitted
Incentives Permitted		Yes (See Section 5.10)
Open Space		See Section 8.8: Open Space
Architectural Standards		See Section 8.7: Design Standards Minimum 40% transparency for each story of a building

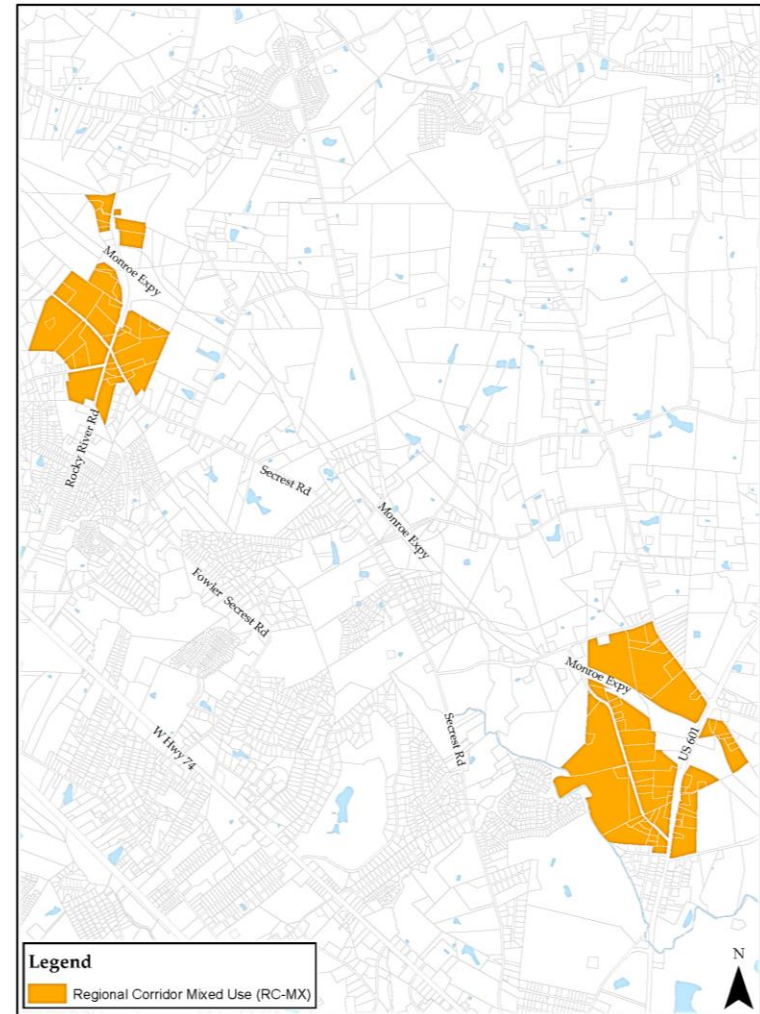
Notes:

¹ Can be increased by a factor of 1.0 where an active use area is provided.

² 44' may be permitted to accommodate those lots without access to an alley or shared driveway in order to accommodate a driveway where rear serving parking or loading is provided.

³ Except where served by rear parking, not to exceed 60' without a design alternative. Also accommodates required buffering.

Mixed-Use Zoning Districts (Regional Corridor Mixed-Use District)



Mixed-Use Zoning Districts (Regional Corridor Mixed-Use District)

- Regional Corridor Mixed-Use (RC-MX)
 - Allows for intense concentrations of retail, employment, and high-density residential uses through a mixed-use development
 - Vertical and horizontal mix of uses

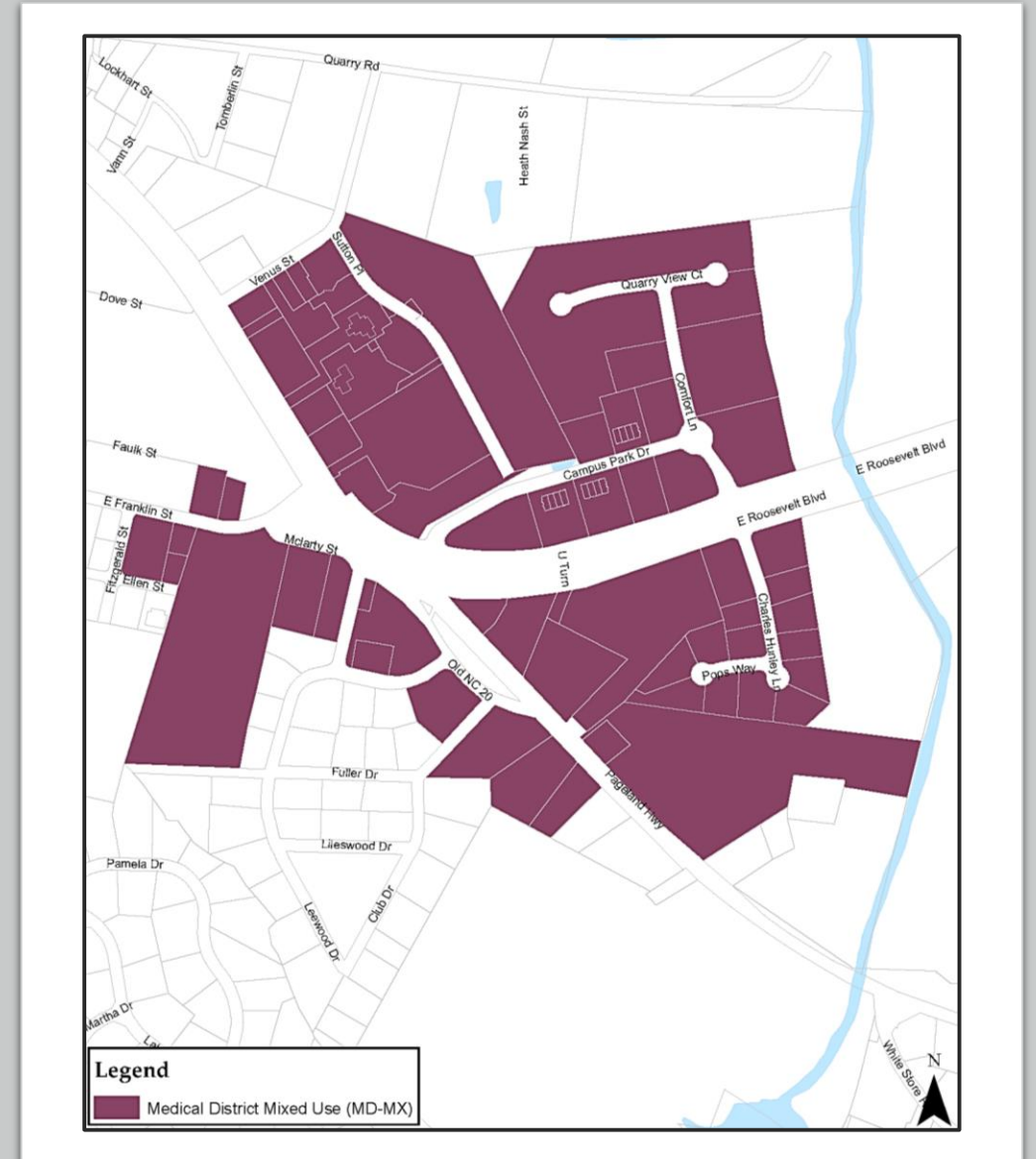
RC-MX District Development Standards		
Building Height		Maximum 5 stories Buildings above 3 stories shall be placed closer to Monroe Expressway where practicable and be placed 100' away from adjacent residential boundaries or provide twice the width of any standard landscape buffer requirement
Density		12 Units/Acre (By Right) 15 Units/Acre Maximum (See Section 5:10 for Incentives)
Building Placement (min/max)	Front/Street	15'/50'
	Side ¹	5'/25'
	Rear ²	10'/100'
Lot	Length (min)	100'
	Width (min)	25'
	Coverage (max)	75%
Frontage	% Requirement	65% Outparcel buildings may be used to meet frontage and entrance requirements. See Section 8.7: Design Standards
	Active Use Areas	Permitted, but active use area shall not be physically adjacent to residentially zoned property
	Entrances	Oriented to street
Parking	Placement	Off-street
	Shared Parking	Permitted (See Section 5.9)
	Parking Structures as an accessory	Permitted
Incentives Permitted		Yes (See Section 5.10)
Open Space		See Section 8.8: Open Space
Architectural Standards		See Section 8.7: Design Standards Minimum 40% transparency for each story of a building

Notes:

¹ 60' may be permitted to accommodate those lots without access to an alley or shared driveway in order to accommodate a driveway where rear serving parking or loading is provided or side yard parking/drive aisle

² Except where served by rear parking, not to exceed 128' without a design alternative.

Mixed-Use Zoning Districts (Medical District Mixed-Use)



Mixed-Use Zoning Districts (Medical District Mixed-Use)

- Medical District Mixed-Use (MD-MX)
 - Addresses the unique needs of a hospital
 - Allows for a mixture of uses, both vertical and horizontal, appropriate for a medical campus

MD-MX District Development Standards		
Building Height		Maximum 4 stories Buildings above 3 stories shall be placed 100' away from adjacent residential boundaries, or provide twice the width of any standard landscape buffer requirement
Density		8 Units/Acre (Residential Density Requires Conditional District) 10 Units/Acre (Special Use Permit and Incentives in Section 5:10)
Building Placement (min/max)	Front/Street ¹	0'/20'
	Side ²	0'/25'
	Rear ³	5'/50'
Lot	Length (min)	50
	Width (min)	50
	Coverage (min/max)	75%/85%
Frontage	% Requirement	85%
	Active Use Areas	Permitted
	Entrances	Oriented to Street
Parking	Placement	Off-street
	Shared Parking	Permitted (See Section 5.9)
	Accessory Parking Structure	Permitted
Incentives Permitted		Yes (See Section 5.10)
Open Space		See Section 8.8: Open Space
Architectural Standards		See Section 8.7: Design Standards

Notes:

¹ Can be increased by a factor of 1.5 where an active use area is provided.

² 60' may be permitted to accommodate those lots without access to an alley or shared driveway in order to accommodate a driveway where rear serving parking or loading is provided.

³ Except where served by rear parking, not to exceed 120' without a design alternative.



Section 6

Overlays

Section 6 – Overlays

6.1 – Floodplain and Floodway Districts

6.2 – Watershed Districts

6.3 – Neighborhood Overlay Districts

6.4 – Historic Districts

6.5 – Airport Overlay

Establishes Overlays in the City:

- Floodplain and Floodway Districts
- Watershed Districts
- Neighborhood Overlay Districts
- Historic Districts
- Airport Overlay

Unique standards for different development types



Section 7

Uses and Standards

Section 7 – Uses and Standards

7.1 – Tables of Permissible Uses (Traditional and Mixed-Use)

7.2 – Permissible Use Definitions and Standards

7.3 – Temporary Uses

7.4 – Home Occupation

7.5 – Accessory Uses and Accessory Structures

Section 7 – Uses and Standards

- Defines and classifies uses permissible or prohibited by the UDO
- Example Table of Permissible Uses

TABLE 7.1. - TABLE OF PERMISSIBLE USES																		
“P” = Permitted, “S” = Special Use Permit Required, “ ” (Blank Cell) = Prohibited																		
	Traditional Districts											Mixed-Use Districts						
Use Type	RR	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	DC-MX	DG-MX	CC-MX1	CC-MX2	RC-MX	MD-MX	REFERENCE
Residential Uses																		
Single Family Detached	P	P	P	x	P	x	x	x	x	P	x	x	x	x	x	x	x	7.2.4.A
Townhouse/Attached Single Family	x	x	P	P	S	x	x	x	x	P	x	x	P	P	P	x	S	7.2.4.B
Duplex/Triplex/Quadplex	x	x	S	P	S	X	x	x	x	P	x	x	P	x	x	x	x	7.2.4.C
Multifamily	x	x	x	P	x	x	P	x	x	P	P	P	P	P	P	P	S	7.2.4.D
Upperstory Residential	x	X	x	S	x	x	x	x	x	P	x	P	P	P	P	P	P	7.2.4.E
Manufactured Home	x	S	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	7.2.4.F
Residential Care (ALF, ILF, CC)	x	x	x	P	P	P	P	x	x	P	P	x	x	P	P	x	P	7.2.4.G
Family Care Home	P	P	P	S	P	x	x	x	x	x	x	x	x	x	x	x	x	7.2.4.H
Board House/Rooming House	x	x	x	x	S	x	x	x	x	P	x	x	x	x	x	x	x	7.2.4.I



Section 8

Supplemental Regulations

Section 8 – Supplementary Regulations

- 8.1 – Subdivision Regulations
- 8.2 – Signs
- 8.3 – Landscaping, Buffering, Fences and Walls
- 8.4 – Parking and Loading
- 8.5 – Electronic Gaming Operations
- 8.6 – Adult Establishments
- 8.7 – Design Standards
- 8.8 – Open Space Standards
- 8.9 – Lighting
- 8.10 – Standards of Measurement

Section 8.1 – Subdivision Regulations

- Promotes functional, safe and aesthetically pleasing subdivision and development of property
- Establishes on standards for platting and developing subdivisions, including but not limited to:
 - Block design standards
 - Lot standards
 - Access standards
 - Connectivity standards
 - Utility standards
 - Conservation standards

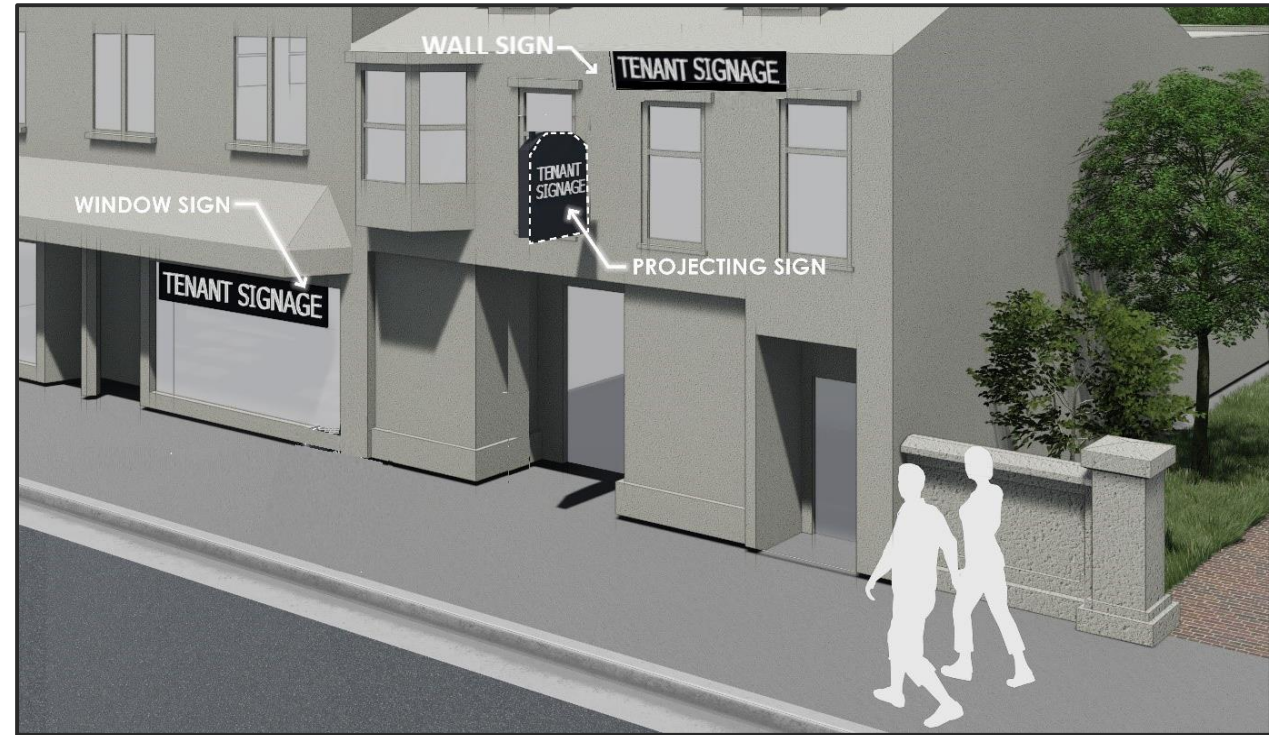
Section 8.2 - Signs

PERMITTED SIGN TYPES IN TRADITIONAL DISTRICTS	RESIDENTIAL				BUSINESS			INDUSTRIAL		PLANNED	
	RR	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD
BUILDING SIGNS											
Wall Signs	X	X	X	X	P	P	P	P	P	P	P
Window	X	X	X	X	P	P	P	X	X	P	P
Canopy/Awning	X	X	X	X	X	P	P	X	X	P	P
Projecting/Blade	X	X	X	X	X	P	P	X	X	P	P
FREE-STANDING SIGNS											
Monument/Community	X	X	X	X	P	P	P	P	P	P	P
Sidewalk	X	X	X	X	X	P	P	X	X	P	P
KEY: P = Permitted X = Not Permitted											

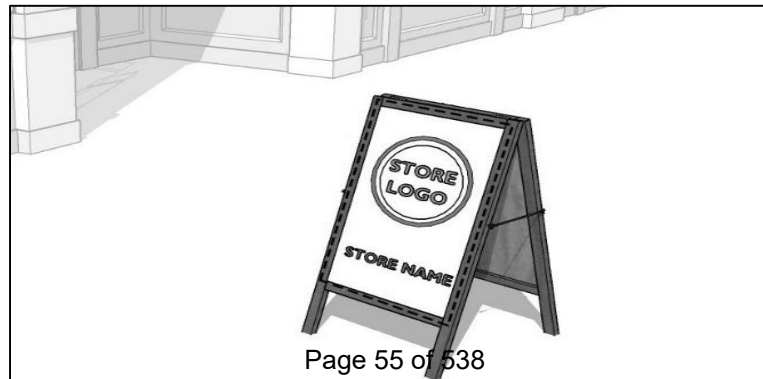
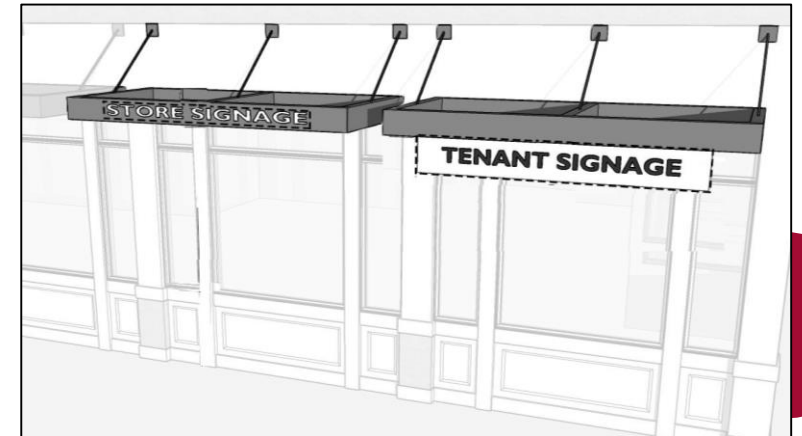
PERMITTED SIGN TYPES IN MIXED-USE DISTRICTS	MIXED-USE DISTRICTS				
	DC-MX	DG-MX	CC-MX	RC-MX	MD-MX
BUILDING SIGNS					
Wall Signs	P	P	P	P	P
Window	P	P	P	P	P
Canopy/Awning	P	P	P	P	P
Projecting/Blade	P	P	P	P	P
FREE-STANDING SIGNS					
Monument/Community	X	P	P	P	P
Sidewalk	P	P	P	P	P
KEY: P = Permitted X = Not Permitted					

Section 8.2 - Signs

- Updated signage code promoting consistent sizes and placements of signs
- Easy to read and understand with graphics
- Remove extra regulations and condense

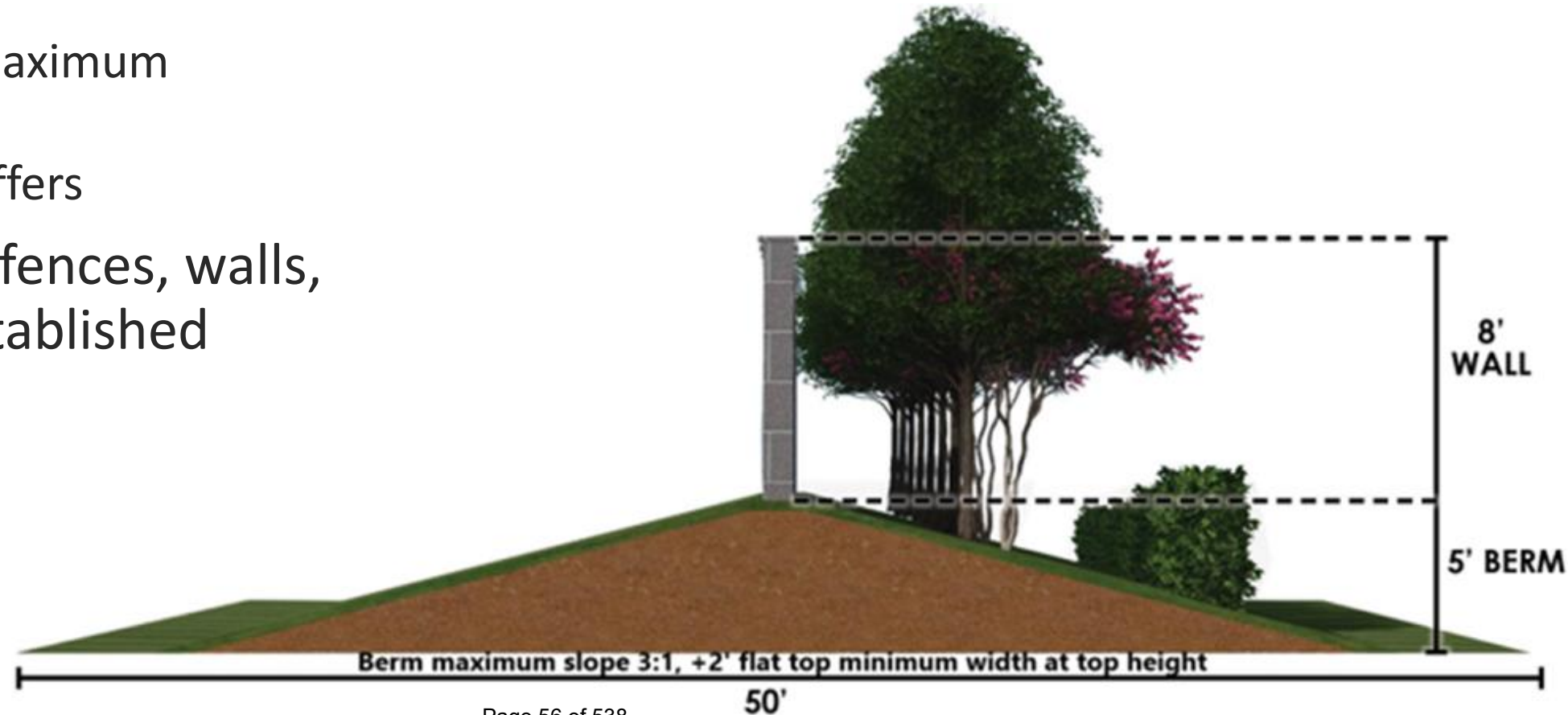


Section 8.2 - Signs



Section 8.3 – Landscaping, Buffering, Fences and Walls

- Landscaping standards established:
 - Minimum/maximum percentages
 - Required buffers
- Standards for fences, walls, and berms established



Section 8.3 – Landscaping, Buffering, Fences and Walls

PERIMETER BUFFER TYPES TABLE			
TYPE	OPTION 1	OPTION 2	OPTION 3
1	7.5' Width 2 Trees 30 Shrubs Per 100 LF	7.5' Width 3 Trees 20 Shrubs Per 100 LF	7.5 Width 4 Trees 10 Shrubs Per 100 LF
2	10' Width 3 Trees 40 Shrubs Per 100 LF 6' Fence	10' Width 4 Trees 30 Shrubs Per 100 LF 6' Fence	10' Width 5 Trees 15 Shrubs Per 100 LF 6' Fence
3	15' Width 3 Trees Per 100 LF 1 Understory Trees Per 100 LF 50 Shrubs Per 100 LF 6' Fence	15' Width 4 Trees Per 100 LF 2 Understory Trees Per 100 LF 30 Shrubs Per 100 LF 6' Fence	15' Width 4 Trees Per 100 LF 3 Understory Trees Per 100 LF 20 Shrubs Per 100 LF 6' Fence
4	25' Width 4 Trees Per 100 LF 2 Understory Trees Per 100 LF 60 Shrubs Per 100 LF 6' Wall	25' Width 5 Trees Per 100 LF 3 Understory Trees Per 100 LF 40 Shrubs Per 100 LF 6' Wall	25' Width 5 Trees Per 100 LF 4 Understory Trees Per 100 LF 25 Shrubs Per 100 LF 6' Wall
5	50' Width, 8 Trees Per 100 LF, 4 Understory Trees Per 100 LF, Continuous Hedge, 8' Wall, 5' High Berm		

Additional Standards:

Required plant material may not be clustered to achieve requirements. A maximum allowable 10' gap may be permitted.

Minimum shrubs may be double staggered.

Required trees may be on both sides of a fence/wall as long as a minimum one half of required trees are in front.

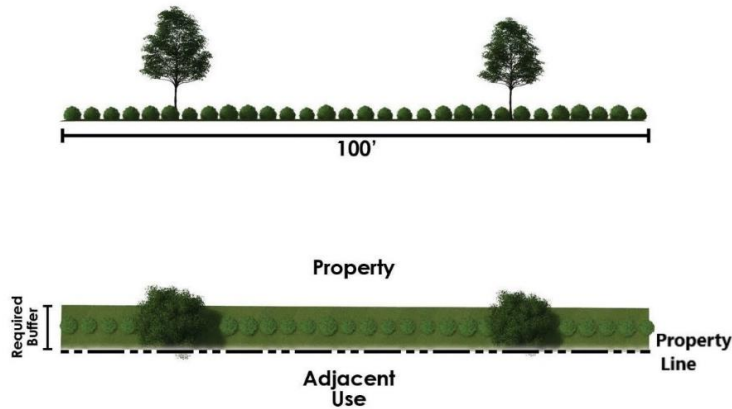
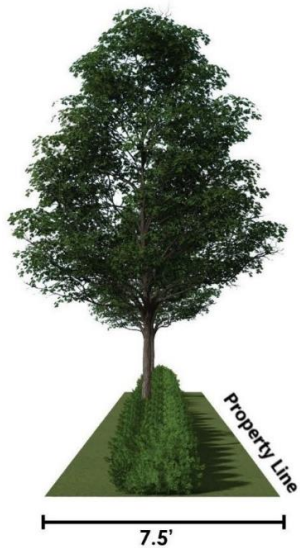
If perimeter buffer types are more intense than a required parking area buffer, the perimeter buffer will take precedent.

Section 8.3 – Landscaping, Buffering, Fences and Walls

- 5 buffer types ranging in width and intensity

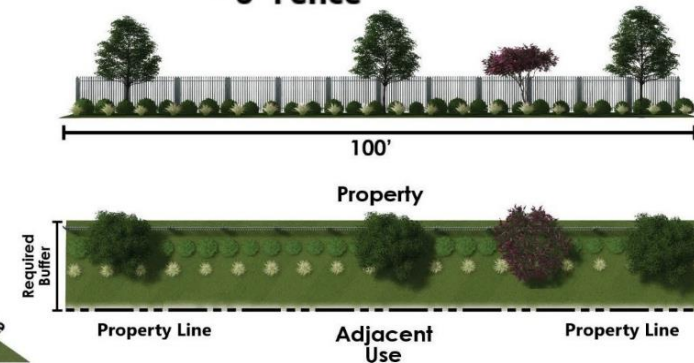
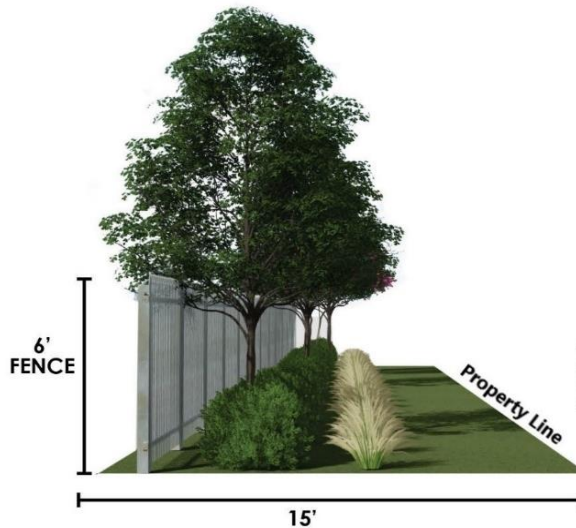
Buffer Type 1

- 7.5' Width
- 2 Trees Per 100 LF
- 30 Shrubs Per 100 LF



Buffer Type 3

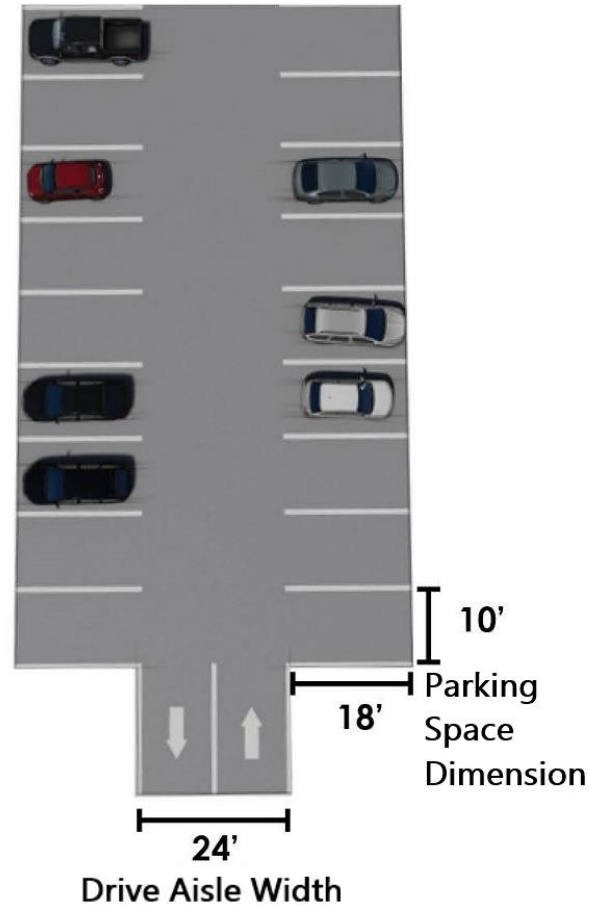
- 15' Width
- 3 Trees Per 100 LF
- 1 Understory Tree Per 100 LF
- 50 Shrubs Per 100 LF
- 6' Fence



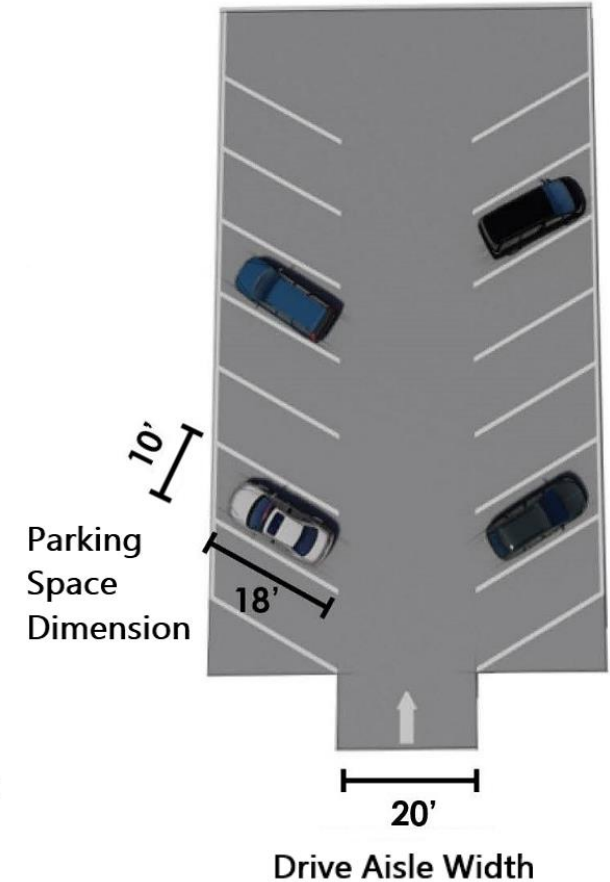
8.4 – Parking and Loading

- Establishes parking standards and requirements
- Minimum and maximum parking (range) to prevent excess parking but provided what is needed
- Parking area design
- Allow for shared parking and alternative parking plans (APP)

90 Degrees - Head-In Parking
Two-Way Drive Aisle



30 Degrees Parking
One-Way Drive Aisle



8.4 – Parking and Loading

(sample from UDO)

Table 8.4.1. Parking Requirements		
Land Use - Category/Specific Use	Minimum Required	Maximum Allowed
Residential Use Classification		
Residential, As Listed Below:	See Below	
<i>Single Family Detached</i>	2.0/Dwelling Unit	No Maximum
<i>Townhouse/Attached Single Family</i>	2.0/Dwelling Unit	No Maximum
<i>Duplex/Triplex/Quadplex</i>	1.5/Dwelling Unit	2.5/Dwelling Unit
<i>Multifamily</i>	1.5/Dwelling Unit	2.5/Dwelling Unit
<i>Upperstory Residential</i>	1.5/Dwelling Unit	2.5/Dwelling Unit
<i>Manufactured Home Park</i>	1.5/Dwelling Unit	2.5/Dwelling Unit
Residential Care (ALF, ILF, CC)	0.5/Bed	1.0/Bed
Family Care Home	2.0/Dwelling Unit	4.0/Dwelling Unit
Board House/Rooming House	2.0/Dwelling Unit	4.0/Dwelling Unit
Student Housing	1.5/Dwelling Unit	2.5/Dwelling Unit
Group Home – 24 Hour Service, Less Than 6 Persons	2.0/Dwelling Unit	4.0/Dwelling Unit
Group Home – 24 Hour Service, 6 Persons Or More	2.0/Dwelling Unit	4.0/Dwelling Unit

Section 8.7 – Design Standards

- Provide minimum requirements for the design and configuration of single family (optional), multifamily, nonresidential, industrial buildings, and developments.
- Standards include, but are not limited to:
 - Required Design Elements
 - Building Orientation and Placement
 - Façade Requirements
 - Transparency
 - Accessory Structures

Section 8.7 – Design Standards



Section 8.7 – Design Standards



A-D	Required Facade Design Elements
A	Vertical Mass
B	Roof Lines
C	Horizontal Mass
D	Wall Offsets

Section 8.8 – Open Space Standards

- Defines open space standards at varying scales
- Active and Passive features required

Active Features	Passive Features
Lawn Games and Concrete Gaming Tables	Walking Trails
Hard Courts (Pickleball, Tennis, Etc.)	Boardwalks
Playgrounds	Gardens
Swimming Pools and Splash Pads	Greens
Athletic Fields (Soccer, Baseball, Etc.)	Picnic Areas
Clubhouse, Pavilions, Amenity Centers	Lakes and Ponds
Exercise Facilities	Benches and Seating Areas
Plazas	Lawns and Natural Areas
	Greenways





Section 10

Nonconformities

Section 10 - Nonconformities

10.1 – General Applicability

10.2 – Nonconforming Lots

10.3 – Nonconforming Uses

10.4 – Nonconforming
Structures

Allow and regulate the continued
existence of nonconformities

Nonconforming structures, uses, and
lots (including parking)

Section 11

– Definition of Terms

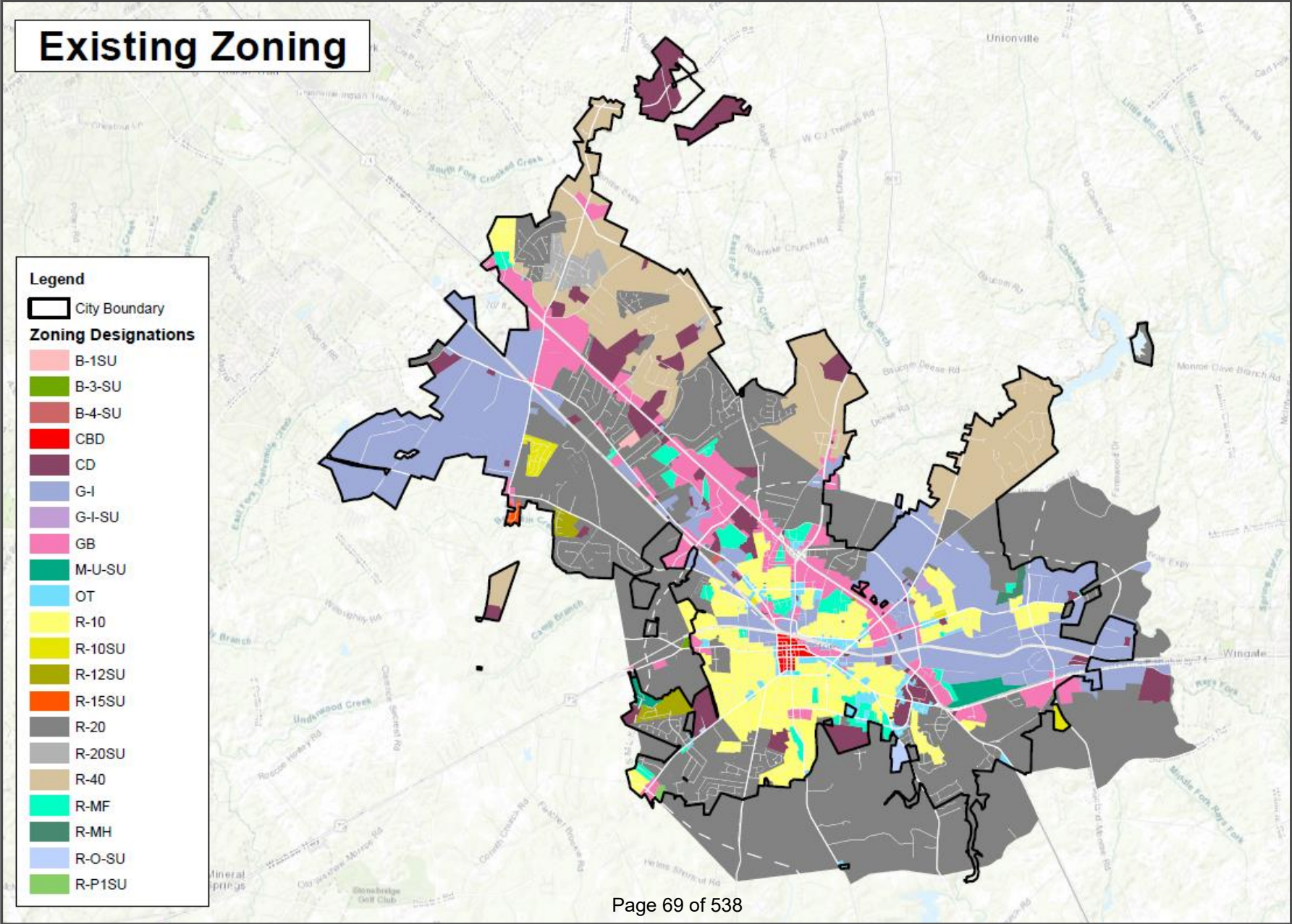
- General definitions used in the UDO
- Examples:
 - **ACCESS.** The right or ability of pedestrians and vehicles to enter and leave a lot or development.
 - **CANOPY.** A permanent structure attached to a building for the purpose of providing shelter or shade or as a decorative feature. A canopy is not completely enclosed.
 - **PARAPET.** A false front or wall extension above the roofline of a building.



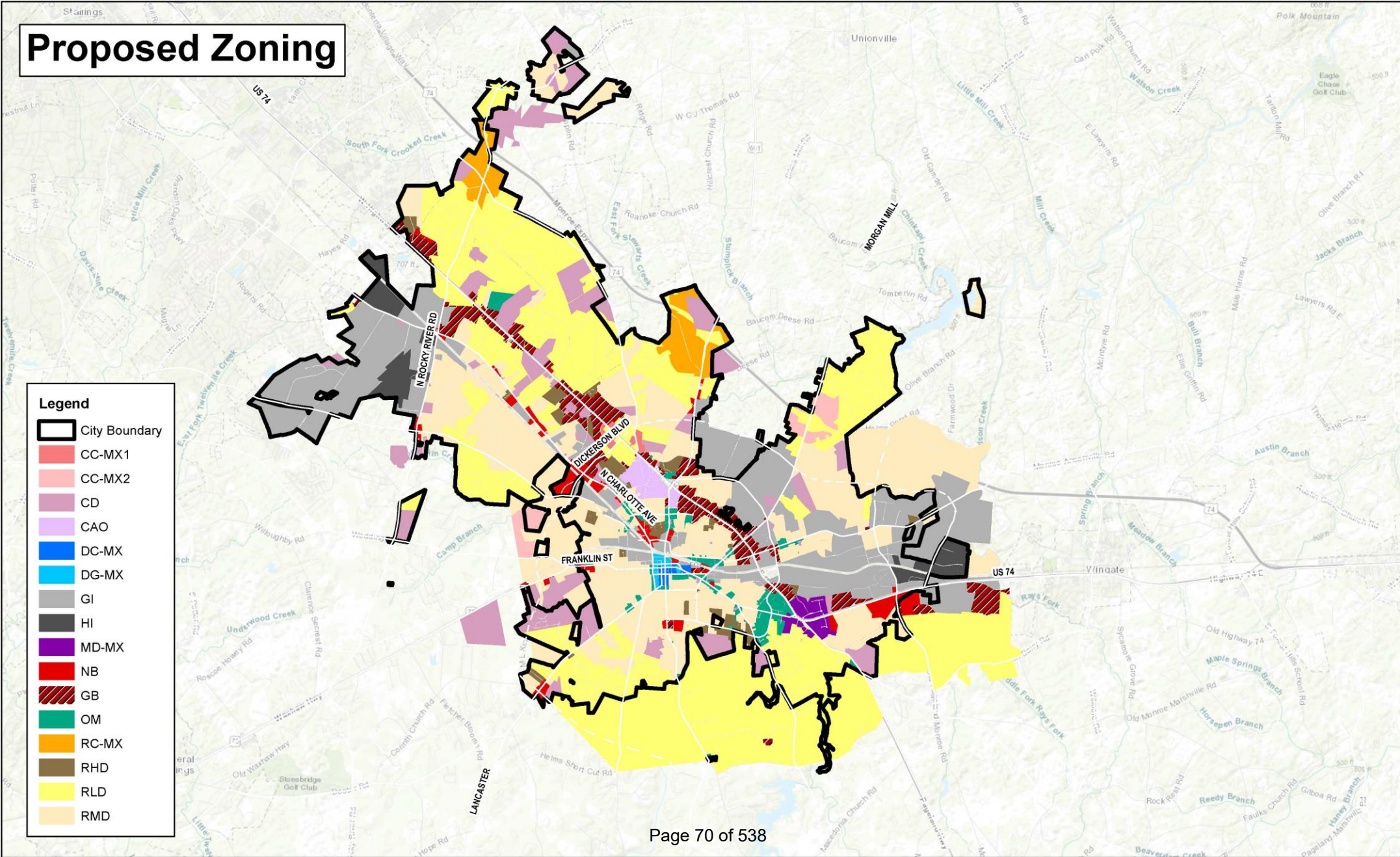
Proposed Zoning Map

Zoning District Changes

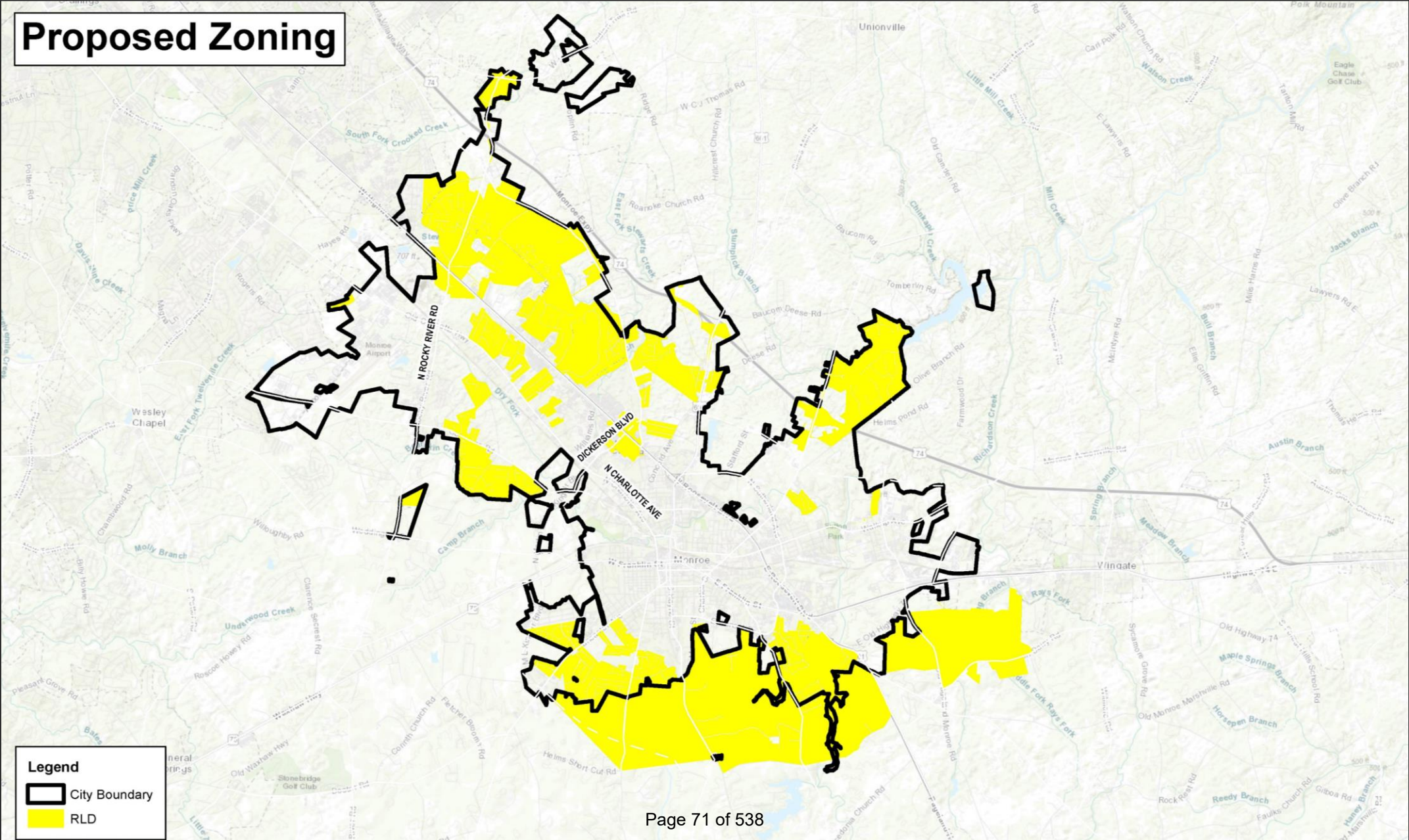
Existing Zoning Map



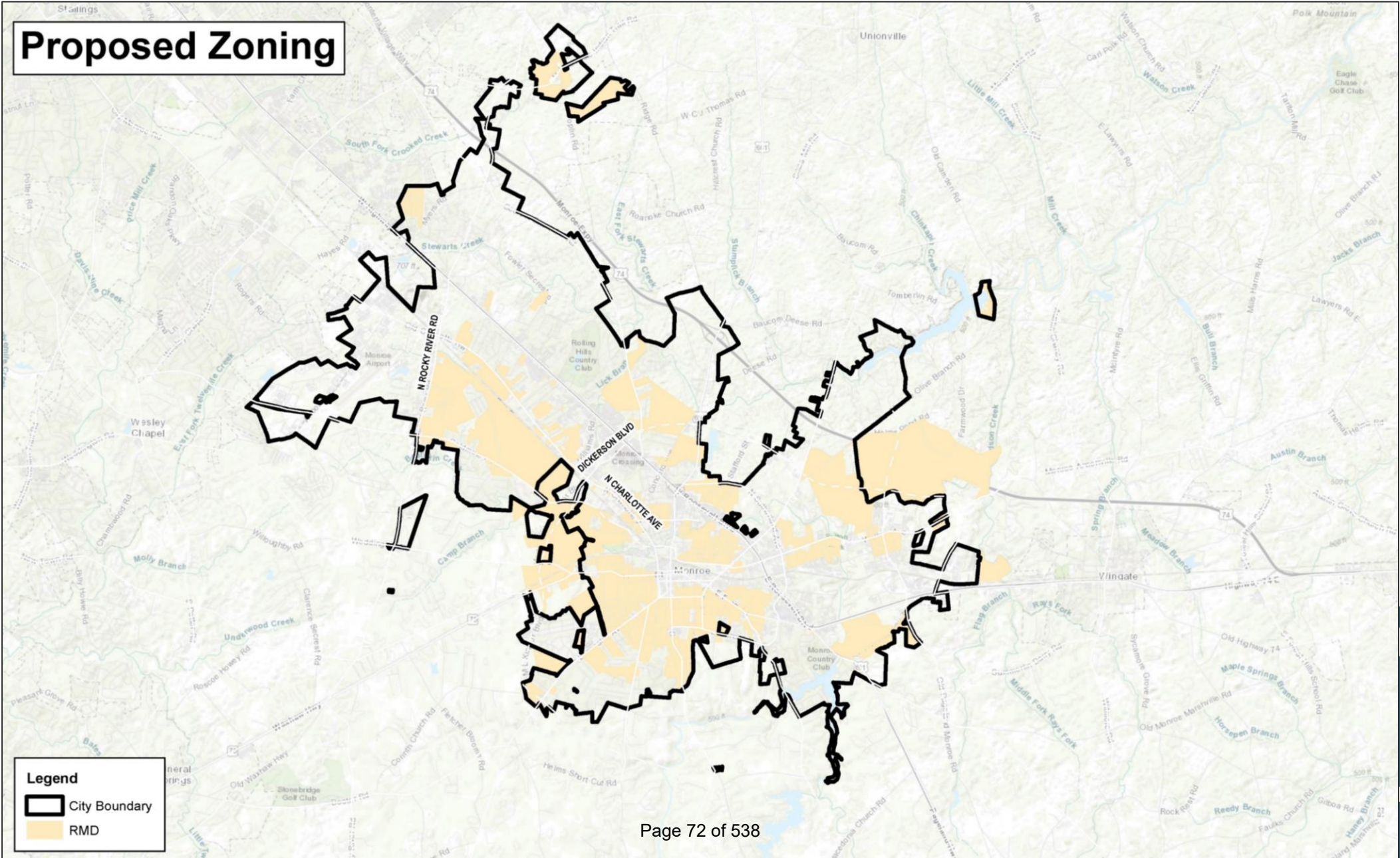
Proposed Zoning Map



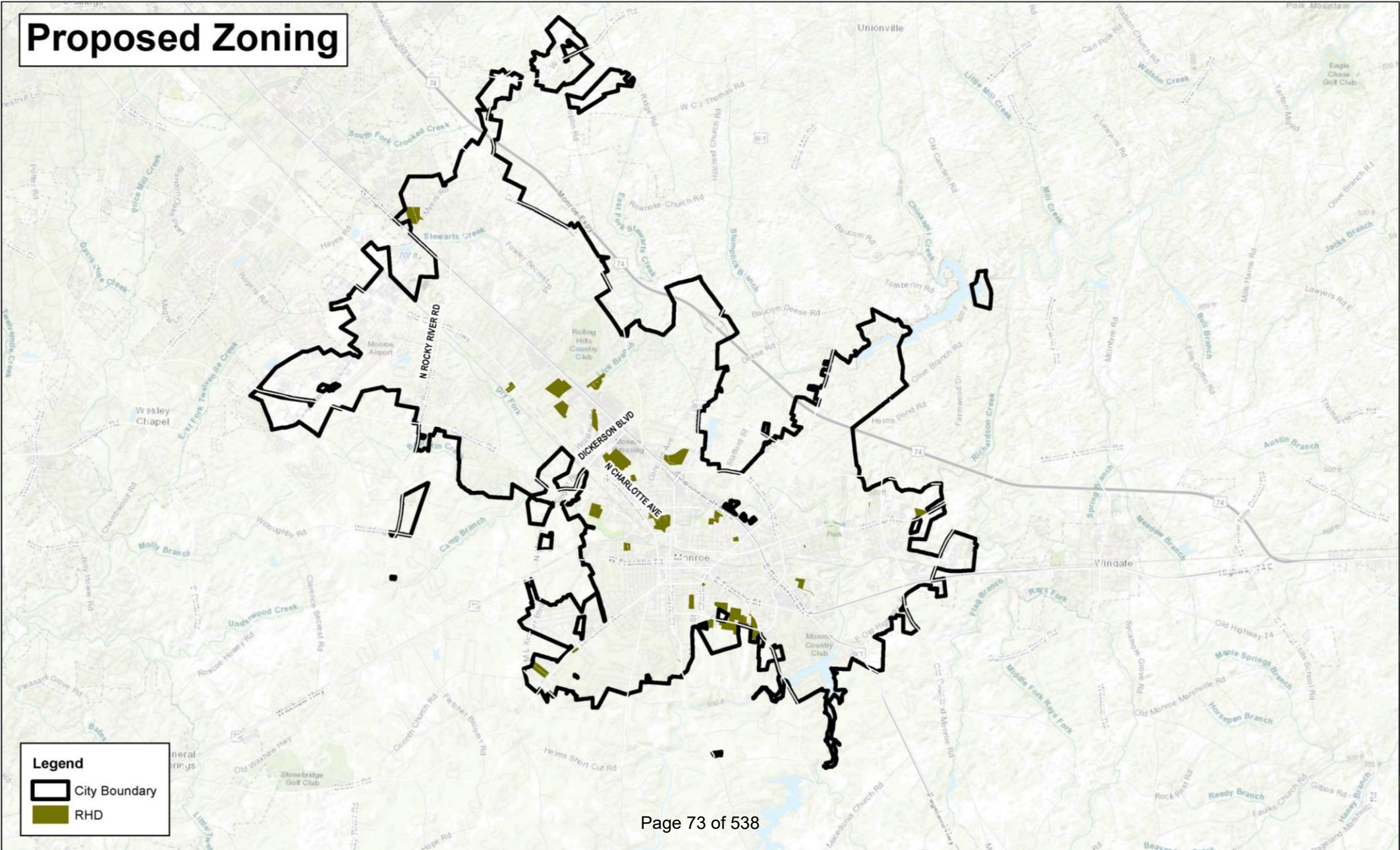
RLD (Residential Low Density) Map



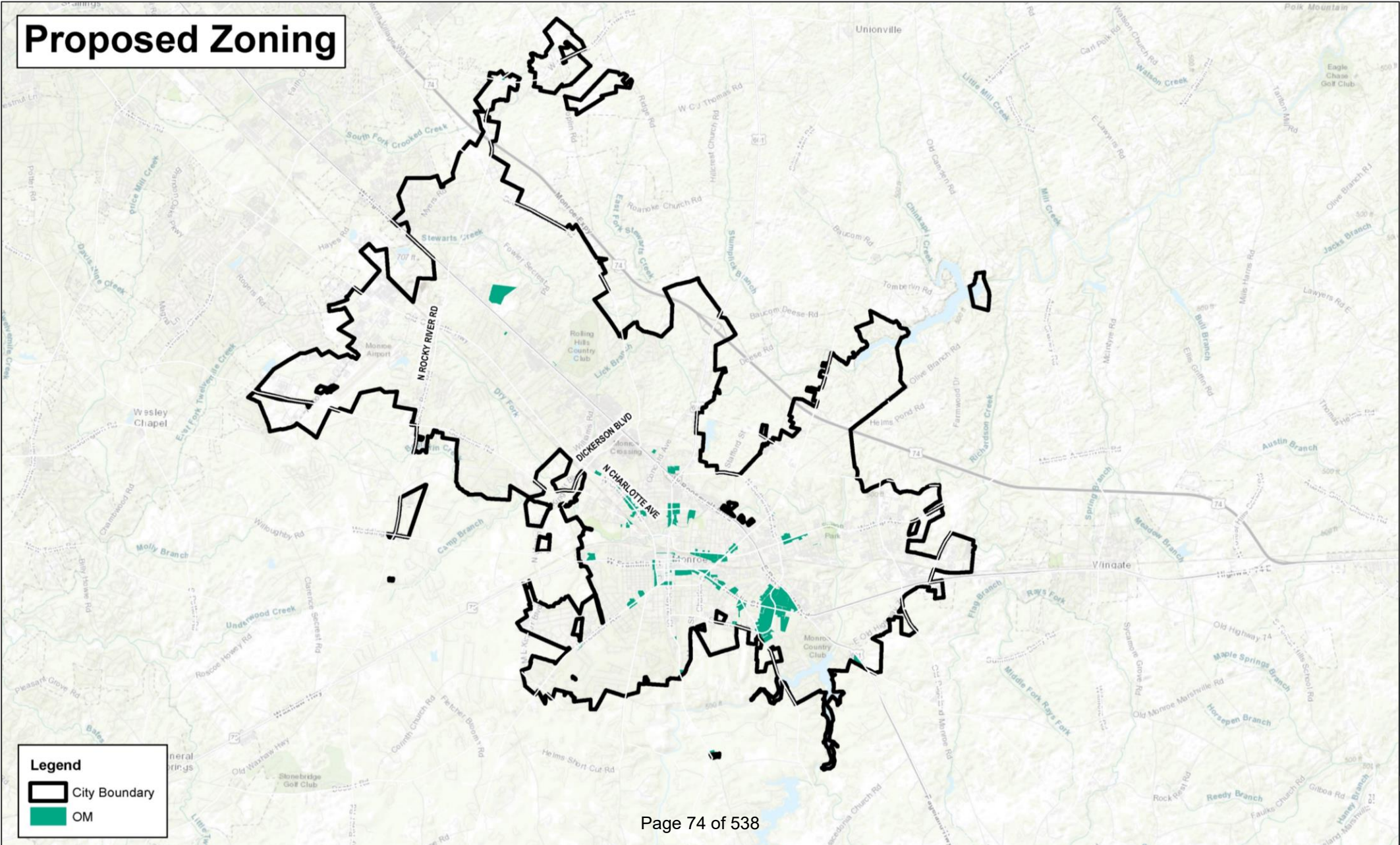
RMD (Residential Medium Density) Map



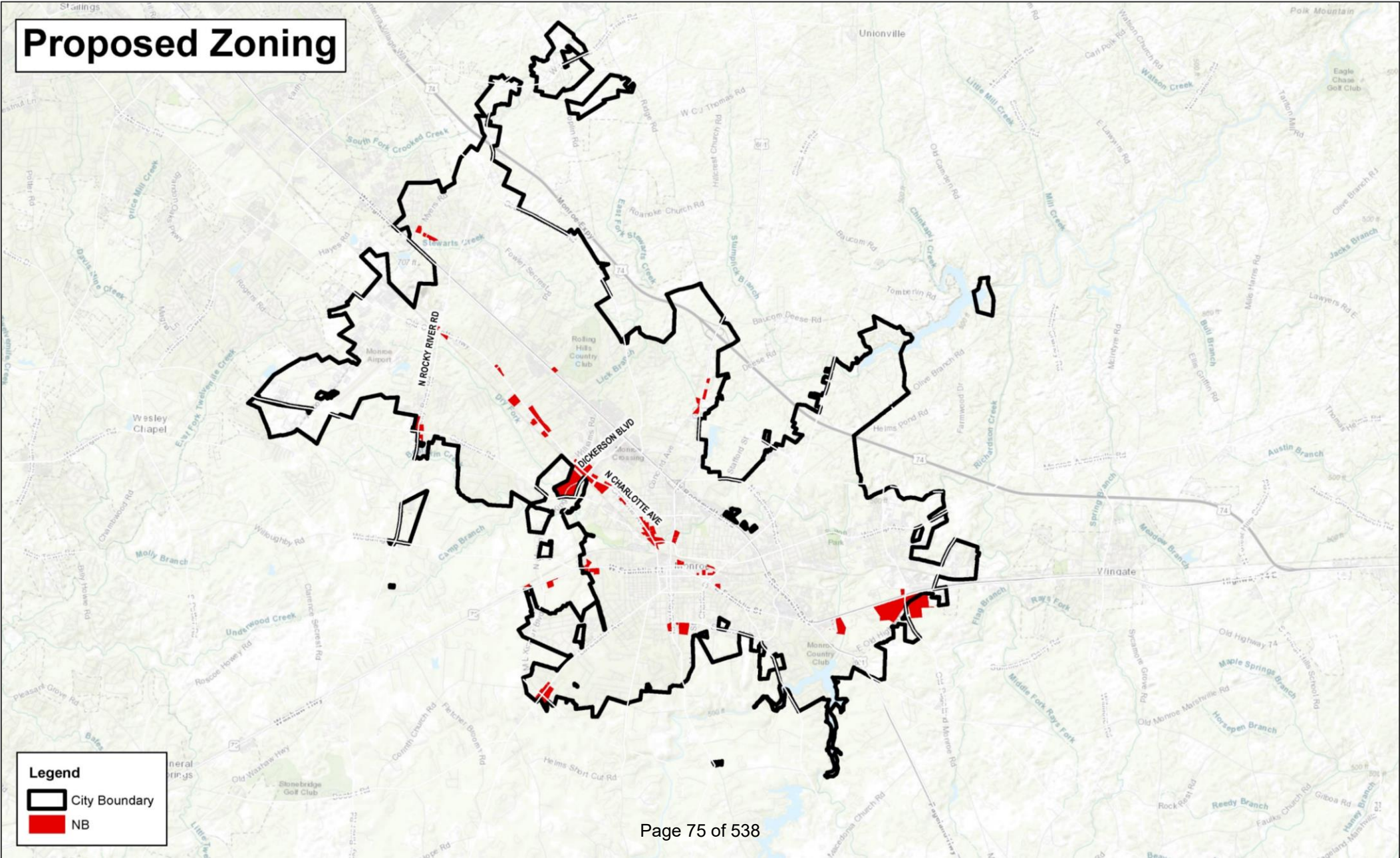
RHD (Residential High Density) Map



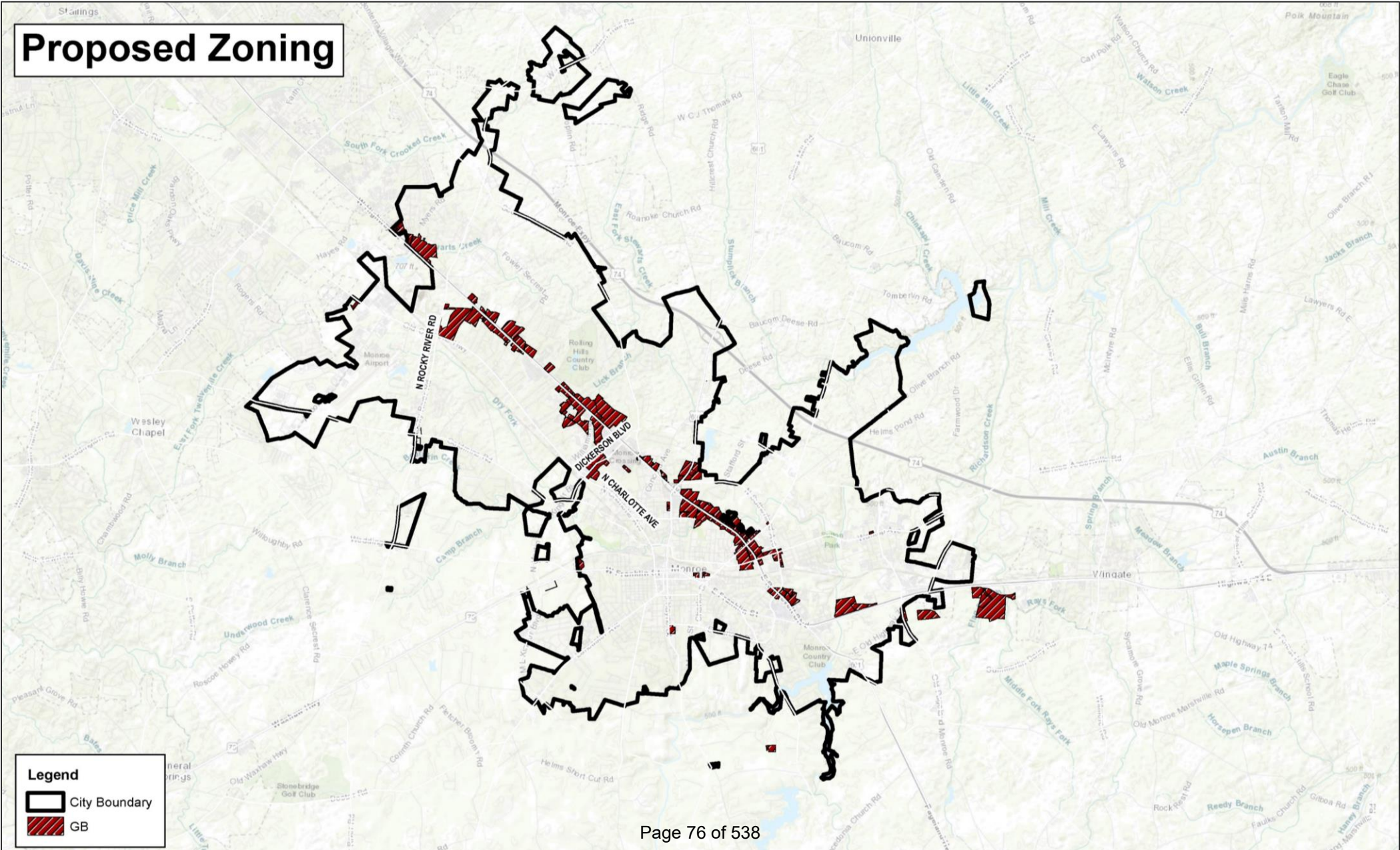
OM (Office/Medical) Map



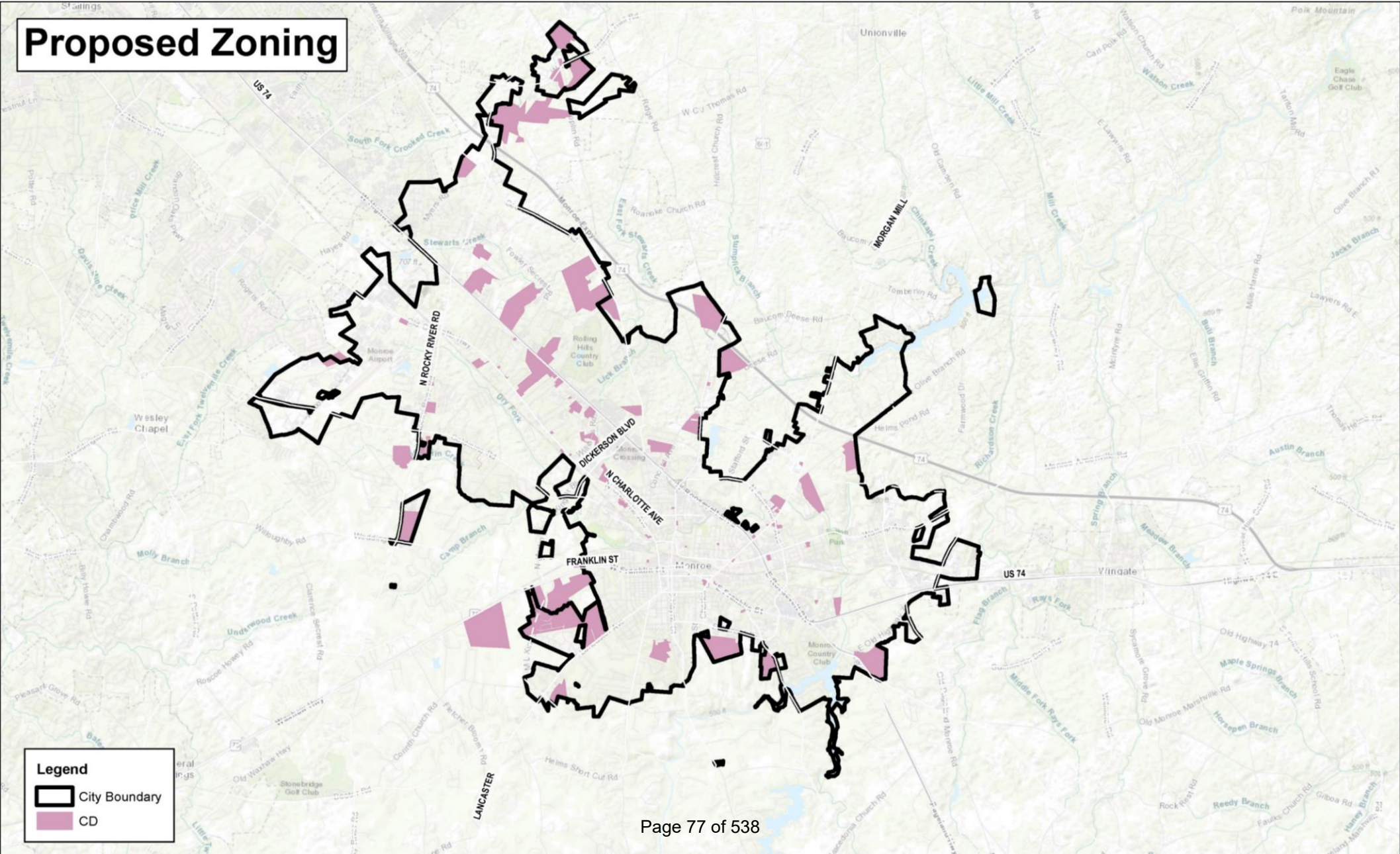
NB (Neighborhood Business) Map



New GB (General Business) Map



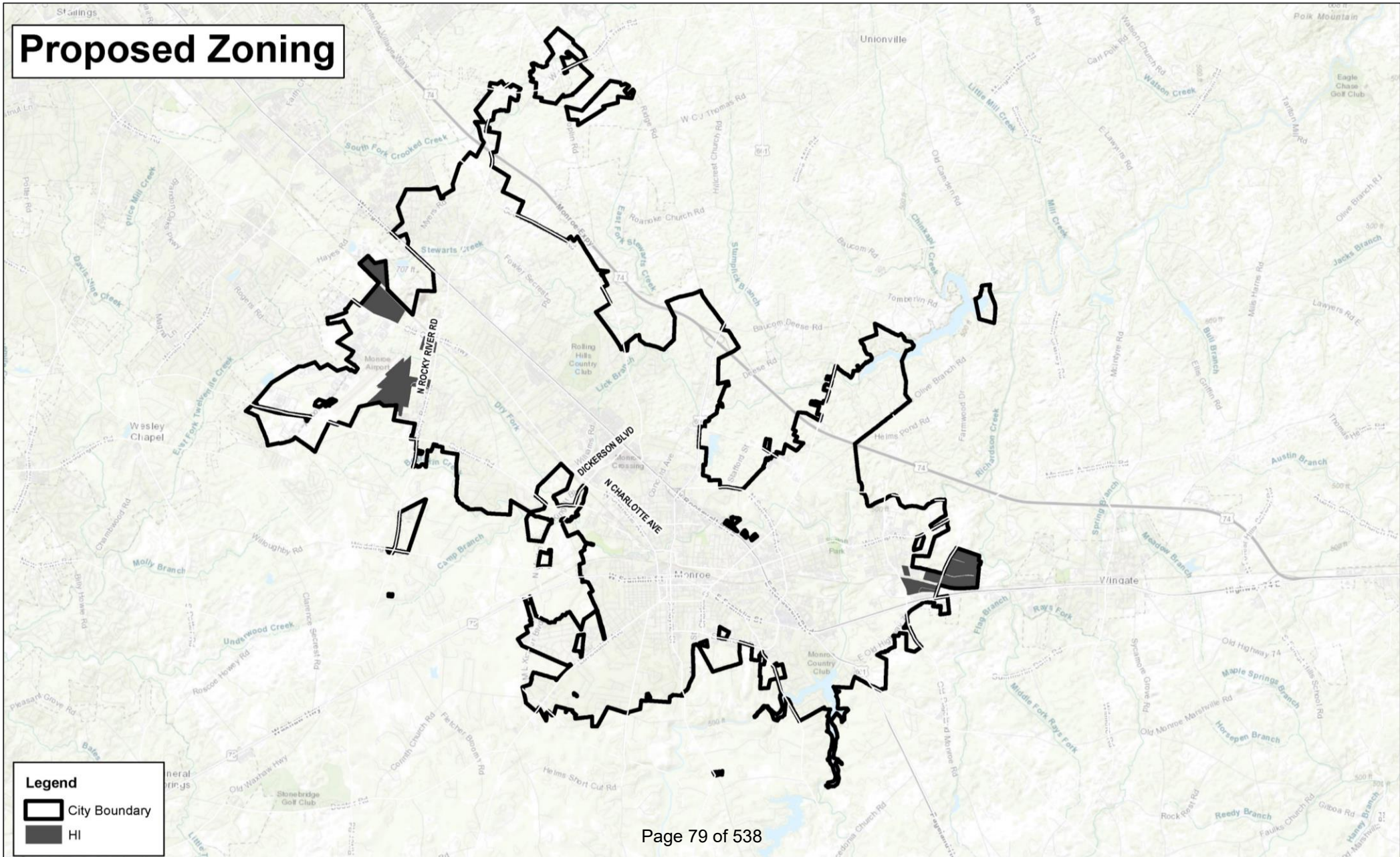
CD () Map



Proposed Zoning

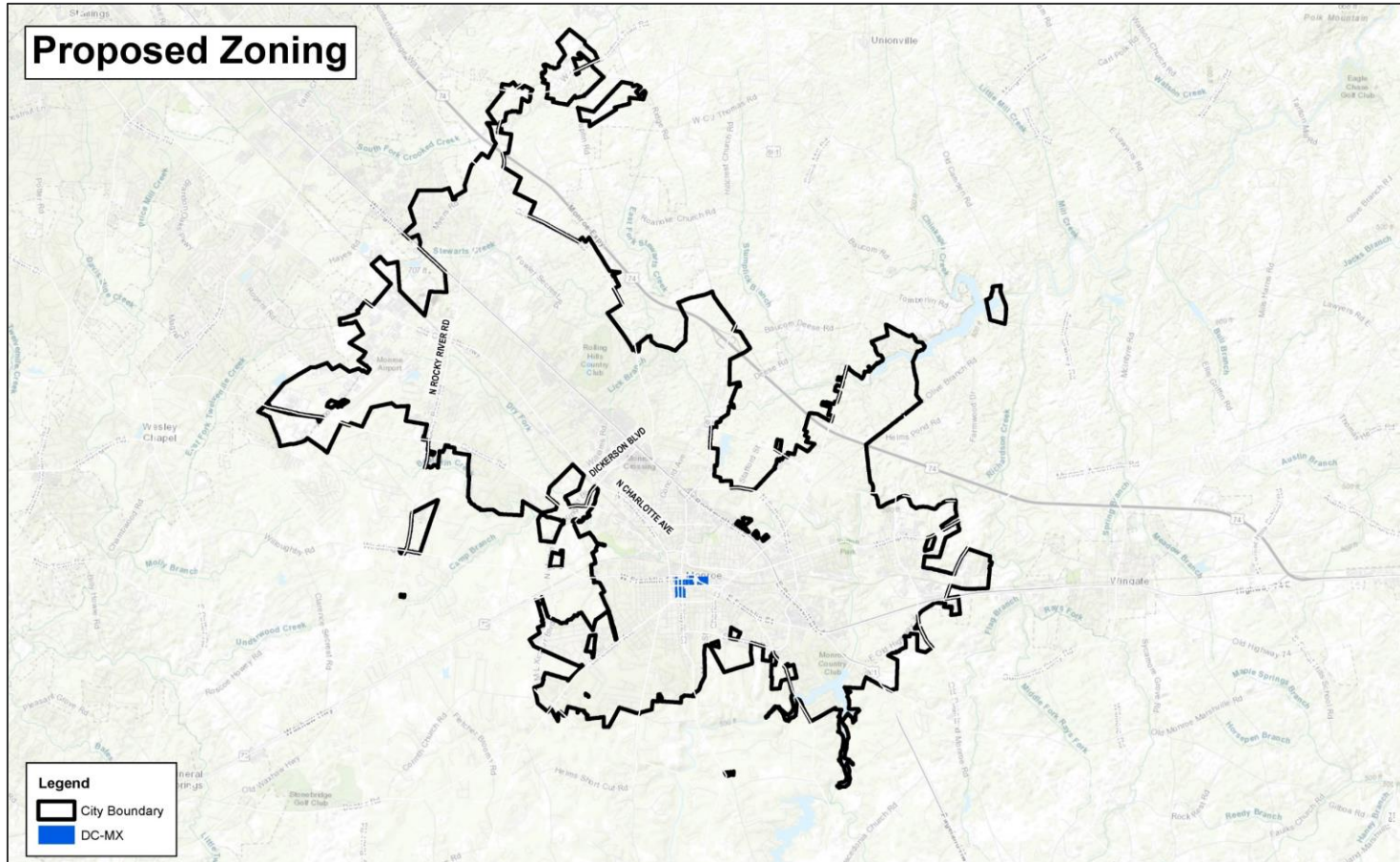


HI (Heavy Industrial) Map

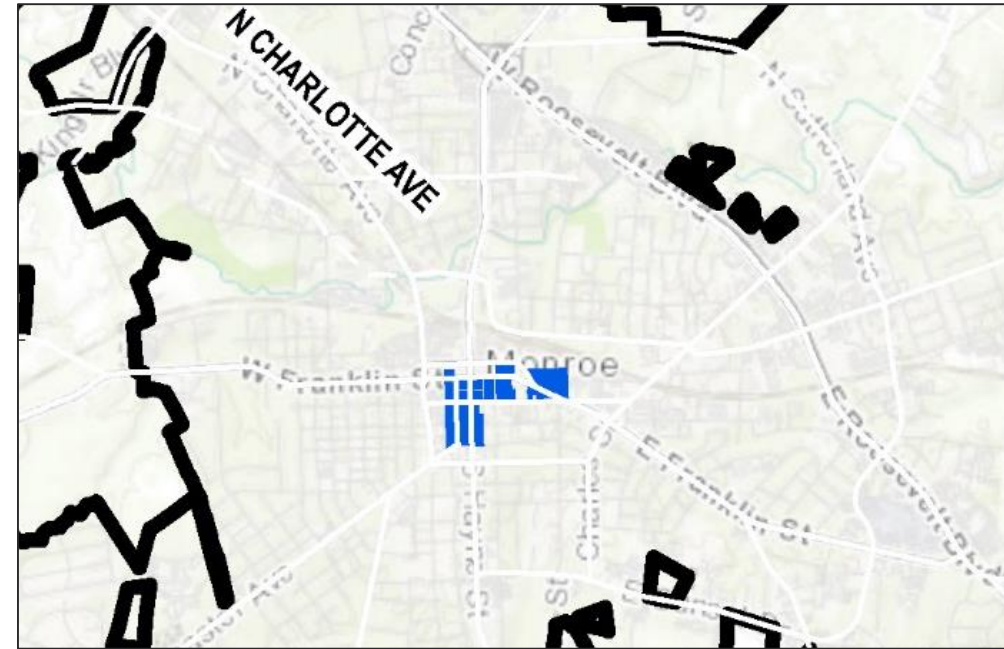


DC-MX (Downtown Central Mixed-Use)

Overview

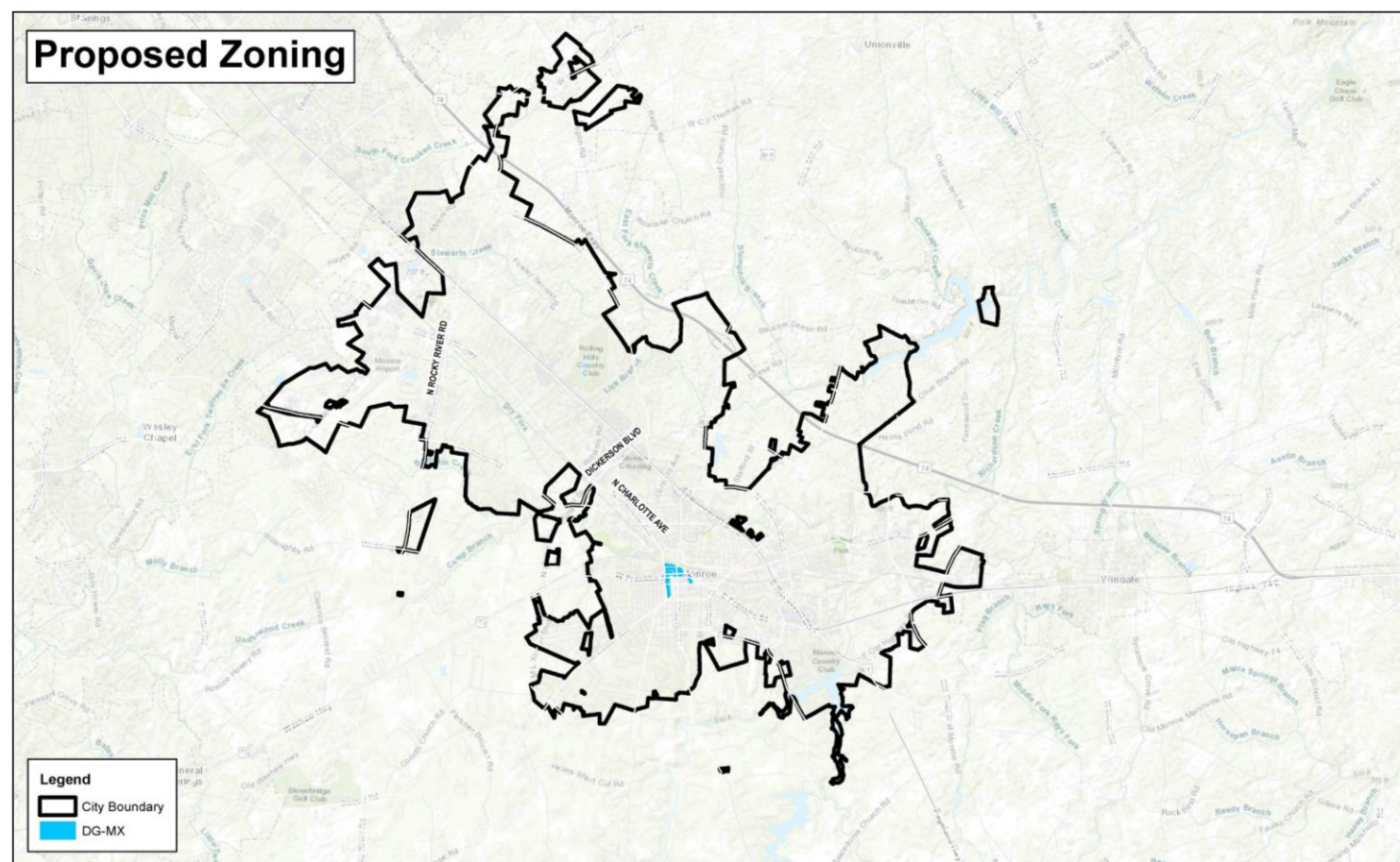


Zoomed In View



DG-MX (Downtown Gateway Mixed-Use)

Overview

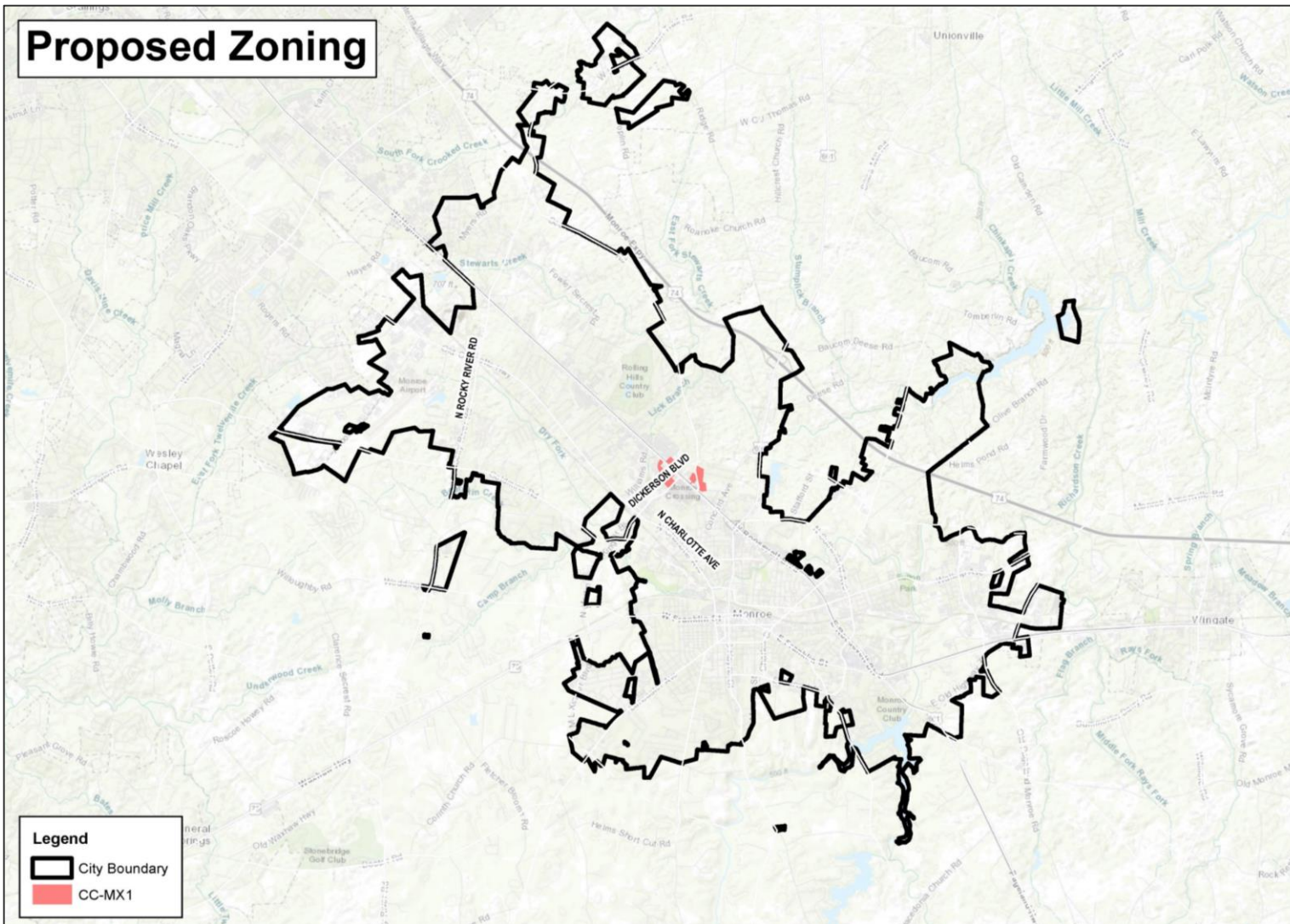


Zoomed In View

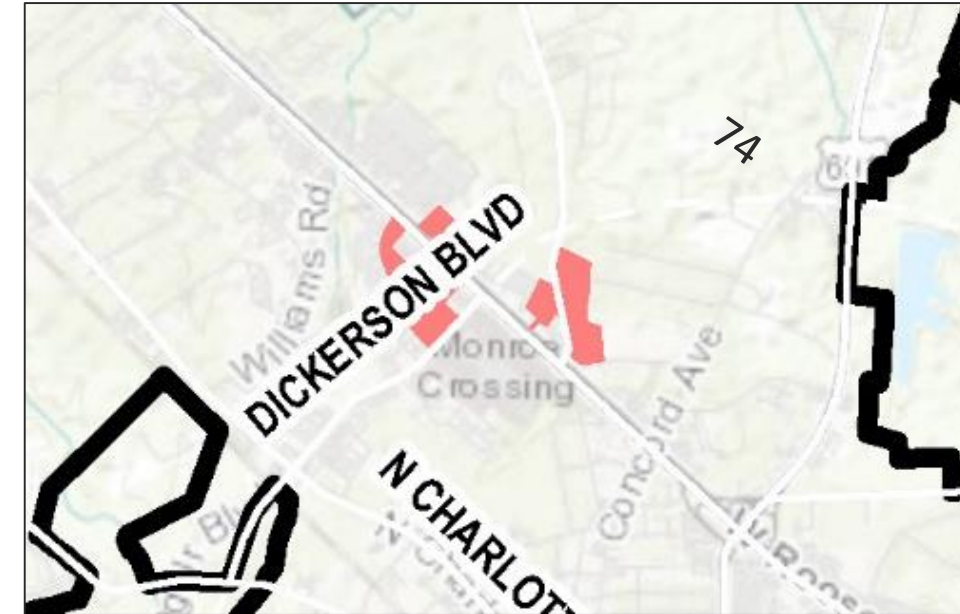


CC-MX1 (Community Corridor Mixed-Use 1)

Overview

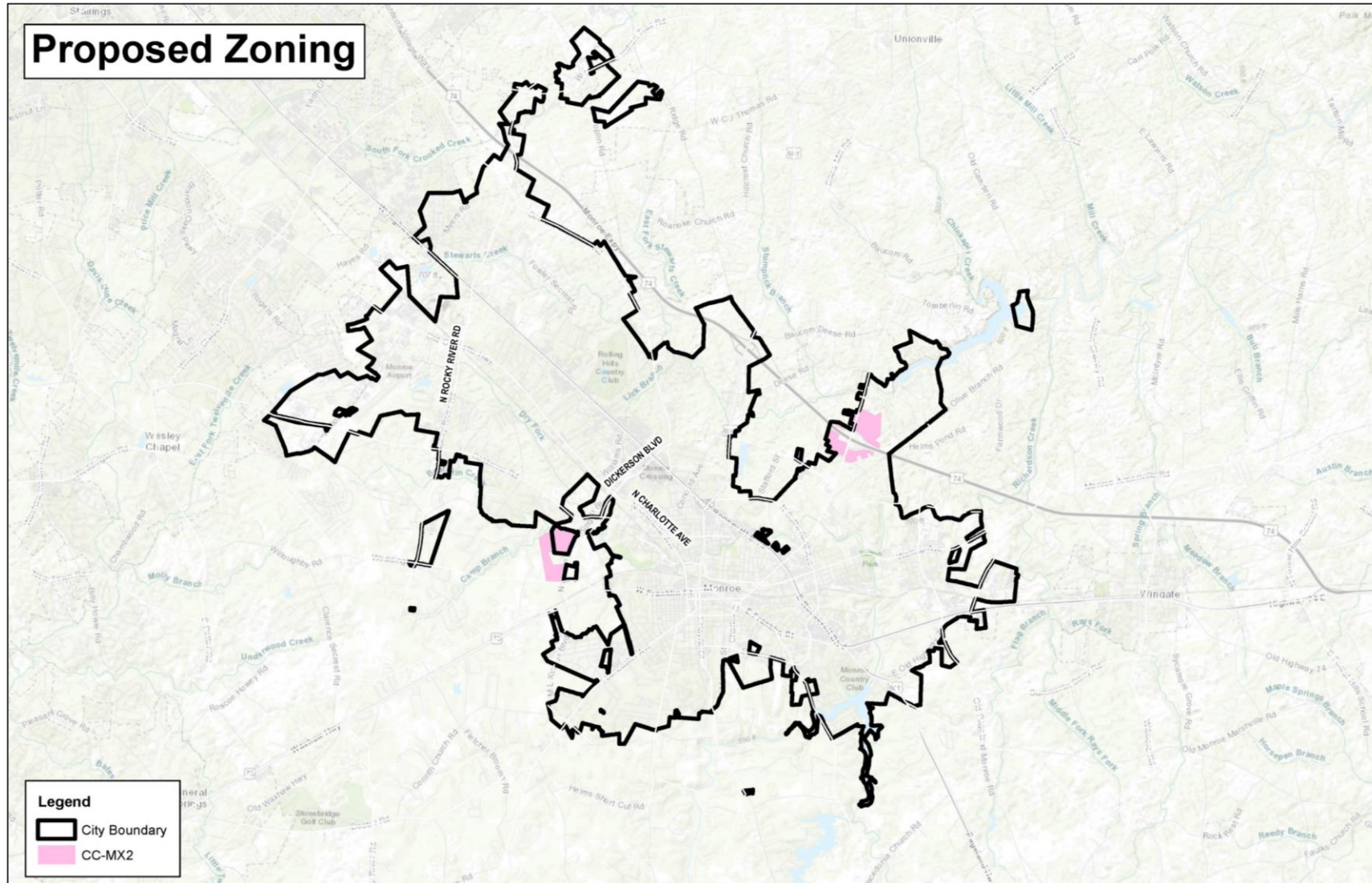


Zoomed In View

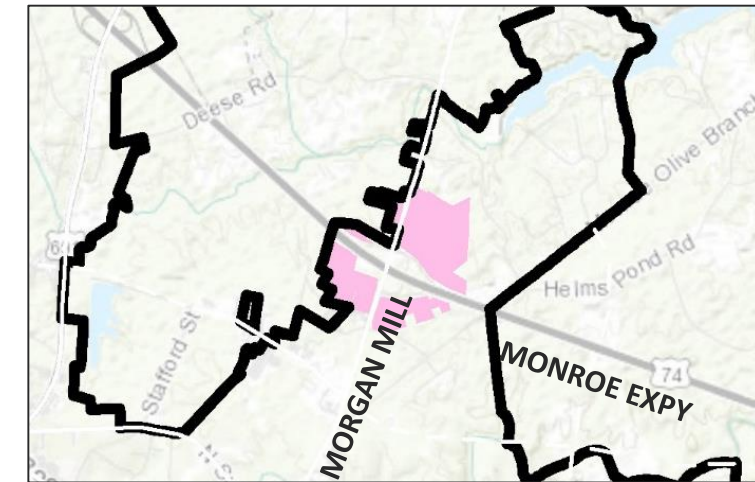
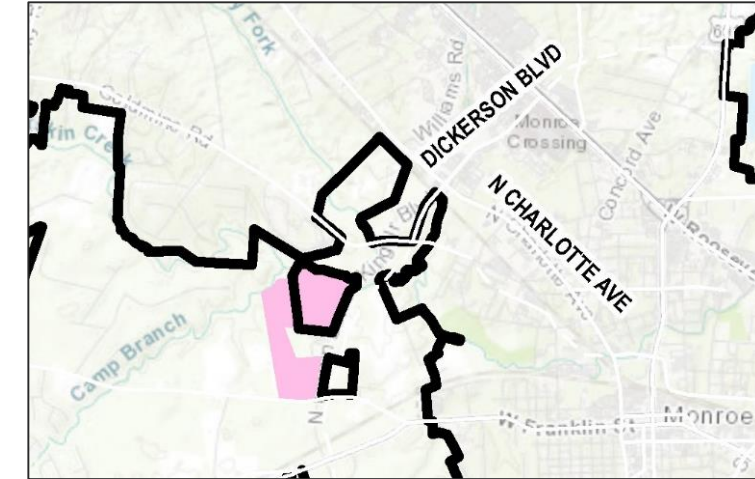


CC-MX2 (Community Corridor Mixed-Use 2)

Overview

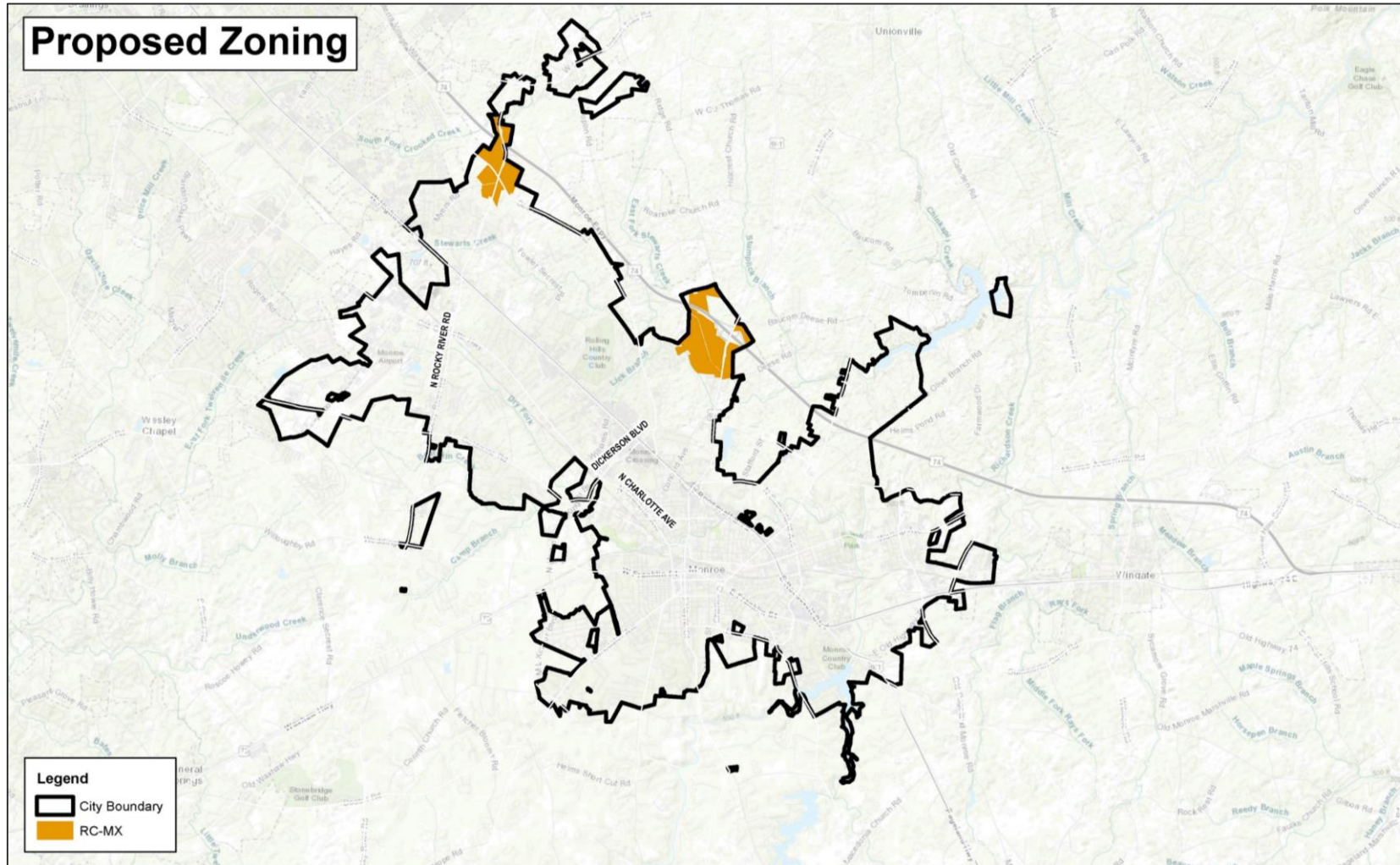


Zoomed In Views

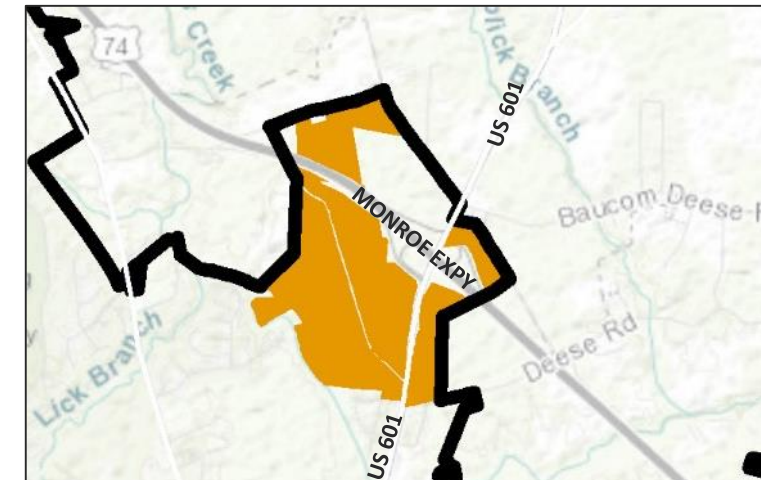
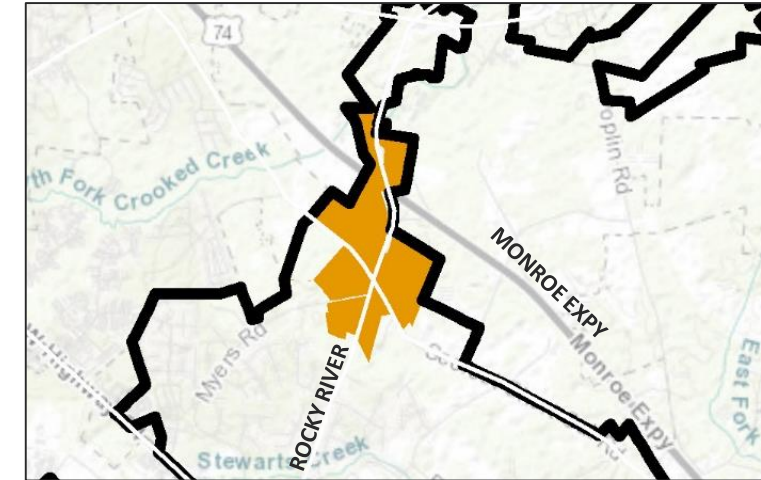


RC-MX (Regional Corridor Mixed-Use)

Overview

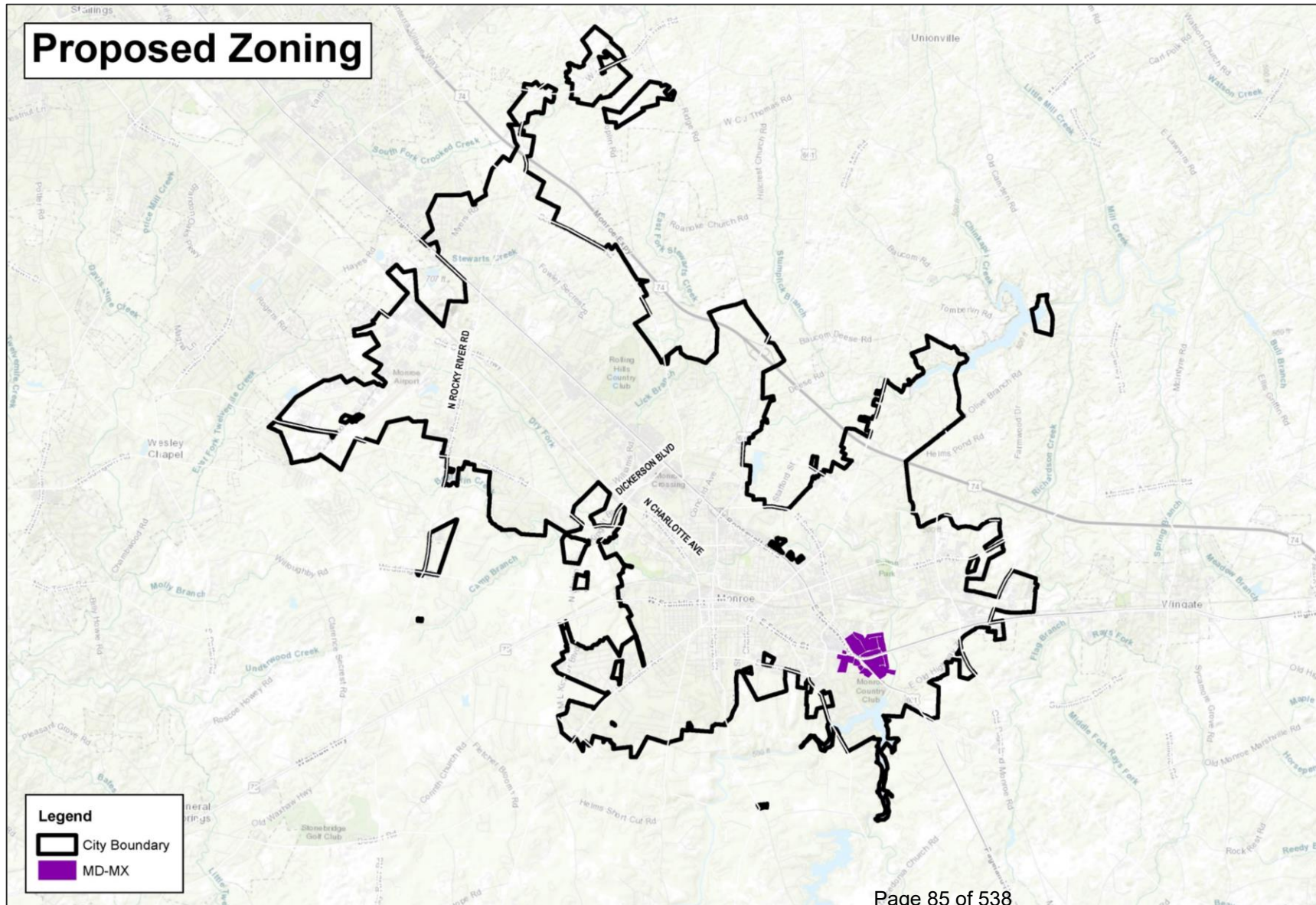


Zoomed In Views

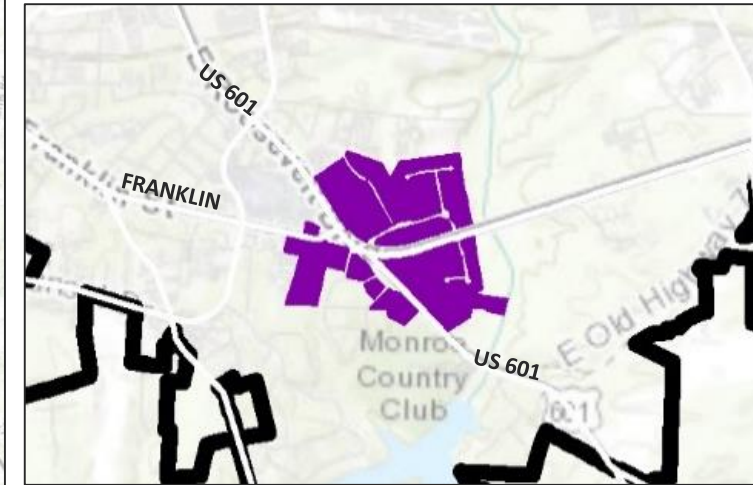


MD-MX (Medical District Mixed-Use)

Overview

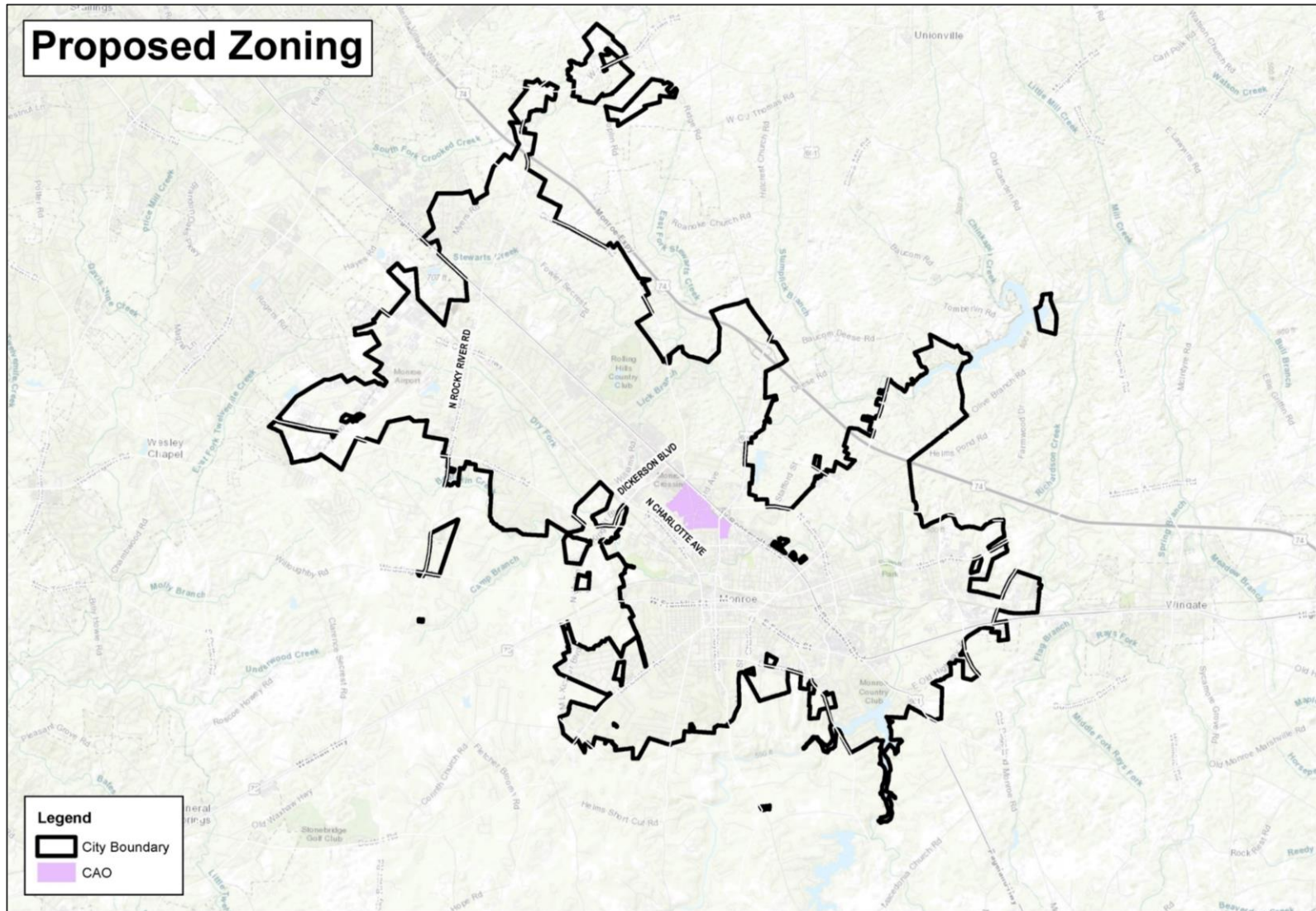


Zoomed In View

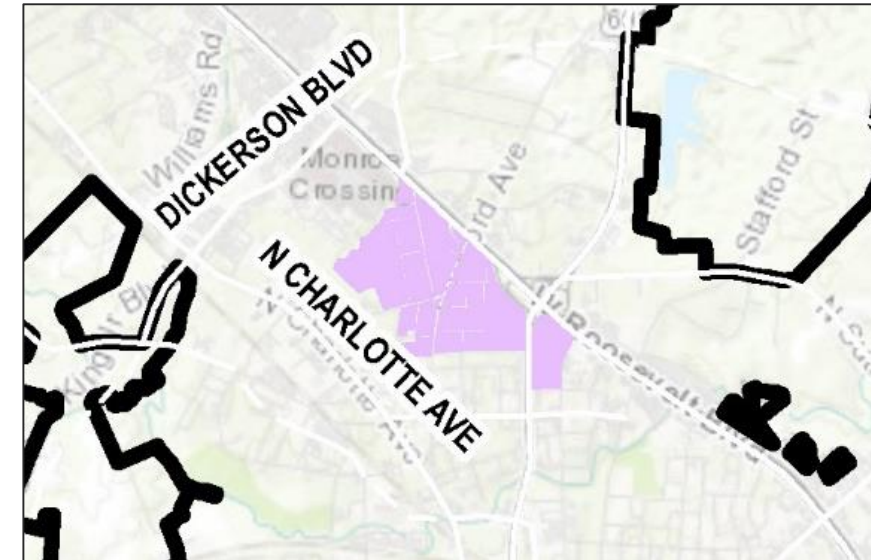


CAO ()

Overview



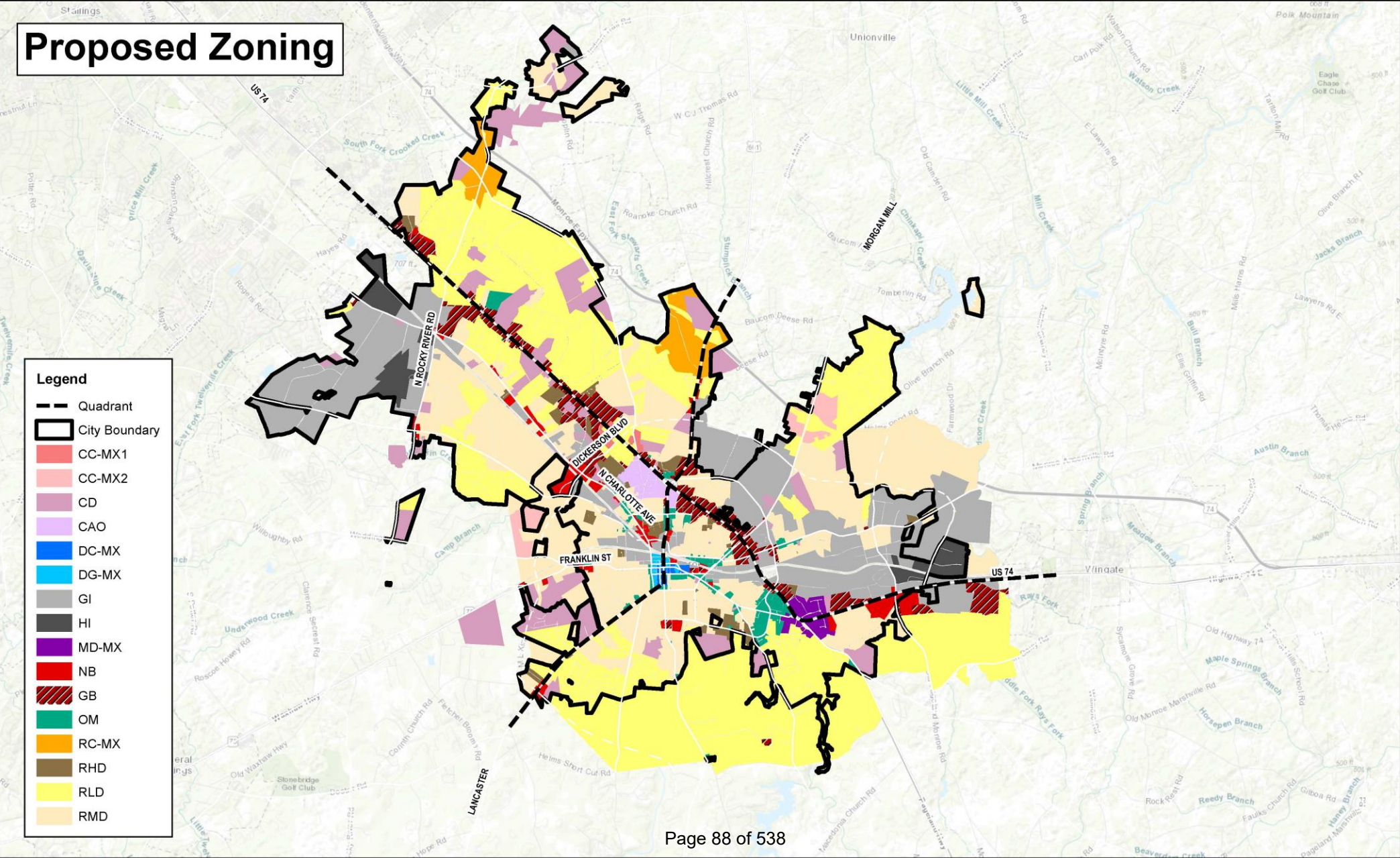
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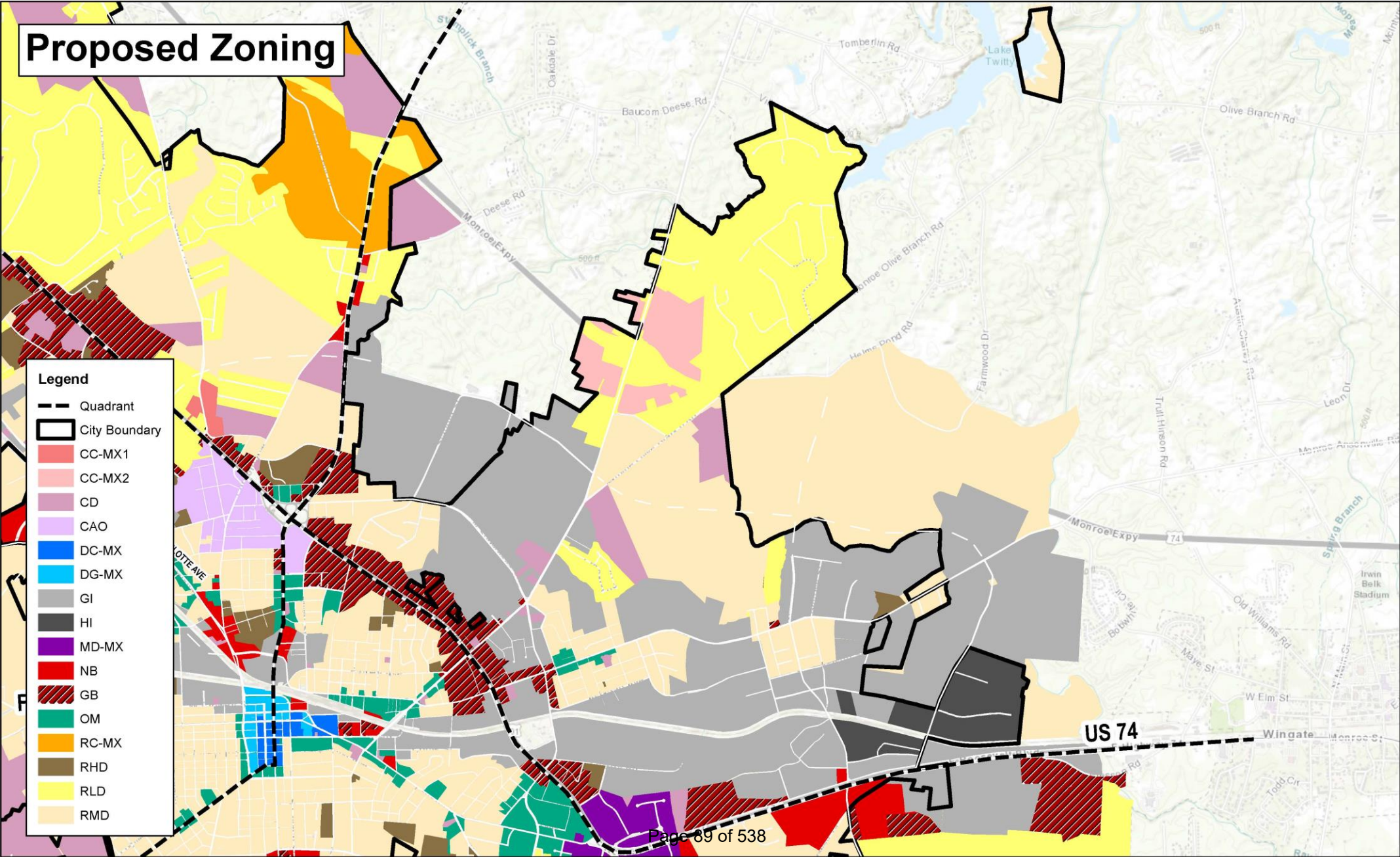


Quadrant Map

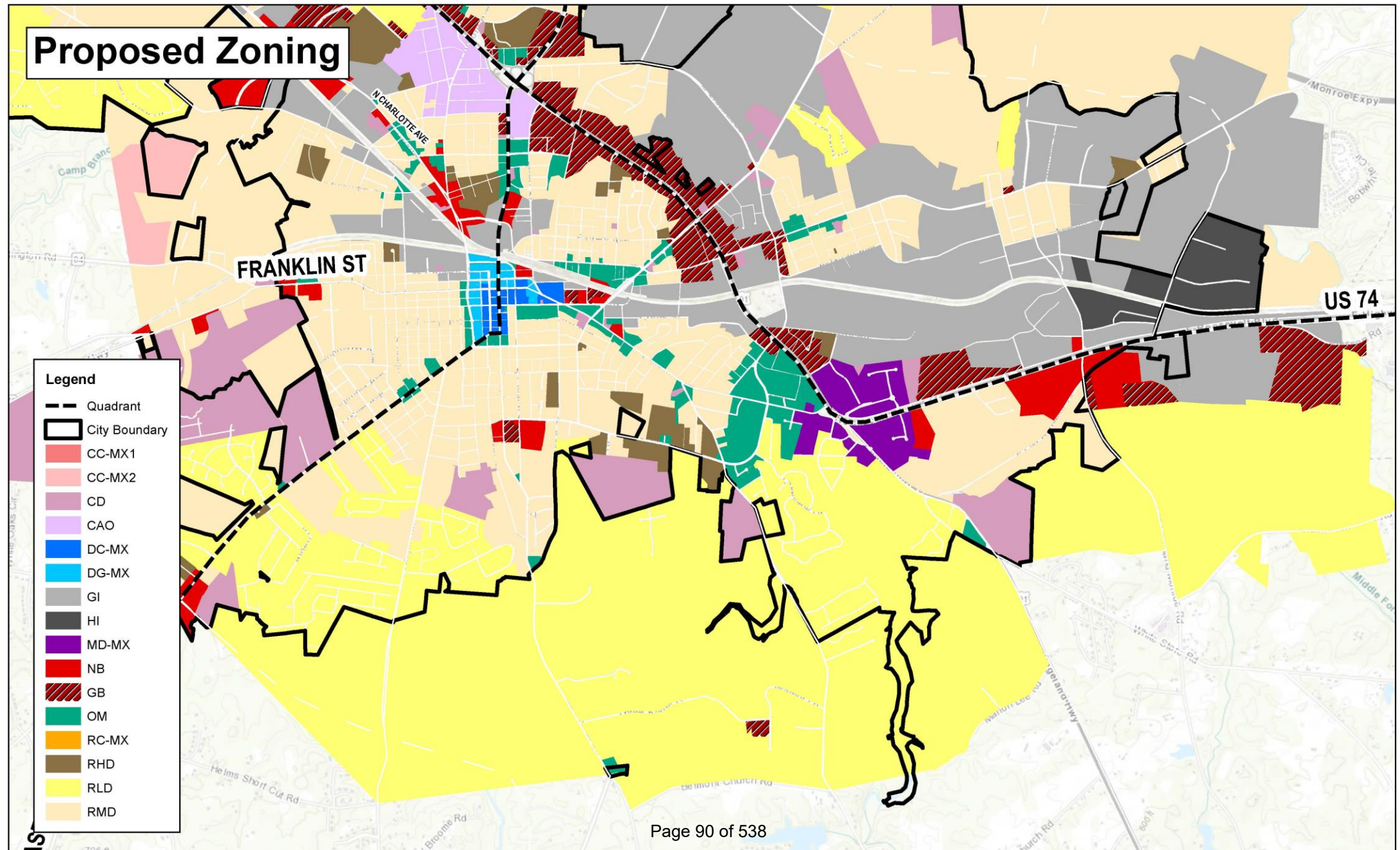
All Quadrants



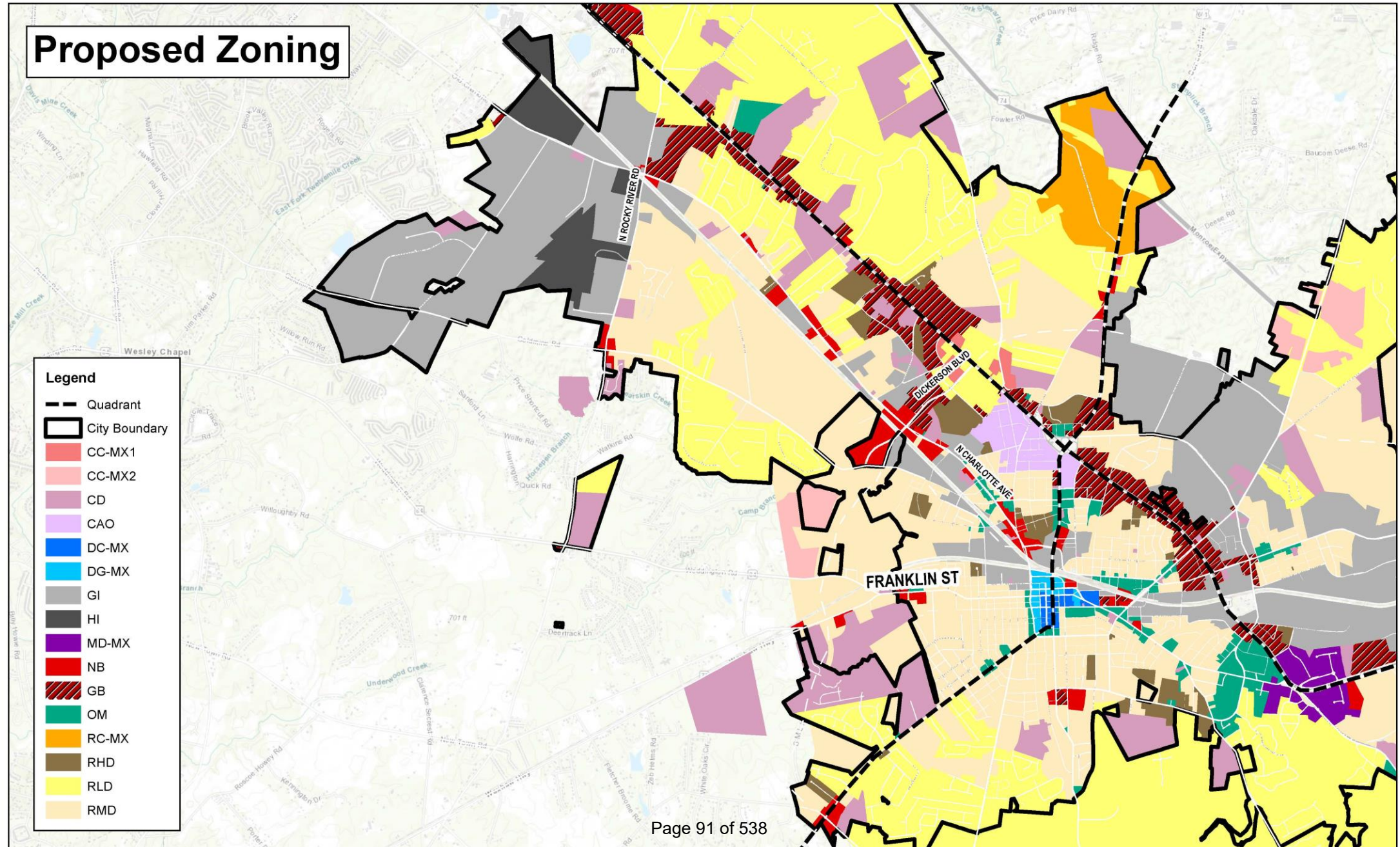
Quadrant 1



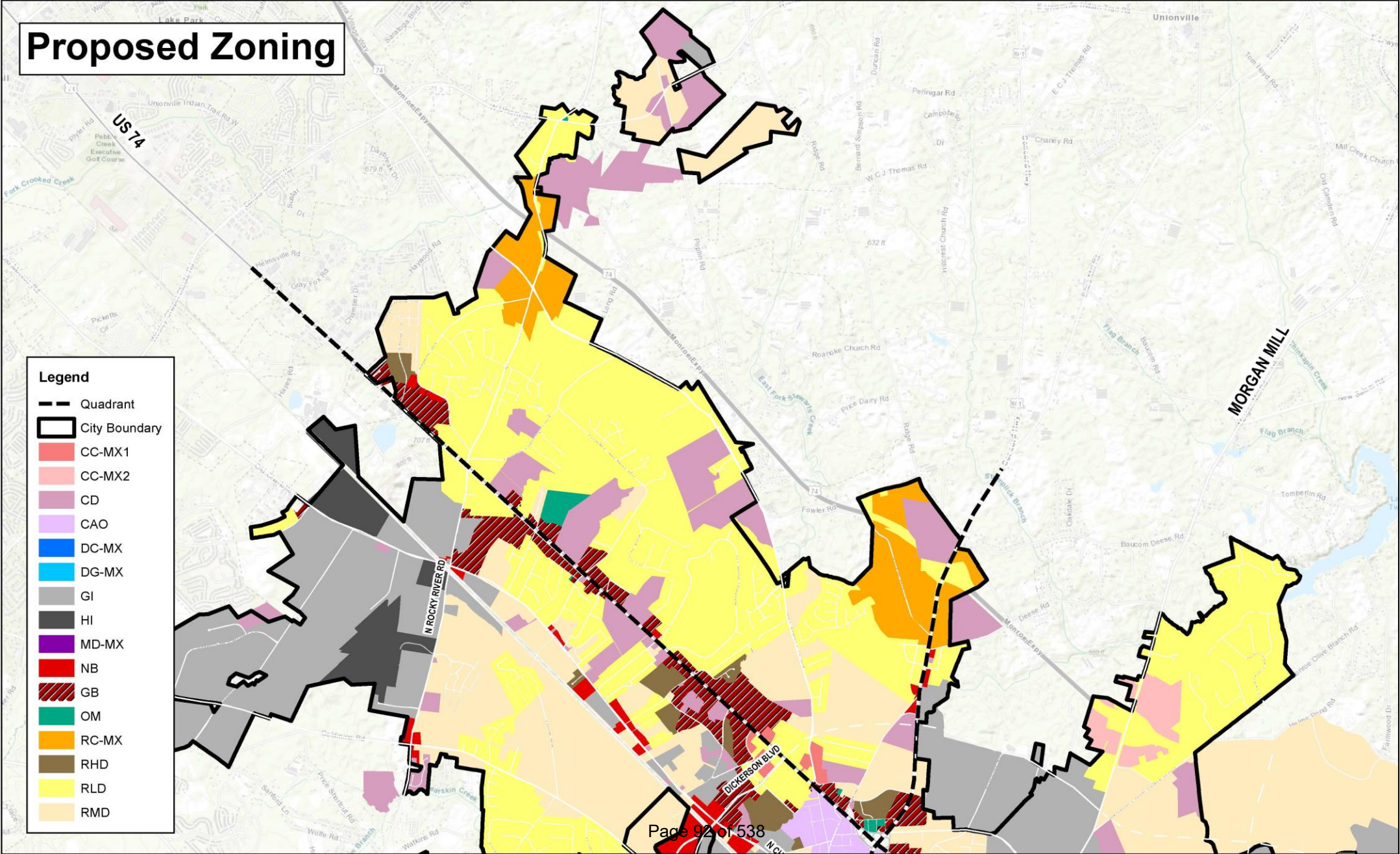
Quadrant 2



Quadrant 3



Quadrant 4





Next Steps

Adoption of UDO

- BOC adopts UDO and Zoning Map, September 14, 2021



Thank You!

Questions or Comments?

GI GENERAL INDUSTRIAL → GI GENERAL INDUSTRIAL AND HI HEAVY INDUSTRIAL				
FORMER GI District Development Standards		→	*NEW* GI and HI District Development Standards	
Building Height	Not Applicable		Building Height	Maximum 5 Stories
Density	Not Applicable		Density	Maximum 2 Units/Acre (Live-Work Only)
Setbacks	10' Front/Side/Rear		Setbacks	25' (GI) 50' (HI)
Lot	Width	Not Applicable		10' (GI) 25' (HI) 50'/100' if abutting residential
	Area	Not Applicable		25' (GI) 50' (HI) 50'/100' if abutting residential
Lot	Width	Not Applicable		Not Applicable
	Area	Not Applicable		Not Applicable
FAR			1.0 Maximum	

CHAPTER 160D

NORTH CAROLINA GENERAL STATUTES

The new Chapter 160D of the North Carolina General Statutes consolidates city enabling statutes for development regulations (existing currently in Chapters 153A and 160A) into a single, unified chapter that’s easier to follow. While 160D doesn’t make major changes to the authority granted to local governments, it does provide clarifying amendments and reforms that need to be incorporated into local development regulations such as Transform Monroe’s new Unified Development Ordinance (UDO).

Chapter 160D is effective now, but local governments have until July 1, 2021 for the development and adoption of amendments to conform local ordinances to 160D. All city zoning, subdivision, and other development regulations will need to be updated by that date to conform to the new law. The required amendments are being built into the new UDO concurrently.

QUESTIONS? COMMENTS?

Speak with a staff member at an Open House, visit the project website, or pick up the phone.

www.forwardmonroe.com/Transform.html704 282 4520

AT A GLANCE

Transform Monroe started as a priority recommendation of Forward Monroe (the city’s land use and transportation plan adopted in 2018) to make the city’s land use tools and processes more functional and predictable. It’s a completely new Unified Development Ordinance (UDO) that includes all of the City’s land use and development requirements.

The proposed UDO has “sections” that address specific topics and standards ranging from review procedures and zoning districts to development standards such as parking, signage and architectural standards, and definitions. The UDO applies to land within the City’s corporate limits as identified on the City’s official city limits and zoning map.

WHERE WE’RE AT

With your input, City staff and the consultant team will finish refining the UDO and prepare for adoption.



This handout provides an overview of changes to the UDO and where you can find former districts and standards.

Zoning District Transitions		
FORMER ZONING DISTRICTS		*NEW* ZONING DISTRICTS
Residential Districts		Residential Districts
R-40 (Residential Low Density)	→	RLD (Residential Low Density)
R-20 (Residential Low Density)	→	RLD (Residential Low Density)
R-10 (High Density)	→	RMD (Residential Medium Density)
R-MF (Residential, Multi Family)	→	RHD (Residential High Density)
R-MH (Residential, Manufactured Home)	→	RLD (Residential Low Density)
Commercial Districts		Commercial Districts
CBD (Commercial Business District)	→	OM (Office/Medical) and DC-MX, DG-MX
OT (Office/Transitional)	→	OM (Office/Medical)
GB (General Business)	→	NB (Neighborhood Business) and GB (General Business)
Industrial Districts		Industrial Districts
GI (General Industrial)	→	GI (General Industrial) HI (Heavy Industrial)
		New Planned Districts
		PCD (Planned Commerce Development)
		PUD (Planned Unit Development)
		New Mixed-Use Districts
		DC-MX (Downtown Central Mixed-Use)
		DG-MX (Downtown Gateway Mixed-Use)
		CC-MX1 (Community Corridor Mixed-Use 1)
		CC-MX2 (Community Corridor Mixed-Use 2)
		RC-MX (Regional Corridor Mixed-Use)
		MD-MX (Medical District Mixed-Use)

R-40 AND R-20 RESIDENTIAL LOW DENSITY → RLD RESIDENTIAL LOW DENSITY

FORMER R-40 and R-20 District Development Standards		
Building Height		Maximum 35' (R-40 and R-20)
Density		~1.0 Units/Acre (R-40) / ~2.0 Units/Acre (R-20)
Setbacks		10' Front/Side/Rear
Lot	Width	100' Minimum
	Area	40,000 Square Feet Minimum (R-40) 20,000 Square Feet Minimum (R-20)



NEW RLD District Development Standards		
Building Height		Maximum 3 Stories
Density		Maximum 2 Units/Acre
Setbacks	Front (Street)	25'
	Side	15' (interior lot) 20' (corner lot)
	Rear	20' (interior lot) 25' (through lot)
Lot	Width	100' Minimum
	Area	20,000 Square Feet Minimum
	Coverage	20% Maximum

R-10 RESIDENTIAL HIGH DENSITY → RMD RESIDENTIAL MEDIUM DENSITY

FORMER R-10 District Development Standards		
Building Height		Maximum 35 Feet
Density		~4 Units/Acre
Setbacks		10' Front/Side/Rear
Lot	Width	75' Minimum
	Area	10,000 Square Feet Minimum



NEW RMD District Development Standards		
Building Height		Maximum 3 Stories
Density		Maximum 3 Units/Acre (By-Right) Maximum 4 Units/Acre (Cluster)
Setbacks ¹	Front (Street)	20' May be reduced to 15' for common parking areas
	Side	10' (interior lot) 15' (corner lot)
	Rear	10' (interior lot) 20' (through lot)
Lot	Width ²	75' Minimum
	Area	12,000 Square Feet Minimum (By-Right) 5,000 Square Feet Minimum (Cluster)

R-MF RESIDENTIAL MULTI FAMILY → RHD RESIDENTIAL HIGH DENSITY

FORMER R-MF District Development Standards		
Building Height		Maximum 45 Feet
Density		6 Units/Acre
Setbacks		10' Front/Side/Rear
Lot	Width	70' Minimum
	Area	40,000 Square Feet Minimum



NEW RHD District Development Standards		
Building Height		Maximum 4 Stories
Density		Maximum 10 Units/Acre
Setbacks	Front (Street)	15' non-multifamily residential structures 20' for multifamily and non-residential structures
	Side	5' (interior lot) 15' (corner lot)
	Rear	10' (interior lot) 20' (through lot)
Lot	Width	50' Minimum
	Area	5,000 Square Feet Minimum

OT OFFICE/TRANSITION → OM OFFICE/MEDICAL

FORMER OT District Development Standards		
Building Height		Maximum 45 Feet
Density		~4 Units/Acre
Setbacks		10' Front/Side/Rear
Lot	Width	70' Minimum
	Area	10,000 Square Feet Minimum



NEW OM District Development Standards		
Building Height		Maximum 3 Stories (By Right) Maximum 4 Stories (By Special Use Permit)
Density		Maximum 6 Units/Acre
Setbacks	Front (Street)	15'
	Side	5' (interior lot) 10' (corner lot)
	Rear	10' (interior lot) 20' (through lot)
Lot	Width	75' Minimum
	Area	7,500 Square Feet Minimum
FAR		0.75 Maximum

GB GENERAL BUSINESS → NB NEIGHBORHOOD BUSINESS AND GB GENERAL BUSINESS

FORMER GB District Development Standards		
Building Height		Maximum 50 Feet
Density		Not Applicable
Setbacks		10' Front/Side/Rear
Lot	Width	Not Applicable
	Area	Not Applicable



NEW NB and GB District Development Standards		
Building Height		Maximum 4 Stories (NB) Maximum 5 Stories (GB)
Density		Maximum 10 Units/Acre
Setbacks	Front (Street)	20'
	Side	5' (NB) 10' (GB)
	Rear	10' (NB) 15' (GB)
Lot	Width	Not Applicable
	Area	Not Applicable
FAR		1.0 Maximum

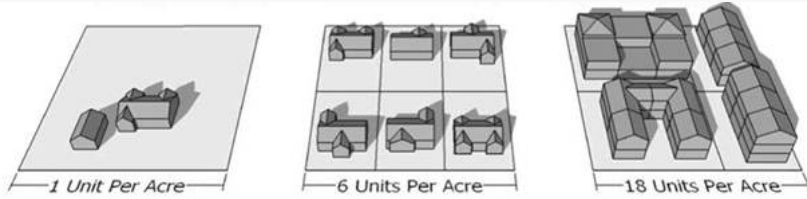
Building Height

Building Height is defined by stories rather than a specific height expressed in feet; however, each story shall have maximum height limitations expressed in feet. The ground floor (i.e. first story) of a structure shall be a maximum of 15 feet. Additional stories shall be a maximum of 12 feet for each individual story. Stories are understood to also include the habitable space of a building excluding rooflines and architectural features.



Density

Residential density is measured by dwelling units per gross acre (du/ac). For example, if a development of 100 acres is entitled to 10 dwelling units per acre, the maximum permitted density within the development is 1,000 dwelling units.



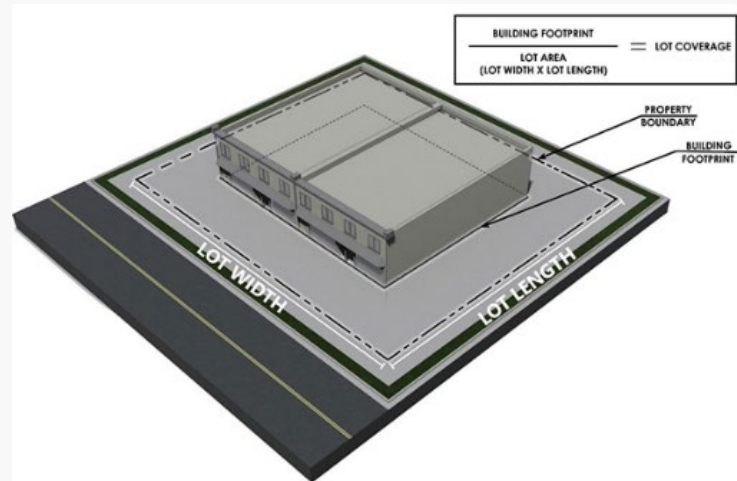
Building Placement

Building placement (*i.e. setbacks*), shall be measured from the nearest part of the applicable building, structure or sign, measured perpendicularly to the lot line or street right-of-way line. Setbacks are designated by a front setback requirement, side setback requirements, and a rear setback requirement.



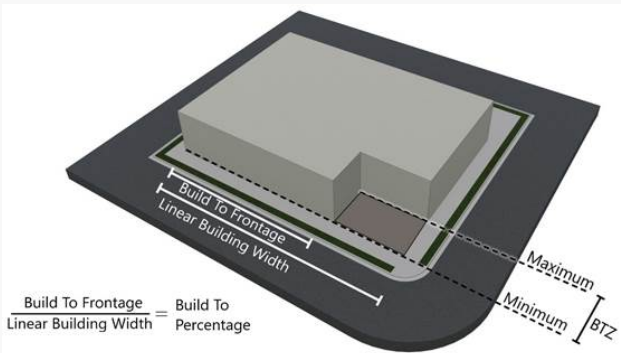
Lot Coverage

Lot coverage is the minimum and maximum area of a lot that is permitted to be covered by roofed structures Lot coverage does not include paved areas such as parking lots, driveways or pedestrian walkways.



Frontage

Frontage, also referred to as the *Build To Percentage Requirement*, defines the percentage of the width of the building in relationship to the width of the lot. Frontage dictates what percentage of the linear distance of the building facade that must be located along the lot width.



Transform
Monroe

Development Code
& Zoning Map

Transform
Monroe

www.forwardmonroe.com/Transform.html

The City's approved land use plan, *Forward Monroe*, designates character areas and mixed-use centers on the Future Land Use Map (FLUM). Mixed-use zoning districts and their respective development standards provide for the vertical and or horizontal integration of residential and non-residential uses in a defined development pattern including a higher quality and predictable form within the public and private realm. Development standards include:

- Building Height
- Density
- Building Placement
- Lot Standards
- Frontage Types and Requirements,
- Parking Placement
- Incentives (if permitted)
- Open/Public Space
- Architectural Standards

Standards for each Mixed-Use Zoning District are provided on the next page.

Mixed-Use Districts

June 2021

This handout provides an overview of the Mixed-Use Zoning Districts in the City's new Unified Development Ordinance (UDO). These new districts respond to four character areas from the Future Land Use Map (FLUM) adopted in April 2018 as part of the Forward Monroe Land Use and Transportation Plan. The UDO implements these character areas using six Mixed-Use Zoning Districts. Development Standards for these districts are provided in the table on the next page. Key terms are defined on the last page.

Character Areas (FLUM)	Implementing Mixed-Use Zoning District	UDO
Downtown	DC-MX - Downtown Central Mixed-Use	Sec. 5.4.
	DG-MX – Downtown Gateway Mixed-Use	Sec. 5.4.
Neighborhood Mixed-Use Centers	CC-MX1 – Community Corridor Mixed-Use 1	Sec. 5.5.
	CC-MX2 – Community Corridor Mixed-Use 2	Sec. 5.6.
Regional Mixed-Use Centers	RC-MX – Regional Corridor Mixed-Use	Sec. 5.7.
Medical District	MD-MX Medical – Medical District Mixed-Use	Sec. 5.8.

QUESTIONS? COMMENTS?

Speak with a staff member at an Open House, visit the project website, or pick up the phone.



www.forwardmonroe.com/Transform.html



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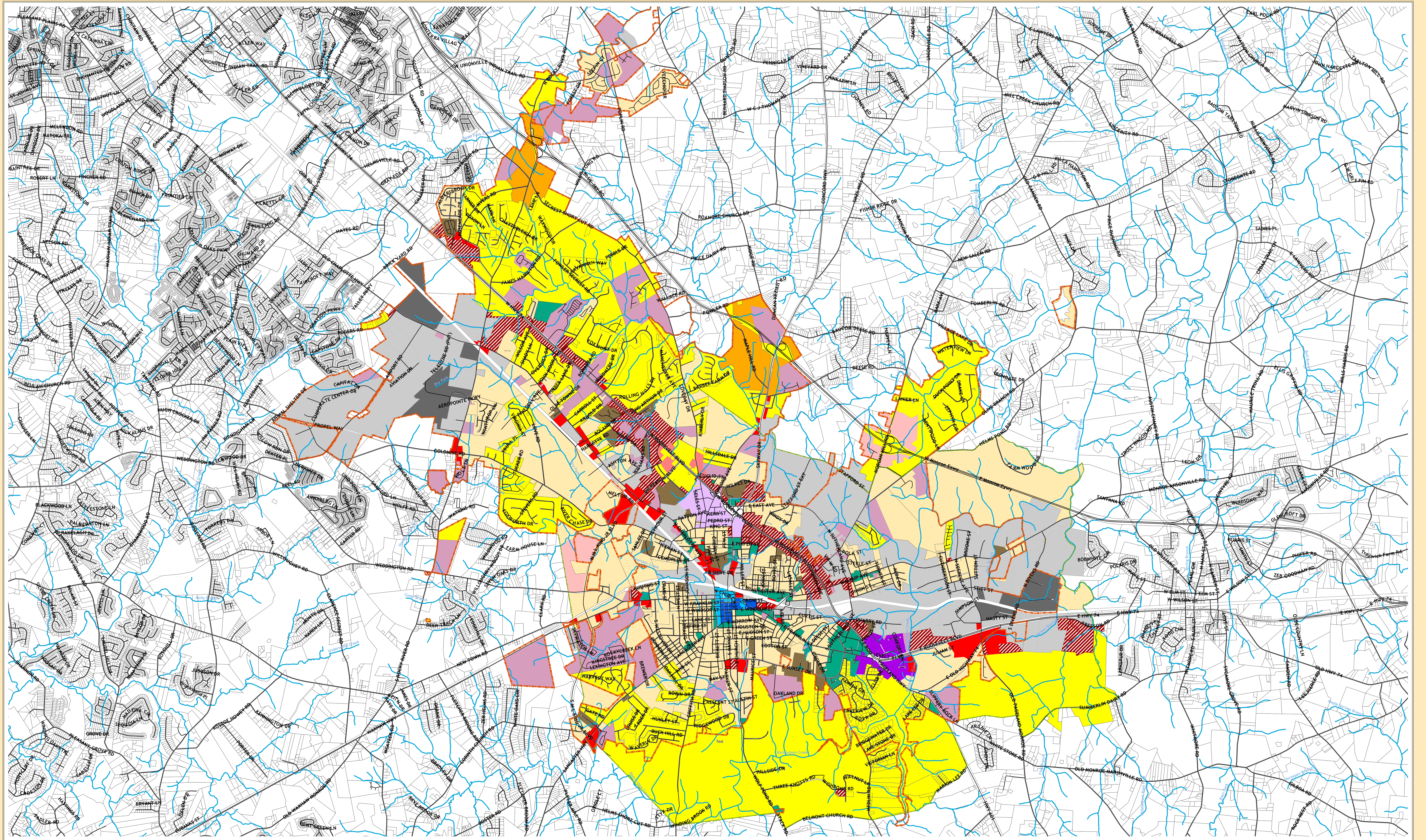
WHERE WE'RE AT

With your input, City staff and the consultant team will finish refining the UDO and prepare for adoption.



Mixed-Use Zoning District Development Standards

		DC-MX	DG-MX	CC-MX1 District	CC-MX2 District	RC-MX District	MD-MX District
Building Height		Maximum 3 stories (By Right) 5 stories (Via Mixed-Use Incentives)	Maximum 3 stories (By Right) 5 stories (Via Mixed-Use Incentives)	Maximum 4 stories ¹	Maximum 3 stories	Maximum 5 stories ²	Maximum 4 stories ³
Notes		1. Buildings above 3 stories shall be situated closer to US 74 where practicable. 2. Buildings above 3 stories shall be placed closer to Monroe Expressway where practicable and be placed 100’ away from adjacent residential boundaries or provide twice the width of any standard landscape buffer requirement. 3. Buildings above 3 stories shall be placed 100’ away from adjacent residential boundaries or provide twice the width of any standard landscape buffer requirement.					
Density	By Right	10 units/acre		8 units/acre	6 units/acre	12 units/acre	8 units/acre (requires Conditional District)
	Incentive (See Section 5:10)	15 units/acre Maximum		10 units/acre Maximum	10 Units/Acre Maximum	15 units/acre Maximum	10 units/acre (requires Special Use Permit)
Building Placement (min max)	Front/Street	0' 5' ^{1a}	0' 20' ^{1b}	15' 30' ^{1a}		15' 50'	0' 20' ^{1a}
	Side	0' 5' ^{2a}	0' 10' ^{2a}	5' 25' ^{2b}		5' 25' ^{2c}	0' 25' ^{2c}
	Rear	0' 20' ^{3a}	0' 20' ^{3a}	10' 50' ^{3b}		10' 100' ^{3c}	5' 50' ^{3d}
Notes		1a. Can be increased by a factor of 1.5 where an active use area is provided. 1b. Can be increased by a factor of 0.5 where an active use area is provided. 2a. 25’ may be permitted to accommodate those lots without access to an alley or shared driveway to accommodate a driveway where rear serving parking or loading is provided. 2b. 44’ may be permitted to accommodate those lots without access to an alley or shared driveway to accommodate a driveway where rear serving parking or loading is provided. 2c. 60’ may be permitted to accommodate those lots without access to an alley or shared driveway to accommodate a driveway where rear serving parking or loading is provided. (Or side yard parking/drive aisle in RC-MX District) 3a. Except where served by rear parking, not to exceed 50’ without a design alternative. 3b. Except where served by rear parking, not to exceed 60’ without a design alternative. Also accommodates required buffering. 3c. Except where served by rear parking, not to exceed 128’ without a design alternative. 3d. Except where served by rear parking, not to exceed 120’ without a design alternative.					
Lot	Length (min)	25’	50’	100’		100’	50’
	Width (min)	25’	50’	50’		25’	50’
	Coverage (min max)	75% 100%	50% 75%	50% 85%	50% 75%	75%	75% 85%
Frontage	% Requirement	75%			60%	65% ¹	85%
	Active Use Areas	Permitted	Permitted ²			Permitted	
	Entrances	Front		Oriented to street			
Notes		1. Outparcel buildings may be used to meet frontage and entrance requirements. 2. Active use area shall not be physically adjacent to residentially zoned property.					
Parking	Placement	Rear	Side/Rear	Off-Street			
	Shared Parking	Permitted (See Section 5.9.)					
	Accessory Parking Structure	Permitted ¹		Not Permitted		Permitted	
Notes		1. If parking structure allows for a mixture of uses on ground floor.					
Incentives		Permitted (See Section 5.10.)					
Open Space		See Section 8.8: Open Space.					
Architectural Standards (Minimum Transparency)		See Section 8.7: Design Standards.					
		50% (ground floor) 40% (upper floors)	50% (ground floor) 40% (upper floors)	40% (all floors)			n/a

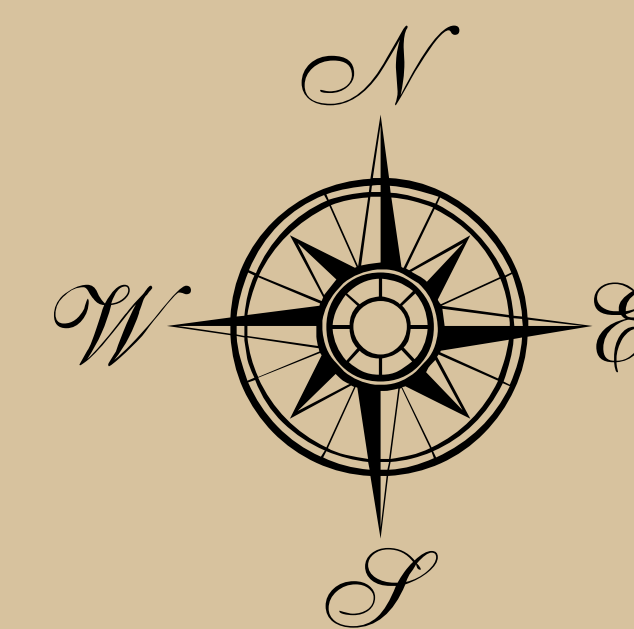


NEW_ZONING

CAO	CC-MX2	DC-MX	GB	HI	NB	RC-MX	RLD
CC-MX1	CD	DG-MX	GI	MD-MX	OM	RHD	RMD



**PROPOSED
SEPTEMBER 2021**



0 2.8 Miles

**OFFICIAL CITY OF MONROE
ZONING MAP**

CITY OF MONROE
Department of Planning and Development
300 West Crowell Street
Monroe, NC 28110

**AN ORDINANCE TO AMEND
TITLE XV, LAND USES
CHAPTER 156: ZONING CODE OF THE CITY OF MONROE
CODE OF ORDINANCES**

O-2021-48

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 156: ZONING CODE, OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Section 1. Delete Chapter 156 ZONING CODE

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 14th day of September, 2014

Bobby G. Kilgore, Mayor

Attest:

Bridgette H. Robinson, City Clerk

O-2021-48

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 156: ZONING CODE
O-2021-49**

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 156 ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Section 1. Delete §156.106 OFFICIAL ZONING MAP

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 14th day of September, 2021.

Attest:

Bobby G. Kilgore, Mayor

Bridgette H. Robinson, City Clerk

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2021-47**

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157: ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

TEXT AMENDMENT

Section 1. Amend Section §157.1 INTRODUCTION” as follows:

§157.1 INTRODUCTION

1.1. TITLE, INTENT AND APPLICABILITY

1.1.1. TITLE

- A. The official title of this document is Chapter 157: Unified Development Ordinance for the City of Monroe, North Carolina and is referred to throughout this document as “the Unified Development Ordinance”, “this Ordinance”, or “this UDO”.
- B. This UDO is adopted pursuant to the authority contained in Chapter 160D of the North Carolina General Statutes, and as amended, and for the purpose of promoting the health, safety, morals, or general welfare of the citizens of the City of Monroe.

1.1.2. INTENT

This UDO is adopted to protect and promote the public health, safety and general welfare of residents and businesses in the City of Monroe. Forward Monroe is recognized as the

City's blueprint for development and the foundation upon which land use decisions are based. While Forward Monroe serves as a guide for land use and future development, the UDO shall act as an implementation and regulatory document for all policies and goals contained within the Forward Monroe and other officially adopted plans. Specifically, this UDO intends to accomplish the following objectives:

- A. Provide regulations to support compatible, orderly growth and development within the City;
- B. Support and encourage economic development;
- C. Preserve and enhance the visual attractiveness and vitality of Monroe;
- D. Promote the safety and well-being of the citizens of Monroe;
- E. Secure the safety of landowners and residents from flooding, fire, seismic activity, and dangers presented from extreme weather events, to the extent possible;
- F. Protect and revitalize Monroe's neighborhoods and gateways;
- G. Ensure the provision of adequate open space;
- H. Facilitate the adequate and economical provision of transportation, water, sewage, schools, parks, and other public services;
- I. Improve the built environment and provide a comfortable environment for pedestrians;
- J. Encourage development patterns that support a variety of housing stock and community forms;
- K. Maintain the character of areas within the City, including commercial corridors, downtown, and suburban and traditional neighborhoods;
- L. Allow for a mixture of uses in certain areas of the City and promote compact urban form and walkability;
- M. Ensure sufficient land availability for public rights-of-way and utilities;
- N. Better manage and lessen congestion in the streets;
- O. Encourage increased densities in areas which can support an increase in dwelling units; and

- P. Require safe, compatible development through the use of development regulations.

1.1.3. EFFECTIVE DATE

This UDO was adopted on_____and became effective on_____by Ordinance No.

_____, and repeals and replaces Monroe’s form Unified Development Ordinance, as originally adopted on December 16, 2003, and subsequently amended, which is referred to throughout this document as “the previous Unified Development Ordinance”, “the previous Ordinance”, or “the previous UDO.”

1.1.4. AUTHORITY

- A. This UDO is consolidates the City’s zoning, subdivision, and flood damage prevention regulations, as authorized by the North Carolina General Statutes.
- B. This UDO is adopted in accordance with:
1. The Monroe City Charter;
 2. Chapter 160A, Article 8 (Police Powers);
 3. North Carolina General Statute (G.S.) § 160D-103 (Unified development ordinance);
 4. G.S. § 160D-201 (Planning and development jurisdiction);
 5. G.S. §160D-202 (Municipal extraterritorial jurisdiction);
 6. G.S. §160D-702 (Grant of power);
 7. G.S. § 160D-801 (Subdivision Regulation – Authority).
 8. Chapter 143, Article 21 (Water and Air Resources);
 9. Chapter 113A, Article 4 (Sedimentation and Pollution Control);
 10. All other relevant laws of the state of North Carolina; and
 11. Any special legislation enacted by the North Carolina General Assembly.
- C. Whenever any portion, Section, or provision of this UDO refers to or cites a section of the North Carolina General Statutes, the North Carolina Administrative Code, or

any other adopted state law or regulation, and that section is later amended or superseded, this UDO shall be deemed amended to refer to the amended section.

1.1.5. APPLICABILITY

The provisions of this Ordinance shall apply to the development of all land within the corporate limits and Extraterritorial Jurisdiction (ETJ) of the City of Monroe, as shown on the adopted Official Zoning Map.

- A. No land shall be developed, unless exempted, without compliance with this Ordinance and all other applicable city, state, and federal regulations.
- B. No person shall use, occupy, or divide any land or a building or authorize or permit the use, occupancy, or division of land or a building under their control, without compliance with this Ordinance and all other applicable city, state, and federal regulations.
- C. No building, or portion thereof, shall be erected, used, occupied, maintained, moved, or altered except in conformity with the applicable regulations in this Ordinance.

1.1.6. GRAPHIC IMAGES

Graphic illustrations, illustrative intents, and any photographic images used throughout this Ordinance are intended only to graphically portray the regulatory standards and overall intents established throughout this Ordinance. These images are considered guidelines as opposed to regulatory standards. Where in conflict, numerical metrics shall take precedence over graphic illustrations.

1.1.7. MINIMUM REQUIREMENTS

In the interpretation and application of this Ordinance, all provisions shall be considered as minimum requirements and shall not be deemed to limit or repeal any other powers or authority granted under the North Carolina General Statutes.

1.1.8. CONFLICTING PROVISIONS

- A. Conflicts Between Standards in UDO. If any standard or regulation contains an actual, implied, or apparent conflict with other provisions of this UDO, the more restrictive standard or regulation shall apply, unless the terms of the more restrictive provision specifies otherwise. The more restrictive provision is the one that imposes

greater restrictions or burdens, or more stringent controls.

- B. Conflicts With State or Federal Law. If any standard or regulation is inconsistent with State or Federal law, the more restrictive standard or regulation shall govern, to the extent permitted by law.
- C. Conflicts With Other City Laws or Codes. If any standard or regulation is inconsistent with another standard or regulation of the City, the more restrictive standard or regulation shall govern, unless specified otherwise.
- D. Conflicts With Private Agreements. Where any standard or regulation conflicts with private agreements, covenants or deed restrictions and the standard or regulation is more restrictive, the standard or regulation in this UDO shall control.
- E. Vested Rights. Nothing in this UDO shall constitute a taking of vested rights. Additional standards for determination of vested rights are defined in Section 1.4.5 and 3.4.8 of this UDO.

1.1.9. REVIEW OF PRIVATE AGREEMENTS

The City may review private agreements, such as those related to maintenance of private common open space, shared parking, or cross access easements, but the City is not responsible for monitoring or enforcing private covenants and restrictions.

1.1.10 EXISTING AGREEMENTS OR VESTED RIGHTS

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

1.1.11 SEVERABILITY

The legislative intent of the City Council in adopting this Ordinance is that all provisions shall regulate development in accordance with the existing and future needs of the City as established in this Ordinance, and promote the public health, safety, and general welfare of the landowners and residents of Monroe. If any section, subsection, sentence, boundary, or clause 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 the Ordinance. The City Council 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 are declared invalid.

1.1.12. PROCEDURES UPON DISCOVERY OF VIOLATIONS.

- A. If the Planning Director finds that any provision of this chapter is being violated, he or she shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Planning Director's discretion.
- B. The final written notice (and the initial written notice may be the final notice) shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the Administrator's decision or order may be appealed to the Board of Adjustment.
- C. Violations of this chapter will be handled in pursuant to §§ 10.19 and 10.99 of the City of Monroe Code of Ordinances.

1.2. ZONING MAP

1.2.1. OFFICIAL ZONING MAP

- A. The boundaries and locations established by this Ordinance shall be designated on a map or maps entitled Official Zoning Map(s) of the City of Monroe. The Official Zoning Map, as amended, is hereby incorporated by reference herein and made part of this Ordinance.
- B. No changes shall be made in the Official Zoning Map except in conformity with the procedures set forth in this UDO.
- C. The Official Zoning Map is the final authority as to zoning status of all lands and waters in the City.
- D. In accordance with G.S. § 160D-105, the Official Zoning Map shall be maintained in a digital format and paper copies shall be kept on file in the Planning and Development Department and are available for public inspection during normal business hours.
- E. The digital version of the Official Zoning Map maintained in the offices of the Planning and Development Department shall be the final authority as to the status of the current zoning district classification of land in the City's jurisdiction.
- F. In the event that any uncertainty exists with regards to intended boundaries as shown on the Official Zoning Map, the Planning and Development Director is

authorized to interpret the boundaries. The following rules shall apply:

1. For boundaries shown as approximately following a street, highway alley, road, right-of-way, parkway, utility line, railroad, stream, or watercourse, the boundary shall be deemed to be the centerline of such feature.
2. If a street, alley, railroad, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.
3. Boundaries indicated as approximately following lot lines, shall be construed as following the lot line as it existed when the boundary was established; provided, however, that, where such boundaries are adjacent to a street or alley and the zoning status of the street or alley is not indicated, the boundaries shall be construed as running to the middle of the street or alley. If a subsequent minor adjustment (such as from settlement of boundary dispute or overlap) results in the lot line moving ten (10) feet or less, the zoning boundary shall be interpreted as moving with the lot line.
4. Boundaries indicated as approximately following the boundary of the City limits shall be construed as following the boundary of municipal corporation.
5. Boundaries indicated as approximately following a river, stream, canal, lake or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural resources (flooding, erosion, sedimentation, etc.).
6. Boundaries indicated as following physical features other than those mentioned in subsections of this Section shall be construed as following such physical features, except where variation of the actual location from the mapped location would change the zoning status of a lot or parcel, and in such case the boundary shall be interpreted in such manner as to avoid changing the zoning status of any lot or parcel.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections of this Section shall be construed as being parallel to or extensions of such feature.

8. Wherever a single lot is located within two or more different zoning districts, each portion of the lot shall be subject to all the regulations applicable to the zoning district where it is located.
9. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

1.3. ZONING DISTRICTS

1.3.1. ZONING DISTRICTS ESTABLISHED

- A. Purpose. For this purpose of this UDO, the City of Monroe is hereby divided into traditional zoning districts, mixed-use districts, overlays, and conditional districts. Land zoned under the previous UDO shall be reclassified to one of the zoning district classifications in this UDO, as set forth in Sections 4-6.
- B. Intent. It is the intent of this Section to list all zoning districts (traditional and mixed use).
 1. Section 4 of this UDO establishes all standards for traditional zoning districts.
 2. Section 5 establishes all standards for mixed-use districts. The location of mixed-use zoning districts shall be consistent with the mixed-use nodes recognized in the City's Land Use Plan, Forward Monroe.
 3. Section 6 establishes all standards for overlays.
 4. Conditional districts shall follow the standards set forth in Section 3 and Section 4.6 of this UDO.
- C. **Transition to New Zoning Districts.** As of the effective date of this UDO, land zoned with a zoning district classification from the previous UDO shall be translated or reclassified to one of the zoning district classifications in this UDO as set forth in Sections 4-6. Table 1.3.1 below shows the translation or reclassification of the former zoning districts used in the previous UDO to the corresponding new zoning districts under this UDO. If a use was a lawfully established permitted use before the effective date of this UDO, and is subsequently made a special use in Table 7.1 Table of Permissible Uses, the use shall be considered a lawfully-established special use. Previously approved conditional districts are recognized as conforming and shall continue under the provisions of the adopted conditional district ordinance. Unless prohibited by City Council as part of the original approval, a conditional rezoning approved before the effective date of this UDO

may include minor changes from the approved conditions in accordance with the standards for site and development plan reviews in Section 3.4.17. To the extent a landowner proposes development that is not allowed by a conditional zoning approved before effective date of this UDO, it must be amended in accordance with the standards for a zoning map amendment (rezoning) consistent with Section 3.4.6.

Table 1.3.1. Former Districts and New Districts

Former Zoning District	New Zoning District
Residential	
R-40 (Residential Low Density)	RR (Residential Rural)
R-20 (Residential Low Density)	RLD (Residential Low Density)
R-10 (Residential High Density)	RMD (Residential Medium Density)
R-MF (Residential, Multi Family)	RHD (Residential High Density)
R-MH (Residential, Manufactured Home)	RLD (Residential Low Density)
Commercial	
CBD (Commercial Business District)	OM (Office/Medical) and DC-MX, DG-MX
OT (Office/Transitional)	OM (Office/Medical)
GB (General Business)	NB (Neighborhood Business) and GB (General Business)
Industrial	
GI (General Industrial)	GI (General Industrial)
	HI (Heavy Industrial)
Planned	
	PCD (Planned Commerce Development)
	PUD (Planned Unit Development)
Mixed-Use	
	DC-MX (Downtown Central Mixed-Use)

	DG-MX (Downtown Gateway Mixed-Use)
	CC-MX1 (Community Corridor Mixed-Use 1)
	CC-MX2 (Community Corridor Mixed-Use 2)
	RC-MX (Regional Corridor Mixed-Use)
	MD-MX (Medical District Mixed-Use)

1.3.2. ZONING DISTRICTS – PURPOSE AND INTENT

A. Residential.

1. Residential Rural (RR) – Intends to implement the rural residential land use character area as identified in Forward Monroe.
2. Residential, Low Density (RLD) – Intends to implement the rural residential land use character area as identified in Forward Monroe.
3. Residential, Medium Density (RMD) – Intends to implement the suburban residential land use character area as identified in Forward Monroe.
4. Residential, High Density (RHD) – Intends to implement the traditional residential land use character area as identified in Forward Monroe.

B. Commercial.

1. Office/Medical (OM) – Intends to accommodate a mixture of office, medical, and residential uses. OM shall help act as a transition between commercial areas and residential districts.
2. Neighborhood Business (NB) – Intends to permit neighborhood commercial establishments.
3. General Business (GB) – Intends to allow for a variety of commercial establishments.

C. Industrial.

1. General Industrial (GI) – Intends to allow for varying intensities of light industrial uses.

2. Heavy Industrial (HI) – Intends to allow for heavy industrial uses.

D. Planned

1. Planned Commercial Development (PCD) – Intends to allow for master planned commercial developments.
2. Planned Unit Development (PUD) – Intends to allow for master planned residential developments.

E. Mixed-Use Districts. The mixed-use districts intend to allow for a mixture of uses with varying development standards to promote compact, walkable, urban environments.

1. Downtown Central Mixed-Use (DC-MX)
2. Downtown Gateway Mixed-Use (DG-MX)
3. Community Corridor Mixed-Use 1 (CC-MX1)
4. Community Corridor Mixed-Use 2 (CC-MX2)
5. Regional Corridor Mixed-Use (RC-MX)
6. Medical District Mixed-Use (MD-MX)

1.4. TRANSITIONAL PROVISIONS

1.4.1. EXISTING NONCONFORMITIES

A legal structure, use, or lot that conformed to previous standards and regulations set forth in the previous UDO prior to the effective date of this UDO, but no longer meets the standards set forth in this UDO, the structure, use, or lot shall be deemed nonconforming and shall meet the provisions set forth in Section 10: Nonconformities.

1.4.2. ILLEGAL STRUCTURES, USES OR LOTS

Any structure, use, or lot which has been created or configured illegally prior to the adoption of this UDO, but is subsequently made legal by this UDO, shall be deemed as legal on the effective date of this UDO adoption. Conversely, any structure, use or lot which was illegal prior to the adoption of this UDO, and still does not meet the standards and regulations in the UDO are considered illegal. Illegal structures, uses, and lots shall not be considered under this Ordinance as nonconforming.

1.4.3. PRIOR APPROVALS

- A. Any development approvals granted before effective date of this UDO shall remain valid until their expiration date.
- B. Developments with valid approvals may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the approval is valid and has not expired.
- C. If an approval expires or is revoked, any subsequent development of the site shall be applied for in accordance with the procedures and standards of this UDO.
- D. An applicant shall be deemed to have initiated an approved development upon the subsequent application and diligent pursuit of other required city, state, or federal permits or approvals.
- E. To the extent an application approved prior to the effective date of this UDO proposes development that does not comply with this UDO, the subsequent development, although permitted, shall be nonconforming and subject to the provision of Section 10: Nonconformities. Any prior approvals under the previous UDO shall be authorized, unless the applicant fails to perform work before the approval expires.

1.4.4. PENDING APPLICATIONS

An application that is submitted to the City prior to the effective date of this UDO is deemed to be a pending application and shall meet the following requirements where applicable:

- A. Complete Applications. Applications accepted as complete prior to the effective date of this UDO may be reviewed in accordance with either the regulations in affect at the time the application was determined complete or the regulations in this UDO, as requested by the applicant. Completed applications shall be processed in good faith and shall comply with all applicable time frames for review, approval, and completion. If the applicant fails to comply with the required time frames, the application shall expire and future development shall be subject to the requirements of this UDO.
- B. Submitted, but Not Complete Applications. Applications that have been submitted prior to the effective date of this UDO, but not determined to be complete by the

Director as of the effective date, shall be reviewed and decided in accordance with this UDO.

1.4.5. PENDING APPLICATIONS

Any prior violation of the previous ordinance shall continue to be a violation under this Ordinance, unless the development complies with this Ordinance. Violations of this Ordinance shall be subject to Chapter 9: Enforcement.

Section 2. Amend Section §157.2 “FORWARD MONROE” as follows:

§157.2 FORWARD MONROE

2.1. PURPOSE OF FORWARD MONROE

- A. Forward Monroe, the City of Monroe’s blueprint for development and growth, was adopted on April 10, 2018. As the City’s Land Use and Transportation Plan, it is the foundation upon which future land use and transportation decisions are made. The plan is intended to guide future city-wide plans and the land development regulations. Forward Monroe expresses the community’s vision, identifies the community’s values, and outline the plans, programs, policies, and projects that will fulfill the vision over time.
- B. The City uses Forward Monroe as a blueprint for staff and elected officials to inform land use decisions, transportation strategies, and public investment choices. Adopting Forward Monroe on April 10, 2018 was the first step toward shaping the City’s future and updating the City’s land development regulations is the next step toward achieving that goal. The land development regulations have been updated to the Unified Development Ordinance and contain.

2.2. PURPOSE OF THE UDO

- A. It is the intent of the City of Monroe that this UDO implements the policies and goals of Forward Monroe. Forward Monroe serves as the policy guide for development under this UDO. The policies and items of the Forward Monroe Plan may be amended from time to time in accordance with the provisions of Section 3 of this UDO.
- B. In recognition of the legal significance of the Forward Monroe Plan, and that this UDO shall be a major tool for the implementation of land use and development policies, no development order or approval for construction or entitling of property shall occur under the provisions of this UDO unless determined to be consistent with Forward Monroe.
- C. Nothing in this UDO or Forward Monroe shall be construed or applied to result in a temporary or permanent taking of private property, or property rights, without due process of law. Vested rights shall constitute due process of law for any situation in

which a private property owner may feel their property rights have been infringed upon due to the provisions of this UDO. The vested rights process is defined in Section 3 of this UDO.

Section 3. Amend Section §157.3 “ADMINISTRATION” as follows:

§157.3 ADMINISTRATION (REVIEW PROCESSES)

3.1. PURPOSE OF SECTION

This Section intends to define all development review processes of this UDO and is comprised of the following components:

- A. **Summary Development Process Table (Section 3.2).** The summary table describes all development application review processes in this UDO and the review and decision-making bodies which decide them.
- B. **Review and Decision-Making Bodies (Section 3.3).** Section 3.3 describes all review and decision-making bodies with responsibilities in this UDO.
- C. **Development Review Procedures (Section 3.4).** Section 3.4 describes common development review procedures that apply to multiple review processes and each individual review process as defined in this UDO. This includes requirements for meetings, applications, hearings, and process review procedures.
- D. **Regulatory Provisions (Section 3.5).** Section 3.5 describes the regulatory provisions applicable to review processes described in this Section.

3.2 SUMMARY DEVELOPMENT PROCESS TABLE. The summary development process table lists each development review process under this UDO and the review and decision-making bodies involved in the decision making process. Processes are organized by legislative, quasi-judicial and administrative processes.

SUMMARY DEVELOPMENT PROCESS TABLE							
REVIEW PROCESS	SECTION	REVIEW AND DECISION-MAKING BODIES					
		Director	Technical Review Committee	Board of Adjustment	Planning Board	City Council	Historic District Commission
LEGISLATIVE PROCESS							
Land Use Plan Amendment	3.4.3.	R	R		RR	D	
Unified Development Ordinance Text Amendment	3.4.4.	R			RR	D	
Development Agreement	3.4.5.	R				D	
Zoning Map Amendment (Rezoning)	3.4.6.	R	R		RR	D	
Planned Development	3.4.7.	R	R		RR	D	
Vested Rights Certificate	3.4.8.	R				D	
QUASI-JUDICIAL PROCESS							
Special Use Permit	3.4.9.	R	R	D			
Variance	3.4.10.	R		D			
Appeals	3.4.11.	R		D			
Temporary Use Permit (60 Days Or More)	3.4.18.	R		D			

Certificate of Appropriateness (Major Work)	3.4.12.	R					D
ADMINISTRATIVE PROCESS							
Certificate of Appropriateness (Minor Work)	3.4.13.	D					
Minor Subdivision Final Plat	3.4.14.	D	R				
Major Subdivision Preliminary Plat	3.4.15.	D	R				
Major Subdivision Final Plat	3.4.16.	D	R				
Site and Development Plan	3.4.17.	R	D				
Temporary Use Permit (Less Than 60 Days)	3.4.19.	D					
Zoning Permit	3.4.20.	D					
Parking Plan	3.4.21.	D	R				
KEY: R = REVIEW, RR = REVIEW AND RECOMMEND, D = FINAL DECISION							

3.3. REVIEW AND DECISION-MAKING BODIES

The following review and decision-making bodies have powers and duties in administering review processes in this UDO:

- A. Planning and Development Director (Director) – Section 3.3.1.
- B. Technical Review Committee (TRC) – Section 3.3.2.
- C. Board of Adjustment (BOA) – Section 3.3.3.
- D. Planning Board (PB) – Section 3.3.4.
- E. Historic District Commission (HDC) – Section 3.3.5.
- F. City Council (CC) – Section 3.3.6.

3.3.1. PLANNING AND DEVELOPMENT DIRECTOR (DIRECTOR)

- A. **Designation and Responsibility.** The Planning and Development Director, who may be referred to in this UDO as the “*Director*”, is an administrative official that leads the planning and development services staff of the City. The Director is authorized to act through aides and assistants and is responsible as the administrator of this UDO. The Director shall administer and enforce this UDO and may request the assistance of any appropriate officer or agency of the City.
- B. **Powers and Duties.** The Director will have the following powers and duties:
 - 1. **Administration and Enforcement.** The Director will administer and enforce the provisions of this UDO.
 - 2. **Interpretation.** The Director will make written interpretations of this UDO setting forth the reasons and explanation therefore.
 - 3. **Zoning Map Amendment.** The Director will review general and conditional district rezoning requests.
 - 4. **UDO Text Amendment.** The Director will review amendments to the text of this UDO.
 - 5. **Land Use Plan Amendment.** The Director will review amendments to the future land use map within Forward Monroe.
 - 6. **Special Use Permit.** The Director will review special use permits.
 - 7. **Planned Development.** The Director will review planned development applications.
 - 8. **Variance.** The Director will review variance requests.

9. **Vested Rights.** The Director will review requests to confirm a vested right for a property.
10. **Appeals.** The Director will review appeals.
11. **Certificate of Appropriateness.** The Director will review applications for Certification of Appropriateness for minor work.
12. **Minor Subdivision Final Plat.** The Director will approve, approve with conditions, or deny minor subdivisions.
13. **Major Subdivision Preliminary Plat.** The Director will review and approve, approve with conditions, or deny major subdivision preliminary plats for major subdivisions.
14. **Major Subdivision Final Plat.** The Director will approve, approve with conditions, or deny final plats for major subdivisions.
15. **Site Plan Review.** The Director will review and upon recommendation by the TRC approve, approve with conditions or disapprove site plans.
16. **Temporary Use Permit.** The Director will review and approve or deny temporary use permits less than 60 days.
17. **Zoning Permit.** The Director will approve or disapprove zoning permit applications.
18. **Parking Plan.** The Director will approve or disapprove parking plans.
19. **Administrative Adjustment.** The Director may approve minor modifications administratively per G.S.160D-705(c).- Reserved.
20. **Changes to UDO.** The Director may correct typographical errors, numerical reference errors, spelling errors, and errors in section or page numbering, and may make other non-substantive editorial changes to the text of this ordinance without formal adoption by the CC, provided that such changes do not change the meaning of the ordinance. Any changes made pursuant to this Section must be documented to the CC and made a part of their regular meeting minutes.

3.3.2. TECHNICAL REVIEW COMMITTEE (TRC)

A. Designation and Responsibility.

1. The Technical Review Committee, referred to in this UDO as the “TRC”, is an administrative body consisting of the various staff departments related to development at the City. The TRC shall be determined by the Director and may revised from time to time. Members of the TRC include Planning, Engineering, Building Standards, Fire, Energy Services, and Water Resources departments.

Other City departments or outside agencies with specific expertise may be called upon to provide review and recommendation determined by the Director, depending on the nature and complexity of the development project to review.

B. Powers and Duties. The TRC has the following powers and duties:

1. **Zoning Map Amendment.** The TRC will review general and conditional district rezoning requests.
2. **Land Use Plan Amendment.** The TRC will review amendments to the future land use map within Forward Monroe.
3. **Special Use Permit.** The TRC will review special use permits.
4. **Planned Development.** The TRC will review planned development applications.
5. **Minor Subdivision Final Plat.** The TRC will review minor subdivision plats.
6. **Major Subdivision Preliminary Plat.** The TRC will review preliminary plats for major subdivisions.
7. **Major Subdivision Final Plat.** The TRC will review final plats for major subdivisions.
8. **Site Plan.** The TRC will review and approve and or deny site plans.

3.3.3. BOARD OF ADJUSTMENT (BOA)

A. Appointment and Terms of Board of Adjustment.

1. **Generally.** The Board of Adjustment (BOA) shall consist of at least 5 members, appointed by CC, and at least two alternate members also appointed by CC.
 - a. Members of the BOA shall be residents of the city and shall be appointed by CC; one member may reside outside of the City but within the extraterritorial jurisdiction (ETJ)
 - b. Each alternate member, while attending any regular or special meeting of the BOA and only while serving in the absence of any regular member, shall exercise all the powers and duties of a regular member.
2. **Member Term.** BOA members shall be appointed for three-year staggered terms expiring on December 31st.
 - a. Members may serve two consecutive terms.
 - b. Any vacancy in the membership shall be filled for the unexpired term.
 - c. Members may continue to serve until their successors have been appointed.

B. Rules of Procedure.

1. **Generally.** The BOA shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and its resolutions, discussions, findings and recommendations, which record shall be public record.

2. **Meetings of the Board of Adjustment.** .The BOA shall adopt a regular meeting schedule.

In addition, the BOA may hold such special meetings as the conduct of its business may require. All meetings and hearings shall be open to the public.

3. **Quorum.** No official business of the BOA may be conducted without a quorum present. .

4. **Participating and Voting.** The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari.

a. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

b. Once a member is physical present at a BOA meeting, any subsequent failure to vote will be recorded as an affirmative vote unless the member has recused himself or herself, or been excused in accordance with the paragraph below.

5. A member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. In addition, a member who was not present at the hearing at which evidence relevant to the matter at issue was taken shall not vote on the matter. **Board Member**

Attendance. Any member of the BOA who misses more than three consecutive

regular meetings, or more than half of the regular meetings in a calendar year shall be subject to removal and replacement by CC..

C. **Powers and Duties.** The BOA shall have all the powers and duties as authorized by state law, and in the manner provided for in this UDO. Generally, such power and duties shall include, but not be restricted to, the following::

1. Special Use Permits.
2. Variances.
3. Temporary Use Permit (60 Day or more)
4. Appeals.

D. **Reconsideration of BOA Action.**

1. Whenever the BOA disapproves an application on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective board for a period of one year unless the applicant clearly demonstrates that:
 - a. Circumstances affecting the property that is the subject of the application have substantially changed; and/or
 - b. New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the administrator within the time period for an appeal to superior court. However, such a request does not extend the period within which an appeal must be taken.
2. Notwithstanding subsection (1), the BOA may at any time consider a new application affecting the same property that an application has been previously denied for. A new application is one that differs in some substantial way from the one previously considered.

3.3.4. PLANNING BOARD (PB)

A. **Appointment and Terms of Planning Board Members.**

1. **Generally.** The Planning Board (PB) shall consist of eleven regular members appointed by CC.
 - a. Members shall be residents of the City of Monroe and shall be appointed by CC; one member may reside outside of the City but within the extraterritorial jurisdiction (ETJ)

- b. In addition to the forgoing regular members, one member of the Monroe Youth Council shall serve as an ex officio, non-voting, uncompensated member. The Monroe Youth Council shall select the Youth Council ex officio member at the time it elects officers annually.
 - c. Alternate members shall be appointed for the same term, at the same time, and in the same manner as a regular member.
 - d. Each alternate member, while attending any regular or special meeting of the PB and serving in the absence of any regular member, shall exercise all the powers and duties of a regular member.
 - e. Alternate members shall serve on the PB in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member.
 - f. Alternate members shall not serve in the absence or temporary disqualification of the member who is a resident of the extraterritorial zoning jurisdiction, nor shall alternate members fill the vacancy of the position to be occupied by the resident of the extraterritorial zoning jurisdiction. Members may be removed for cause by the CC.
2. **Member Terms.** PB members shall be appointed for four-year staggered terms expiring on December 31st.
- a. Members may serve two consecutive terms.
 - b. Any vacancy in the membership shall be filled for the unexpired term.
 - c. Members may continue to serve until their successors have been appointed.

B. Rules of Procedure.

- 1. **Generally.** The PB shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which shall be a public record.
- 2. **Meetings of the Planning Board.** The PB shall adopt a regular meeting schedule.
 - a. The PB may hold such special meetings as conduct of its business may require.
 - b. All meetings shall be open to the public.
 - c. The PB shall keep minutes of its proceedings, showing the vote of each member upon every action or, if absent or failing to vote, indicate such fact.

- d. Unless otherwise provided by law, all records and minutes shall be public record.
- 3. **Quorum.** Six (6) members shall constitute a quorum.
- 4. **Participating and Voting.** The concurring vote of a majority of the board shall be required on all matters. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari.
 - a. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
 - b. Once a member is physical present at a BOA meeting, any subsequent failure to vote will be recorded as an affirmative vote unless the member has recused himself or herself, or been excused in accordance with the paragraph below.
 - c. A member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. In addition, a member who was not present at the hearing at which evidence relevant to the matter at issue was taken shall not vote on the matter.
- 5. **Attendance.** Any member of the PB who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall be subject to removal and replacement by the CC.

C. **Powers and Duties.** The following shall be the responsibility of the PB:

- 1. **Generally.** The PB shall provide an advisory function, except where otherwise noted, to assist in making decisions pertaining to amendments to the comprehensive plan and this UDO, and applications for development approval.
- 2. **Prepare Plans.** The PB shall prepare and recommend to the CC, and from time to time amend and revise a recommended comprehensive and coordinated plan for

the physical, social, and economic development of the area. It shall prepare and recommend to the CC policies, ordinances, administrative procedures and other means for promotion of the orderly development along lines indicated in the comprehensive plan and advise it concerning proposed amendments of such ordinances.

3. **Zoning Map Amendment.** The PB shall review and recommend to CC general and conditional district rezoning requests.
4. **UDO Text Amendment.** The PB shall review and recommend to CC proposed UDO text amendments.
5. **Land Use Plans.** The PB shall review and recommend to CC proposed land use plans and amendments.
6. **Planned Development.** The PB shall review and recommend to CC proposed planned developments.
7. **Other Duties.** The PB may perform any other duties that may lawfully be assigned to it.

3.3.5. HISTORIC DISTRICT COMMISSION (HDC)

A. Appointments and Terms of Historic District Commission.

1. **Generally.** The purpose of the *Historic District Commission* (HDC) is to identify, protect, and preserve Monroe's historic architectural resources and to educate the public upon those resources and historic preservation.
 - a. The HDC serves as an advisory board to the CC and as a quasi-judicial body which makes decisions on proposals for exterior changes to or demolition of any properties as well as new construction within Historic Districts.
 - b. The HDC consists of seven (7) members appointed by the CC; two (2) additional members may be appointed as alternates.
2. **Member Terms.** Members of the HDC shall serve terms of four (4) years. A member may be reappointed for a second consecutive term, but after two (2) consecutive terms a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of their second term.
3. **Qualifications.** All members of the HDC shall be residents of the territorial zoning jurisdiction of the city, and a majority of the members shall have demonstrated special interest, experience or education in history or architecture.

B. Rules of Procedure.

1. **Generally.** The HDC shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and its resolutions, discussions, findings and recommendations, which record shall be public record.
2. **Meetings.** The HDC shall adopt a regular meeting schedule. In addition, the HDC may hold such special meetings as the conduct of its business may require. All meetings and hearings shall be open to the public.
3. **Quorum.** No official business of the HDC may be conducted without a quorum present.
4. **Participating and Voting.** The majority of the HDC board shall be necessary on all decisions.
 - a. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
 - b. Once a member is physical present at a BOA meeting, any subsequent failure to vote will be recorded as an affirmative vote unless the member has recused himself or herself, or been excused in accordance with the paragraph below.
 - c. A member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. In addition, a member who was not present at the hearing at which evidence relevant to the matter at issue was taken shall not vote on the matter.
5. **Attendance.** Any member of the HDC who misses more than three (3) consecutive meetings, or more than half the regular meetings in a calendar year shall lose his or her status as a member of the HDC and shall be replaced or reappointed by CC.
6. **Annual Report.** An annual report shall be prepared and submitted by June 30 of each year to the CC. The annual report shall include a comprehensive and detailed

review of the activities, problems and actions of the HDC, as well as any budget requests and/or recommendations.

7. Minutes. The HDC shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members and its resolutions, findings, recommendations, and actions. The minutes of the commission shall be a public record.

C. Powers and Duties. The Historic District Commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities.

1. To recommend to the PB, districts or areas to be designated by ordinance as "historic districts."
2. To recommend to the PB that designation of any district or area as a historic district be revoked or removed.
3. To consider and approve or deny applications for Certificates of Appropriateness (COA) for major work.
4. To give advice to property owners concerning the treatment of the historical and visual characteristics of their properties located within a district, such as color schemes, gardens and landscape features, and minor decorative elements.
5. To propose to the CC changes to this subchapter or any related ordinance and to propose new ordinances or laws relating to a historic district or relating to the total program for the development of the historical resources of the city and its environs.
6. To cooperate with other city boards or commissions or other governmental units; to offer or request assistance, aid, guidance or advice concerning matters under its purview of mutual interest.
7. To publish information about, or otherwise inform the owners of properties within a district of any matters pertinent to its duties, organization, procedures, responsibilities, functions or requirements.
8. To undertake programs of information, research or analysis relating to any matters under its purview.
9. To report violations of this subchapter or related ordinances to the local official responsible for enforcement.
10. To assist city staff in obtaining the services of private consultants to aid in carrying out programs of research or analysis.

11. To recommend to the CC and the state districts worthy of national, state or local recognition.
12. To initiate and participate in negotiations with owners and other parties in an effort to find means of preserving buildings scheduled for demolition.
13. To establish guidelines under which the Director may approve certificates of appropriateness for minor work. No application shall be denied without first being considered by the commission.
14. To conduct hearings on applications for certificates of appropriateness.
15. To organize itself and conduct its business by whatever legal means it deems proper.
16. To exercise such other powers and perform such other duties as are required elsewhere by this subchapter, the General Statutes of North Carolina or the CC.

3.3.6 CITY COUNCIL (CC)

- A. **Purpose and Intent.** The CC is the elected body of the City of Monroe. Additional information for CC may be found in Chapter 30 of the Monroe, North Carolina, Code of Ordinances.
- B. **Responsibilities.** The CC shall review and decide applications for:
 1. Annexation
 2. Land Use Plans and Amendments
 3. Unified Development Ordinance Amendments
 4. Development Agreements
 5. Zoning Map Amendments
 6. Planned Developments
 7. Vested Rights

3.4. REVIEW PROCESSES

3.4.1. DEVELOPMENT REVIEW PROCEDURES

- A. **Purpose and Intent.**
 1. This Section describes the standard procedural steps and rules generally applicable to all development applications reviewed under this UDO.
 2. The procedures provided in this Section are utilized by the City for the processing of applications for development permits or approvals.

3. It is the intent of this Section to establish a uniform set of procedures for development applications to be more effective and efficient for applicants, adjacent properties, elected officials and City staff.
4. The use made of property may not be substantially changed, and substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to this UDO.
5. Any deviation from these procedures, other than those required by statute, shall not be grounds for invalidating an otherwise valid decision.

B. Pre-Application Meeting.

1. The purpose of a pre-application meeting is to provide an opportunity for the applicant to meet with City staff to learn about the submittal requirements, procedures, and standards applicable to a particular development application.
2. The pre-application meeting also provides an opportunity for City staff to become familiar with the proposed project, and offer preliminary comments about the scope of the proposed development, as it relates to the standards in this Ordinance.
3. The pre-application meeting is not required but is encouraged.

C. Applications.

1. Development applications reviewed under this Ordinance shall be submitted by the landowner, contract purchaser, agent, or other person having a recognized property interest in the land on which development is proposed.
2. City staff shall establish application content and forms, which shall be maintained by the Director. The Director may change requirements for submission of required information when, in the Director's opinion, such information is otherwise available or is not necessary to review the application.
3. The CC shall establish application fees, which shall be identified in the City's adopted fee schedule and may amend and update those fees as necessary.
4. No application shall be considered for review until it is deemed complete. If the application is incomplete, the Director shall notify the applicant of their deficiencies. A complete application shall:
 - a. Contain all information and materials as required in the application form as designated by City staff;
 - b. Provide the number of copies required per the application;
 - c. Be signed by the person with the authority to file the application;
 - d. Be legible and printed to scale;

- e. Include information in sufficient detail to evaluate whether or not the application complies with the applicable review standards in this Ordinance; and
- f. Include the required fee for the particular type of application.
If the application is incomplete, the Director shall notify the applicant of the deficiencies.

D. Neighborhood Meeting. The purpose of the neighborhood meeting is to inform owners and occupants of nearby lands about a development application that is going to be reviewed at an upcoming public hearing. The neighborhood meeting also provides an opportunity for the applicant to hear comments and concerns about the development proposal prior to the public hearing process. The neighborhood meeting is intended to provide general awareness of development applications, and as a means of resolving potential conflicts and concerns with nearby landowners.

- 1. Neighborhood meetings are not required but are strongly encouraged.
- 2. Neighborhood meetings may be conducted up to ten (10) days prior to PB meeting and comply with the following procedures:
 - a. Applicant will notify at a minimum all property owners within 150 feet of the petitioned property via first class mail at least ten (10) days prior to the neighborhood meeting and shall include the following:
 - i. Date & time of meeting
 - ii. Location of the meeting
 - iii. Address/parcel number of the property being proposed for development.
 - iv. Property owners' and applicants' contact information and statement describing the purpose of the meeting.
 - b. Applicant will notify homeowner associations (if applicable).
 - c. If a neighborhood meeting is held it shall take place in a public or community space as close as possible to the site where the development is proposed.

E. Staff Review of Applications.

- 1. **Application.** City staff shall establish required application forms and associated required content. Applicants shall fully complete any required application and provide all associated required content.
- 2. **Fees.** The CC shall establish and maintain required application fees. Fees may be updated as required. No formal action or approval shall be given until all required application fees are paid in full.

3. **Application Submittal.** Applications and associated fees shall be submitted to the City for staff review. An application will not be considered officially submitted unless it is deemed complete.
4. **Completeness Review.** Upon receiving an application, the review authority responsible for initial review shall ensure that all required information is provided in the application.
 - a. Contains all information and materials as required for submittal of the particular type of application;
 - b. Provides the number of copies required for application submittal;
 - c. Is signed by the person with the authority to file the application;
 - d. Is legible and printed to scale;
 - e. Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards in this Ordinance; and
 - f. The appropriate fee is submitted for the particular type of application.
5. **Formal Review.** After staff deems an application complete, the application shall be considered as officially submitted. Staff shall begin formal review of the application.
 - a. The application shall be distributed to all appropriate review bodies within the City.
 - b. Each appropriate review body shall review and comment on the application. If any deficiencies exist, review bodies shall contact the applicant and inform them of said deficiencies. The applicant shall be provided opportunity to discuss any deficiencies and resubmit any required information in the form of a resubmittal.
 - c. Upon receiving all required information, the appropriate review body shall deem the application complete through formal review and summarize its findings in a staff report to be reviewed by the decision body and discussed at a public hearing (if required).
6. **Conflicts of Interest.** No staff member shall make a final decision on an administrative decision required by G.S. 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

F. Public Meeting and Hearing Notice Requirements

1. **Public Meetings and Public Hearings.** Public Meetings and Public Hearings shall comply with the Quasi-Judicial and Legislative provisions below.
2. **Public Notice Requirements.** Notice shall be given as follows:

Table 3.4.1.

TABLE 3.4.1. PUBLIC NOTICE REQUIRMENTS				
APPLICATION TYPE	APPROVING AUTHORITY	TYPE OF REQUIRED NOTIFICATION		
		PUBLISHED NOTICE	MAILED NOTICE	POSTED NOTICE
LEGISLATIVE PROCESSES				
Land Use Plan Amendment	City Council	X	X	X
Unified Development Ordinance Text Amendment	City Council	X		
Development Agreement	City Council	X		
Zoning Map Amendment (Rezoning)	City Council	X	X	X
Planned Development	City Council	X	X	X
Vested Rights Certificate	City Council	X	X	X
QUASI-JUDICIAL PROCESS				
Special Use Permit	Board of Adjustment		X	X
Variance	Board of Adjustment	X	X	X
Appeals	Board of Adjustment	X	X	X
Temporary Use Permit (60 Days or More)	Board of Adjustment	X	X	X
Certificate of Appropriateness	Historic District Commission	X	X	X
KEY: X = Required				

1. **Published Notice Requirements.** Published notices shall identify the date, time and place of the public meeting or hearing, describe the subject property by address, describe the scope of proposed development, and identify a method to contact the City for questions regarding the proposed development. In any instance where the provisions of G.S. 160D-601 require a published notice, the review authority shall ensure the required notice is published in a newspaper that is regularly published once per week and has general circulation within the City.
2. **Mailed Notice Requirements.** Mailed notices shall identify the date, time and place of the hearing, describe the subject property by address, describe the scope of proposed development, and identify a method to contact the City for questions regarding the proposed development. In any instance where the provisions of G.S. 160D-406 or -602 require a mailed notice, the review authority shall ensure the mailed notice is completed in accordance with the following:
 - a. Mailed notices shall be provided to the applicant, landowner, and all landowners entitled to receive notice in accordance with G.S. 160D-406 or -602;
 - b. The required mailed notice shall be sent via United States first class mail;
 - c. A copy of the mailed notice shall be kept in the offices of the review authority for public record purposes;
 - d. Notice shall be provided at least ten (10) days but not more than twenty-five (25) days prior to the date of the hearing.
3. **Posted Notice Requirements.** Posted notices shall identify the date, time and place of the public hearing, describe the subject property by address, describe the scope of proposed development, and identify a method to contact the City for questions regarding the proposed development. In any instance where the provisions of G.S. 160D-406 or -602 require a posted notice, the notice shall be placed prominently on the site that is the subject of the hearing, or on an adjacent street or highway right-of-way, at least ten (10) days, but not more than twenty-five (25) days, prior to the date of the hearing.
4. **Legislative Public Hearings.** Legislative public hearing shall be held in accordance with all State law and comply with the following requirements:
 - a. Legislative public hearings are not quasi-judicial in nature.
 - b. The legislative public hearing shall be open to the public and attendees shall be allowed opportunity to comment.
 - c. The provisions of G.S. 160D-308, -309, -109, shall apply with respect to Oath, Conflicts of Interest and record keeping.

- d. Decisions for legislative public hearing applications shall be decided by a simple majority vote.
 - e. Revisions may be made to an application during a public hearing in response to recommendations or suggestions of the review/approval authority. Any required or necessary modifications to the application shall be provided to City staff prior to issuance of any permit approvals.
5. **Quasi-Judicial Evidentiary Hearings.** Quasi-judicial evidentiary hearings shall be held in accordance with all State law and G.S. 160D-406. Quasi-judicial evidentiary hearings and rulings must be based upon only the evidence received by the review/approval authority at the hearing and comply with the following requirements:
- a. Testimony and evidence may be provided by any party in attendance. The party shall be afforded a reasonable opportunity to provide testimony, ask questions, or cross examine an applicant and City staff.
 - b. The administrator or staff to the review authority shall transmit to the review authority all applications, reports, and written materials relevant to the matter being considered and comply with G.S. 160D-406(c).
 - c. The chair or officer of the review/approval authority may exclude or limit incompetent evidence and/or personal attacks.
 - d. The applicant, City, and any person who would have standing to appeal the decision under G.S. 160D-14-2(d) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the review authority.
 - e. The review/approval authority shall act as a fact-finding body and make a decision in accordance with evidence presented.
 - f. Ex parte communications are prohibited between applicant or affected party and a member of the review/approval authority.
 - g. Any conflict of interest (perceived or actual) shall be disclosed and a review/decision authority member shall not participate in or vote on any quasi-judicial matter if a conflict of interest exists.

G. Conditions of Approval. Conditions of approval shall comply with the following:

- 1. Conditions of approval are limited to a conditional rezoning and quasi-judicial processes;

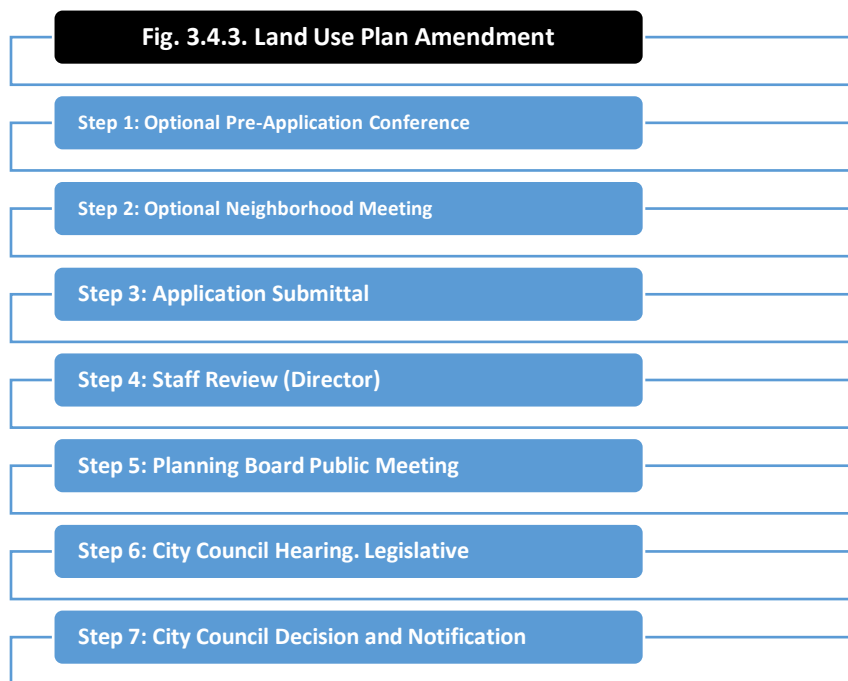
2. Conditions of approval shall be limited to conditions necessary to ensure compliance with the UDO, or to prevent or mitigate adverse effects from the proposed development;
3. Any condition of approval shall be set forth in any official notice of decision or permit approval; and
4. Conditions of approval may be proposed by applicant, City staff, or the particular review/approval authority.
5. Only those conditions mutually approved by the CC and the applicant may be incorporated into a conditional district rezoning.

H. Timing.

1. **Continued Hearings.** The particular approval authority or applicant may continue a public or evidentiary hearing to a subsequent date. No further notice of a continued hearing need be published. A request continue a hearing may be approved if the applicant needs additional time to gather additional information, gather additional public input, or prepare additional evidence.
2. **Withdrawal.** An applicant may withdraw an application at any time and is subject to any incurred fees.
3. **Subsequent Applications.** If an application is denied, no application proposing the same or similar development on the land may be submitted within one year after the official date of denial.

3.4.2. RESERVED

3.4.3. LAND USE PLAN AMENDMENT



- A. **Purpose.** The purpose of a land use plan amendment is to allow for modification of the land use character area (future land use) map within Forward Monroe, modifying the future land use of a subject property. This provides a uniform means to modify the Forward Monroe plan whenever a public necessity, changed conditions, or general welfare of the City require to do so.
- B. **Application.** A land use plan amendment shall be reviewed by the Director, PB, and approved in a public hearing by the CC. All applicable common application procedures defined in 3.4.1: Development Review Procedures must be met.
- C. **Review Process.** Changes to the future land use of a property shall occur through a public hearing process and shall be reviewed by the Planning and Development Department for consistency with the regulations of this UDO, Forward Monroe, and any other relevant City ordinances and adopted plans as defined in Section 3.4.1: Development Review Procedures. A staff report by the Planning and Development Department shall be provided to the PB and CC in their public hearings.
- D. **Planning Board Public Meeting.**
 - 1. Criteria. The PB will review the proposed request in a public meeting.
 - 2. Decision. The PB shall vote to recommend approval of the request to CC or vote to recommend denial of the request to CC.

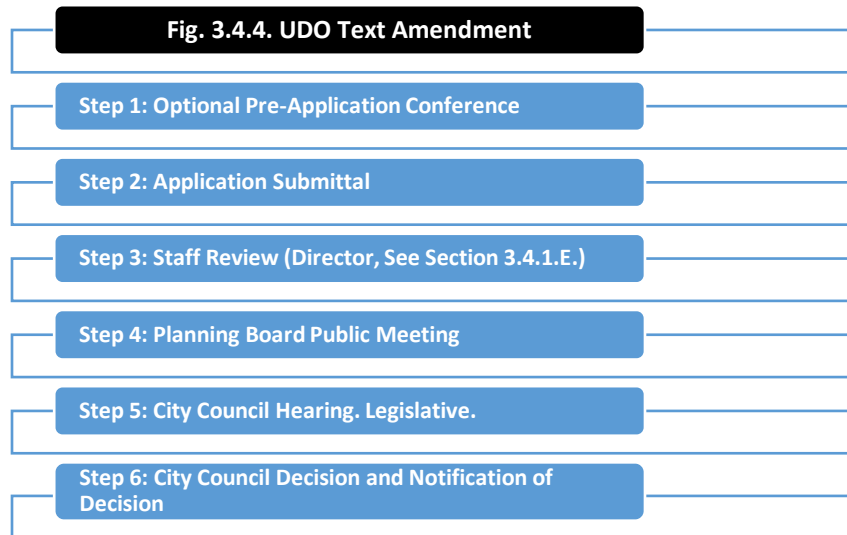
E. **City Council Public Hearing.**

1. **Criteria.** The CC will review the proposed request under legislative discretion, taking into consideration all relevant comments from City staff, TRC, and the PB.

F. **Decision.** The CC shall adopt the amendment as proposed, adopt a revised amendment, deny the amendment or refer the amendment request back to the PB for further consideration.

G. **Effect.** Any changes to the future land use map shall be made as soon as possible after the approval by CC.

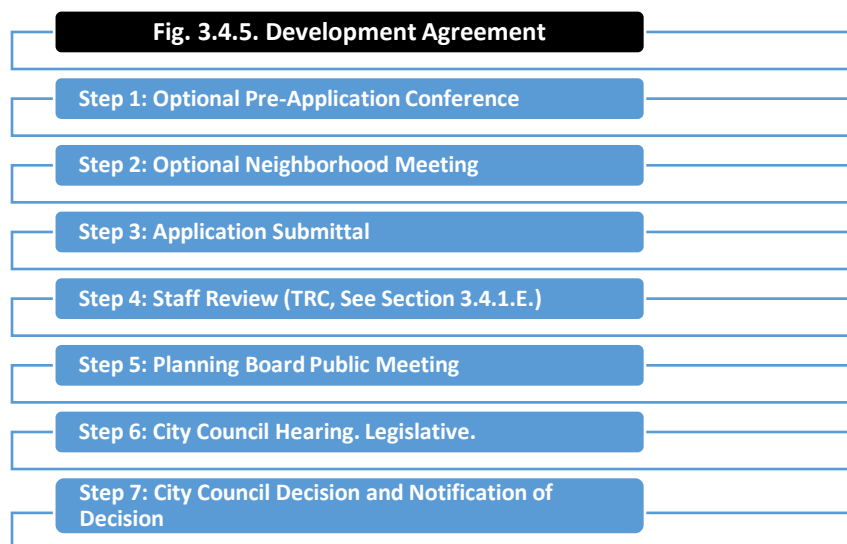
3.4.4. UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT



- A. **Purpose.** The purpose of a UDO text amendment (text amendment) is to allow for a means to amend the text of this UDO.
- B. **Application.** A text amendment shall be reviewed by the Director and PB and be approved in a public hearing by the CC. A text amendment shall meet all applicable common application procedures defined in 3.4.1: Development Review Procedures
- C. **Review Process.** A text amendment shall occur through a public hearing process and shall be reviewed by the Planning and Development Department for consistency with the regulations of this UDO and any other relevant City ordinances and adopted plans as defined in Section 3.4.1: Development Review Procedures. A staff report by the Planning and Development Department shall be provided to the PB and CC.
- D. **Planning Board Public Meeting.**
 - 1. **Criteria.** The PB will review the proposed request in a public meeting.
 - 2. **Decision.** The PB shall vote to recommend approval of the request to CC or vote to recommend denial of the request to CC. A brief statement describing whether the action is consistent or inconsistent with approved plans.
- E. **City Council Public Hearing.**
 - 1. **Criteria.** The CC will review the proposed request under legislative discretion, taking into consideration all relevant comments from City staff and the PB.

2. **Decision.** The CC shall vote for approval of the request or vote to deny the request. The CC may add additional requirement or modify proposed language with consent of the applicant.
 - a. The CC may approve the text amendment as requested, adopt a revised amendment, or deny the amendment.
 - b. A brief statement describing whether the action is consistent or inconsistent with approved plans.
- F. **Effect.** Any changes to the UDO text shall be made as soon as possible after approval of the application by CC.

3.4.5. DEVELOPMENT AGREEMENT



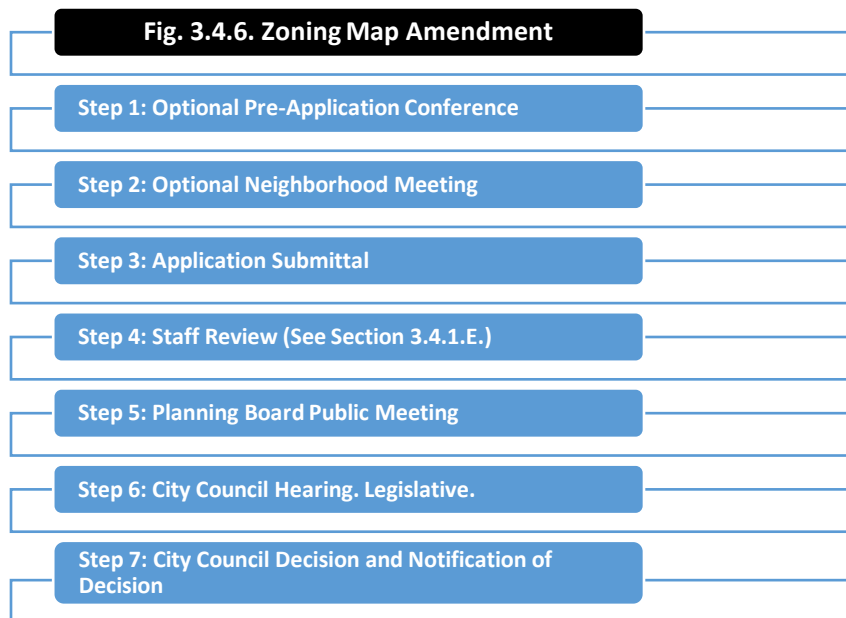
- A. **Purpose.** The purpose of a development agreement is to allow a process for the establishment and review of large-scale, multi-phased development projects with an expected build out date of several years.
- B. **Application.** A development agreement shall be reviewed by the Director and or their designee and approved in a public hearing by the CC and meet all applicable common application procedures defined in 3.4.1: Development Review Procedures
- C. **Review Process** Development agreements shall occur through a public hearing process and shall be reviewed by the Planning and Development Department for consistency with the regulations of this UDO and any other relevant City ordinances and adopted plans as defined in Section 3.4.1: Development Review Procedures. A staff report by the Planning and Development Department shall be provided to the CC.
- D. **City Council Public Hearing.**

1. **Criteria.** The CC will review the proposed request under legislative discretion, taking into consideration all relevant comments from the Director,.
2. **Decision.** The CC shall vote for approval of the request or vote to deny the request. The CC may add additional requirement or modify proposed language with consent of the applicant.

E. Development Agreement Review Standards

1. The City may not make any commitment that is unauthorized by general or local act and may not impose any unauthorized taxes or fees.
2. Development agreements shall be reviewed once a year for compliance with the agreement on file.
3. Development agreements may be amended or canceled by consent of all parties to the agreement.
4. Development agreements shall last for the duration of its agreed upon term.

3.4.6. ZONING MAP AMENDMENT (REZONING)



- A. **Purpose.** The purpose of a zoning map amendment (rezoning) is to review and decide upon a proposed amendment to the Official Zoning Map.
- B. **Application.** Zoning districts on the Official Zoning Map may be amended per the requirements of this Section. A zoning map amendment shall be reviewed by the TRC

and the PB. A PB public meeting is required. CC has final decision making authority. All applicable common application procedures defined in 3.4.1: Development Review Procedures, must be met. If the rezoning application submitted to Planning and Development does not conform to all applicable regulations, the applicant shall resubmit the plans to Planning and Development for redistribution and review. The following may submit an application for an amendment in each respective situation:

1. **Planning Board or City Council.** The PB or CC may request a rezoning other than to a conditional district.
2. **Owner of Property.** The owner of property, or one having financial or close interest in the property with the written consent of the owner, may institute an application for a change in the zoning classification of that particular property.

C. **Review Process.** A rezoning shall occur through a public hearing process and shall be reviewed by the Planning and Development Department for consistency with the regulations of this UDO and any other relevant City ordinances and adopted plans as defined in Section 3.4.1: Development Review Procedures. A staff report by the Planning and Development Department shall be provided to the PB and CC in their public hearings.

1. **Rezoning Review Process.** The procedure for a rezoning shall be used for both a general rezoning and conditional rezoning. A conditional rezoning includes conditions agreed to by the applicant and the City that shall limit development or seek modifications from the standards in this UDO. Applications for a conditional rezoning may not change to a general rezoning application. The application must clearly state which type of rezoning (general or conditional) is being sought.

- a. **Conditional Zoning.** This Section establishes the option of conditional zoning within the City of Monroe. Conditional zoning provides an alternative to general zoning within the City which allows flexibility in addressing standards to this UDO. As part of conditional zoning, unique site specific conditions may be assigned to the property by City Council (with agreement by the landowner). The following standards apply:

- i. Conditional zoning is defined as a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.
 - ii. A site plan may be approved as part of a conditional zoning. If it is incorporated as a condition in conditional zoning, it is part of that legislative decision.

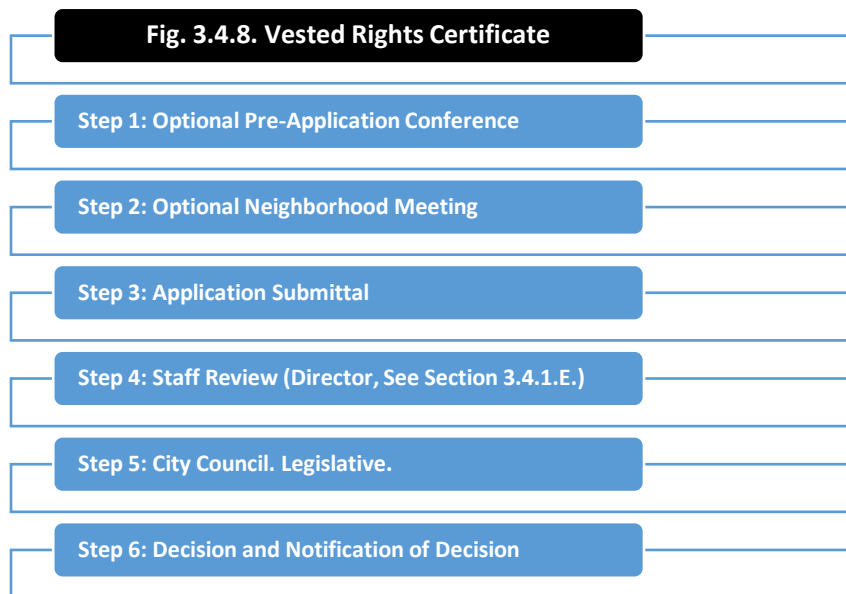
- iii. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local government ordinances, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site.
- iv. Minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted by be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional district shall follow the same process for approval as a zoning map amendment.
- v. If multiple parcels of land are subject to a conditional zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions.
- vi. Any modifications approved shall only be applicable to those properties who owners petition for the modification
- vii. Conditional rezoning requests shall meet all standards set forth in Section 4.6, Conditional Zoning, of this UDO.

- D. **TRC Review.** The TRC shall review any rezoning request for conformance to the UDO and any other relevant City ordinances and adopted plans as defined in Section 3.4.1: Development Review Procedures.
- E. **Planning Board Public Meeting.** The PB, following a public meeting, shall make a recommendations to the CC on the rezoning request and comment on its consistency with the UDO and any other relevant City ordinances and adopted plans as defined in Section 3.4.1: Development Review Procedures.
- A. **Changes to Application.** The applicant may make changes, including changes recommended by the PB or CC, to the rezoning application at any time prior to the CC's decision.
- B. **City Council Public Hearing.**
 - 1. The CC may attach conditions to the rezoning requirements in addition to those required in this UDO. The CC may modify and/or adjust any numerical requirement of this UDO within an amendment if the modification or adjustment

meets the intent of the Forward Monroe Plan and provides a development of equal or great quality.

2. The CC shall adopt a consistency statement and a statement of reasonableness for rezoning per G.S. 160D-605.
 3. The CC, at the conclusion of a public hearing, shall decide under legislative discretion, one of the following:
 - a. Adoption of the rezoning as proposed;
 - b. Adoption of a revised rezoning; or
 - c. Denial of the rezoning.
 4. A note must appear on the land use character area map when a rezoning is approved that is not consistent with the map. The land use character area map is deemed amended when an inconsistent rezoning is approved per G.S. 160D-605(a).
- C. **Effect.** Any property subject to a rezoning shall have its zoning districts modified on the Official Zoning Map as soon as possible after approval of the rezoning by CC. Any property subject to a conditional rezoning shall be subject to all standards and conditions agreed upon and approved during the rezoning process. Approved rezoning requests shall not expire.

3.4.8. VESTED RIGHTS CERTIFICATE



- A. **Purpose.** The purpose of this Section is to conform to G.S. 160D-108 , recognize that local government approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses, and to establish a clear procedure for an applicant to receive reasonable certainty, stability, and fairness in the development regulation process to secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in land-use planning and development regulation. These provisions strike an appropriate balance between private expectations and the public interest.
- B. **Permit Choice.** If an application made in accordance with local regulation is submitted for a development approval required pursuant to North Carolina General Statutes and this UDO, and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit.
- C. **Process.** A person claiming a statutory or common law vested right may submit information to substantiate that claim to the Director, who shall make an initial determination as to the existence of the vested right. The Director’s determination may be

appealed under G.S. 160D-405. On appeal the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-405(c).

- D. Types and Duration of Statutory Vested Rights.** N.C. Gen. Stat. § 160D-108 and 108.1 recognize that local government approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses, and to establish a clear procedure for an applicant to receive reasonable certainty, stability, and fairness in the development regulation process to secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in land-use planning and development regulation. These provisions strike an appropriate balance between private expectations and the public interest. Permit Choice. Permit choice is permitted per N.C. Gen. Stat. § 160D-108(b). Process to Claim a Vested Right. A person claiming a statutory or common law vested right may submit information in accordance with N.C. Gen. Stat. § 160D-108(h) and the establishment of a vested right is defined in N.C. Gen. Stat. § 160D-108.1(b).

E. Miscellaneous Provisions.

1. A vested right obtained under this Section is not a personal right, but shall attach to and run with the applicable property. After approval of a vested right under this Section, all successors to the original landowner shall be entitled to exercise such rights.
2. Nothing in this Section shall preclude judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this Section, nothing in this Section shall be construed to alter the existing common law.

- F. Application.** The application shall be submitted on a form as designated by the City and include the appropriate filing fee. The applicant for a vested rights certificate/ determination shall provide the Director with a completed application and copies of any documents on which the applicant is relying to establish vested rights. The application shall be reviewed by the Director and approved in a public hearing by the CC and meet all applicable common application procedures..

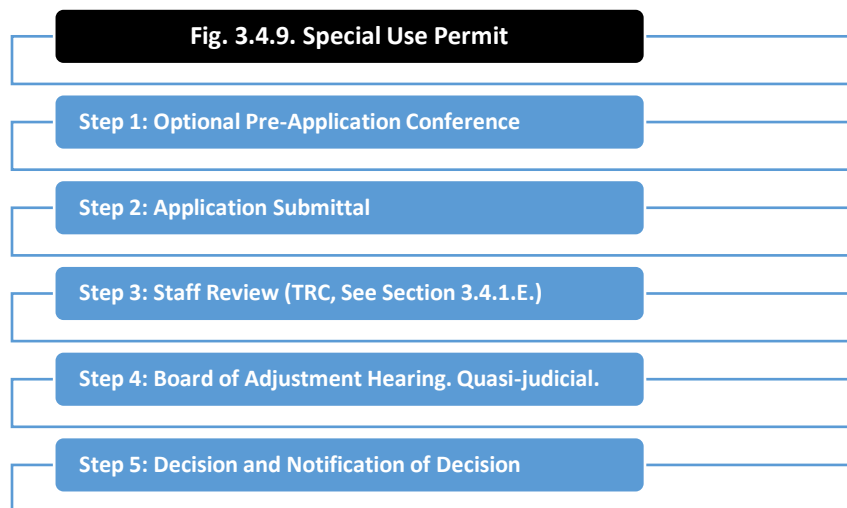
G. Review Process.

- a. Vested rights applications shall occur through a public hearing process and shall be reviewed by the Director for consistency with the regulations of the UDO, comprehensive plan, and any other relevant City ordinances and

adopted plans. A staff report (if applicable) by the Planning Department shall be provided to the CC.

- H. **City Council Public Hearing.** The CC shall hold a public hearing, which shall be quasi-judicial in nature. The CC, after public hearing, may grant approval of a vested rights request, grant approval of a revised vested rights request, or deny an application for vested rights.

3.4.9. SPECIAL USE PERMITS



- A. **Purpose.** The purpose of special use permits is to allow for uses that may be appropriate in zoning district with additional considerations due to the nature, extent and effects of the use.
- B. **Application.** Special use permits shall be submitted to the BOA by filing the application with the Planning and Development Department. The application shall be reviewed by the TRC. If the application submitted to the TRC does not conform to all applicable regulations, the applicant shall resubmit the plans to the TRC for redistribution and review.
- C. **Review Process.**
1. The application shall be reviewed by the TRC for consistency with the regulations of this UDO and any other relevant City ordinances and adopted plans. A report shall be provided to the BOA to use in their review. The report shall state the special use permit's compliance with the UDO, as well as any staff recommendations for additional requirements to be imposed by the BOA.
 2. The BOA shall review the special use permit and hold an evidentiary hearing.

D. Board of Adjustment Evidentiary Hearing.

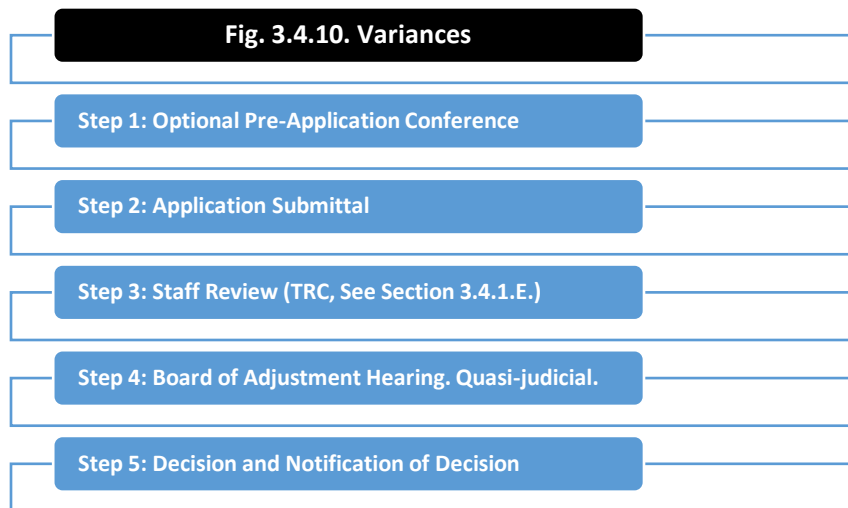
1. Burden of Presenting Evidence. The burden of presenting a complete application is upon the applicant and the hearing shall be quasi-judicial in nature.
2. The BOA will review the proposed special use permit under the following criteria:
 - a. The proposed use does not materially endanger the public health or safety;
 - b. The proposed use meets all required conditions and specifications of the UDO;
 - c. The proposed use will not substantially injure the value of adjoining property unless the proposed use is a public necessity; and,
 - d. The proposed use will be in harmony with the area in which it is located and otherwise be in general conformity with the City of Monroe's adopted plans.
3. The BOA shall determine whether the criteria above has been met based upon the evidence submitted, and either approve the special use permit or deny the special use permit, through a simple majority vote

E. Additional Requirements.

1. The BOA may impose reasonable and appropriate conditions and safeguards as a condition of approval but may not waive or reduce any applicable standards set forth in this UDO if the modification or adjustment meets the intent of the Forward Monroe Plan and provides a development of equal or great quality.

- F. Effect.** A special use permit is binding and runs with the property unless amended or modified. A special use permit shall expire if construction has not begun within two years from the date of the special use permit approval by the BOA.

3.4.10. VARIANCE



A. **Purpose.** Variances allow certain provisions of this UDO (such as height, setback, lot coverage, sign area, or other similar numerical standards) when a hardship can be demonstrated by the landowner. The hardship should be due to special circumstances or conditions (such as unique lot configuration or topographical difficulties) making the typical application of standards an undue hardship to the landowner. The BOA may grant the variance request if it concludes that strict enforcement of the ordinance would result in unnecessary hardships for the applicant and that by granting the variance, the intent of the particular ordinance provision shall be observed.

B. **Application.**

1. Variance applications shall be submitted to the Planning and Development Department.
2. Variances shall only be granted on the basis of hardships, i.e. that strict application of the UDO would cause unnecessary hardship on the property owner.
3. Variances shall only be permitted for numerical standards of this UDO and may not be sought for density or to allow a use not permissible in a certain zoning district.

C. **Review Process.**

1. The application shall be reviewed by Planning and Development Department for consistency with the regulations of this UDO and any other relevant City ordinances and adopted plans. No variance shall be approved which constitutes a danger to the general welfare of the public. A report shall be provided to the BOA to use in their review. The report shall state the variance's departure with the

typical numerical standard within the UDO, as well as any staff recommendations for additional requirements to be imposed by the BOA.

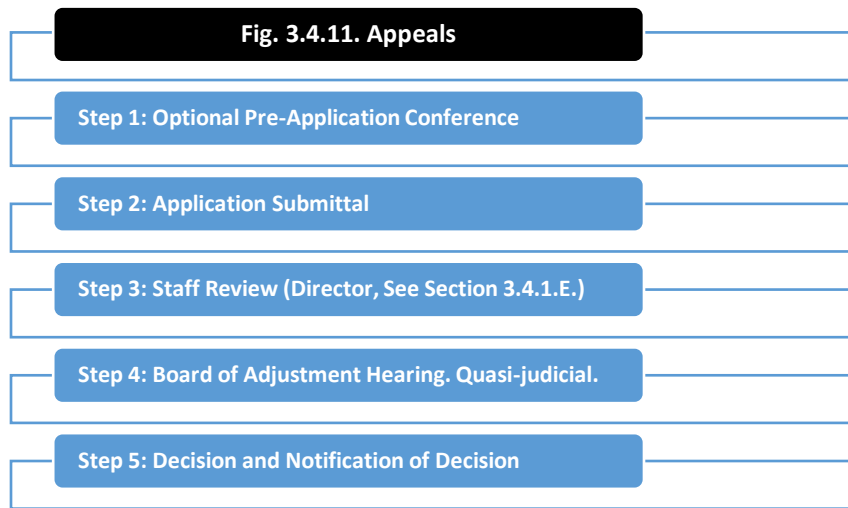
2. The BOA shall review the variance application and hold an evidentiary hearing.

D. Board of Adjustment Evidentiary Hearing.

1. Burden of Presenting Evidence. The burden of presenting a complete application is upon the applicant and the hearing shall be quasi-judicial in nature.
2. The BOA will review the proposed variance request and may vary any of the provisions of the UDO upon a showing of all of the following:
 - a. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance,
 - c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - 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.
3. The BOA may also consider whether the variance is the minimum necessary to make possible the reasonable use of the land, building, or structure.
4. The BOA shall vote whether the criteria above has been met based upon the evidence submitted, and either approve the request or deny the request, through a four-fifths majority. The BOA may add additional requirements but may not waive or reduce any applicable standards set forth in this UDO.

- E. Effect.** Approval of a variance request allows for relief only from the approved portion of the UDO. All other provisions of this UDO shall be met. A variance shall not expire.

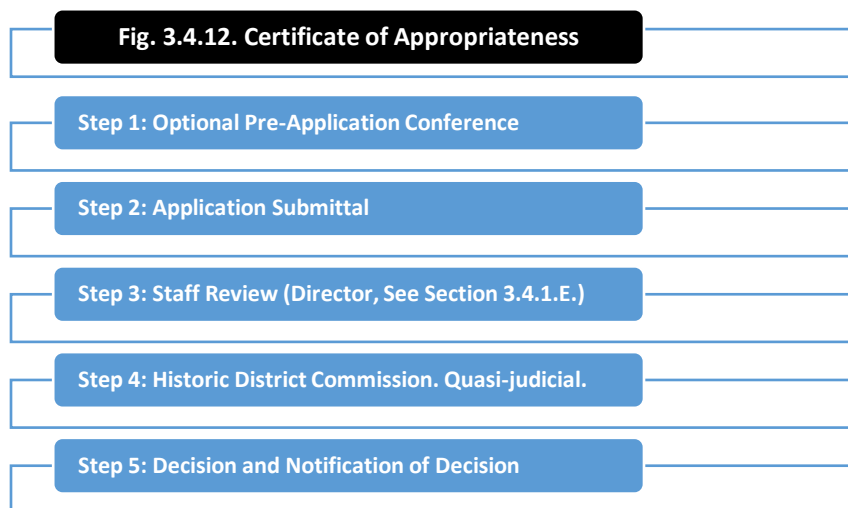
3.4.11. APPEALS



- A. **Purpose.** The BOA shall hear and decide appeals of UDO decisions of administrative officials in compliance with G.S. 160D-405. The appeal process shall allow for a predictable procedure for persons aggrieved by an official decision in the interpretation of this UDO by a review authority. Any person who has standing under G.S. 160D-1402(c) or the City may appeal an administrative decision. The applicant shall have 30 days from receipt of a written notice of a determination within which to file an appeal.
- B. **Application.** A complete application shall be submitted to the Planning and Development Director along with copies of any related plans or documents, and written copy of the decision rendered by the administrative official.
- C. **Review Process.**
1. The Director shall review the request for an appeal and forward a report to the BOA.
- D. **Board of Adjustment Hearing.** The BOA shall hold an evidentiary hearing that shall be quasi-judicial in nature. The BOA, after the hearing, may grant approval of an appeal request, grant approval of a revised request, or deny an application for an appeal through a simple majority.
1. **Criteria.** The BOA is limited to whether the review authority erred in the interpretation of the UDO and shall not hear evidence based on hardships (hardships shall be addressed through the variance process).

Effect. An appeal approval shall not expire and may not be amended.

3.4.12. CERTIFICATE OF APPROPRIATENESS (COA)



A. Certificate of Appropriateness (Major Work) (COA)

1. Generally.

- a. **Applicability.** In compliance with G.S. 160D-9047, after the designation of a landmark or a historic district, no exterior portion of any building or other structure, above-ground utility structures, or outdoor advertising sign shall be erected, altered, restored, moved or demolished until after an application for a *Certificate of Appropriateness* (COA) has been approved by the Historic District Commission (HDC) in compliance with the most recently adopted Historic District Design standards. A COA is required to be issued by the HDC prior the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures. A COA shall be required whether or not a building or other permit is requested. The City and all public utility companies shall be required to obtain a COA prior to initiating any changes in the character of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and building on property, easements, or streets owned or franchised by the City or public utility companies.
- b. **Exterior Features.** For purposes of this ordinance, “exterior features” shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs

and other appurtenant features. In the case of outdoor advertising signs, “exterior features” shall mean the style, material, size and location of all such signs.

2. **Limitation on Jurisdiction Over Interior Spaces.** The HDC shall have no jurisdiction over interior arrangement and spaces.
3. **Review Process For Major Works Certificate of Appropriateness.**
 - a. **Application for COA.** An application for a COA shall be obtained from the Planning and Development Department, and when completed, filed with the Planning and Development Department.
 - b. **Contents of an Application for COA.** The application for a COA shall contain supporting details that is necessary to determine compliance with this Section and the Historic District Design standards. An application for a COA shall not be considered complete until all required supporting details have been submitted. An application for a COA shall demonstrate complete compliance with the Historic District Design standards.
 - c. **Hearing Applications of COA.** Applications shall be reviewed and acted upon within a reasonable time, not to exceed 180 days from the date the application is filed.
 - d. **Notification of Affected Property Owners.** Upon receipt of an application for a COA, adjoining property owners (within 150 feet of the subject property) are notified of the date, time, and location of the HDC meeting and general nature of the request. Notice to property owners shall include all adjoining property owners and the owners of properties located across any roadway from the affected property. The owners shall be given an opportunity to be heard.
 - e. **Public Hearing.** When an application for a Certificate of Appropriateness is presented to the HDC, a quasi-judicial evidentiary hearing shall be held.
 - f. **Action On An Application For A Certificate of Appropriateness.** The action on an application for a COA shall be approval, approval with modification, or denial by the HDC. Prior to any final action on an application, the review criteria in Chapter 152.058 shall be used to make

findings of fact indicating the extent to which the application for a COA is or is not congruous with the historic aspects of the district or landmark. As part of its review procedure, the HDC may view the premises and seek the advice of the Department of Cultural Resources or other such experts as it may deem necessary under the circumstances.

g. **Review Criteria for Certificates of Appropriateness.** When considering a COA, the HDC shall take into account compliance with the Monroe Historic District Design standards, architectural significance of the structure, as well as the effect of such change or additions upon other structures in the vicinity. In a historic district, it is not the intention of these criteria or the standards to require the reconstruction or restoration of individual or original buildings or prohibit the demolition or removal of same or to impose architectural styles from particular historic period. In considering new construction in a historic district, the HDC shall encourage contemporary design which is harmonious with the character of the district. The following criteria shall be considered, when relevant, along with companion design standards and the standards of the Secretary of the Interior in reviewing for a Certificate of Appropriateness.

- i. Lot coverage, defined as the percentage of lot area covered by primary structures;
- ii. Setback, defined as the distance from the lot lines the building;
- iii. Building height;
- iv. Spacing of buildings, defined as the distance between adjacent buildings;
- v. Building materials;
- vi. Proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- vii. Surface textures;
- viii. Roof shapes, form and materials;
- ix. Use of local or regional architectural traditions;

- x. General form and proportions of buildings and structures, and relationship of any additions to the main structure;
 - xi. Expression of architectural detailing, such as lintels, cornices, brick bond, and decorative elements;
 - xii. Orientation of the building to the street;
 - xiii. Scale, determined by the size of the units of construction and architectural details in relation to the human scale and also by the relationship of the building mass to adjoining open space and nearby buildings and structures;
 - xiv. Proportion of width to height of the total building facade;
 - xv. Archaeological sites and resources associated with standing structures;
 - xvi. Major landscaping efforts that would impact known archaeological sites
 - xvii. Appurtenant features and other features such as lighting; and
 - xviii. Structural condition and soundness.
4. **Certain Changes Not Prohibited.** Nothing in this UDO shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of a historic landmark or in a historic district which does not involve a change in design, materials, or outer appearance. Nothing herein shall be construed to prevent a property owner from making any use of this property that is not prohibited by other statutes, ordinances, or regulations. Nothing in this ordinance shall be construed to prevent the maintenance or in the event of an emergency, the immediate restoration of any existing aboveground utility structure without approval by the HDC.
5. **Variances.** Structures within a historic district shall conform to the district development standards defined for each zoning district in this UDO, except when a variance is granted by the BOA in compliance with Section 3.4.10 of this UDO.
6. **Appeals.** Pursuant to 160D-947(e), appeals to a decision of the HDC must be specified to be heard by the BOA, or to the Superior Court of Union County. Any

appeal from the BOA's decision shall be heard by the Superior Court of Union County.

7. **Submission of New Applications.** If a COA is denied, a new application affecting the same property may not be submitted within one (1) year from the date of denial if the plans are substantially the same. If substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving, a new application may be submitted.
8. **Delay of Effective Date.** An application for a COA authorizing the demolition of a building or structure within a district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this Section shall be reduced by the HDC where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period the HDC may negotiate with the owner and with any other parties in an effort to find a means of preserving the building. If the HDC finds that the building has no particular significance or value toward maintaining the character of a district, it shall waive all or part of such period and authorize earlier demolition or removal.
9. **Expiration.** A COA shall expire twelve (12) months after the date of issuance if the work authorized by the COA has not been commenced. If after commencement the work is intentionally and voluntarily discontinued or a period of twenty four (24) months or more, the permit therefor shall immediately expire. No work authorized by any COA which has expired shall thereafter be performed until a new COA has been secured.

3.4.13. CERTIFICATE OF APPROPRIATENESS (MINOR WORKS)

- A. **Minor Works.** A COA application, when determined to involve minor work, may be reviewed and approved by an administrative official (the Director) according to specific review criteria and standards. Minor work is defined as those exterior changes that do not involve substantial alterations, additions or removals that could impair the integrity of the property (and/or the district as a whole). The minor works shall be limited to those listed in the Monroe Historic District's design standards. No application involving a minor work may be denied without the formal action of the HDC.

3.4.14. MINOR SUBDIVISION FINAL PLAT

- A. **Purpose.** To review and decide on minor subdivision preliminary plats, in accordance with G.S. 160D, Article 8, Subdivision Regulation and Section 8.1: Subdivision Regulations, of this UDO. Subdivision plats shall be reviewed for compliance with the standards of this UDO and the *Standard Specifications and Detail Manual*.
- B. **Application and Approval Process.**
1. **Pre-Application Meeting.** Any subdivider of land may attend a pre-application meeting with the Director before preparing a preliminary plat. In this meeting, the Director shall relay the requirements of platting a subdivision in the UDO.
 2. **Preliminary Plat.**
 - a. Preliminary plats may be prepared and submitted to the Director for review of compliance with the regulations of the UDO. Preliminary plats shall be reviewed by the TRC.
 - b. Preliminary plats shall be prepared at a standard scale of one (1) inch equals a distance of one hundred (100) feet or less. Preliminary plats shall be prepared in accordance with the *Standard Specification and Detail Manual* requirements, Section 07.03 Subdivision Plat Checklist.
 - c. If the application submitted to the TRC does not conform to all applicable regulations, the applicant shall resubmit the plans to the TRC for redistribution and review.
 - d. The Director shall either approve, approve conditionally or deny the approval of the preliminary plat within 30 days of receipt.
 - e. Approval, conditional approval or denial shall be in written form and dated.
 - f. Preliminary plat approval for minor subdivisions constitutes tentative approval of the final plat if the final plat is in substantive agreement with the preliminary plat.
 - g. If changes are needed after recordation of the plat, a new plat is required.
- C. **Decision Authority.** The Director shall approve or deny minor subdivision final plats based upon the review and recommendation of the TRC.

3.4.15. MAJOR SUBDIVISION PRELIMINARY PLAT

- A. **Purpose.** To review and decide on major subdivision preliminary plats, in accordance with G.S. 160D, Article 8, Subdivision Regulation and Section 8.1: Subdivision Regulations of this UDO. Subdivision plats shall be reviewed for compliance with the standards of this UDO and the *Standard Specifications and Detail Manual*.
- B. **Application and Approval Process.**
1. **Pre-Application Meeting.** Any subdivider of land shall attend a pre-application meeting with the Director before preparing a preliminary plat. In this meeting, the Director shall relay the requirements of platting a subdivision in the UDO.
 2. **Sketch Plan.**
 - a. Sketch plans shall be required for any major subdivision as defined in this UDO.
 - b. Sketch plans are not required for minor subdivisions.
 - c. Sketch plans may be submitted at any time. The applicant shall submit a sketch plan to the Director for a determination of whether the approval process authorized by this Section can be and should be utilized.
 - d. The Director may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from the tract of land within the previous five years, boundary of the subject property, generalized location of water bodies, existing and proposed rights-of-way adjacent to the property, and other information deemed appropriate by the Director.
 - e. The Director shall approve, approve conditionally or deny the sketch plan within thirty (30) days of receipt.
 - f. Approval, conditional approval or denial shall be in written form and dated.
 - g. Upon approval of the sketch plan, the applicant may prepare a preliminary plat for review.
 3. **Preliminary Plat.**
 - a. Preliminary plats may be prepared and submitted to the Director for review of compliance with the regulations of the UDO. The TRC shall review preliminary plats as required.
 - b. Preliminary plats shall be prepared at a standard scale of one (1) inch equals a distance of one hundred (100) feet or less. Preliminary plats shall

be prepared in accordance with the Standard Specification and Detail Manual requirements, Section 07.03 Subdivision Plat Checklist.

- c. If the application submitted does not conform to all applicable regulations, the applicant shall resubmit the plans to the TRC for redistribution and review.
 - d. The Director shall either approve, approve conditionally or deny the approval of the preliminary plat within 30 days of receipt. Approval, conditional approval or denial shall be in written and/or drawn form and dated.
- C. **Administrative Changes to Preliminary Plats.** If the preliminary plat is changed after approval by the Director, certain changes to the preliminary plat may be made subject to review from all applicable City Departments.
- D. **Decision Authority.** The Director shall approve or deny major subdivision preliminary plats.

3.4.16. MAJOR SUBDIVISION FINAL PLAT

- A. **Purpose.** To review and decide on major subdivision final plats, in accordance with G.S. 160D, Article 8, Subdivision Regulation and Section 8.1: Subdivision Regulation, of this UDO. Subdivision final plats shall be reviewed for compliance with the standards of this UDO and the *Standard Specifications and Detail Manual*.
- B. **Application.** The TRC shall review and the Director shall approve the proposed final plat unless the plat fails to comply with one or more of the requirements of this Section, or if the final plat differs substantially from the preliminary plat.
- 1. Approval of a final plat is contingent upon the plat being recorded within 60 days after the approval certificate is signed by the Director or his or her designee.
 - 2. The applicant for a subdivision plat approval shall submit to the Director a final plat, drawn in waterproof ink on a sheet made of material that will be acceptable to the Union County Register of Deed's Office for recording purposes, and having dimensions as follows: 21" x 30", 12" x 18", or 18" x 24".
 - 3. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision.
 - 4. The scale of the plat shall be at one (1) inch equals not more than one hundred (100) feet.

5. The applicant shall provide all required information per the *Standard Specifications and Detail Manual*, Section 07.03 Subdivision Plat Checklist.
- C. **Performance Guarantees.** In lieu of requiring the completion, installation, and inspection of all or any part of required subdivision improvements (as described in Section 8.1: Subdivision Regulations, in this UDO) prior to final plat approval, the City permits subdividers to deposit with the City A surety bond issued by any company authorized to do business in this State, a letter of credit issued by any financial institution licensed to do business in this State, or other form of guarantee that provides equivalent security to a surety bond or letter of credit. Such financial guarantees shall be in an amount equal to 110% of the estimated cost of completing the required improvements.
- D. **Decision Authority.** The Director shall approve or deny major subdivision final plats.

3.4.17. SITE AND DEVELOPMENT PLAN (SITE PLAN)

- A. **Purpose.** To review site and development plans (site plans) for compliance with all applicable regulations defined in this UDO.
- B. **Application.** All commercial and multifamily developments shall provide a site plan.
 1. Site plans shall graphically illustrate, in both a site plan view and elevation view, those elements which are publicly visible.
 2. During the review process, the Director has authority to request, or approve requests by the TRC, for studies and reports which are needed in order to make a final determination for UDO and state law compliance.
 3. If the site plan application submitted to the TRC staff does not conform to all applicable regulations, the applicant shall resubmit the plans to the TRC for redistribution and review.
 4. All applicant responses shall be described in a cover letter and clearly identified on the plans. The site plan shall include, at a minimum, but not limited to:
 - a. General layout of any proposed structures within the development, including setbacks.
 - b. General road layout
 - c. Elevation drawings of each side of the building shall be provided. The elevations shall have materials and colors rendered in such a way that each is distinct. Elevation drawings shall be accompanied by the following information for each portion of the building:

- i. Largest distance in plan between required elevation features, and the elevation(s) on which this occurs.
 - ii. Number of features required and number present in each elevation.
 - iii. Name of each type of feature in elevation.
 - iv. Material samples shall be provided for exterior material types.
 - v. Fiber cement compositions shall be stated on the elevations.
 - vi. A graphical illustration, with narrative, explaining compliance with Section 8.7: Non-Residential Design Standards.
 - vii. If located within a mixed-use district, a graphical illustration, with narrative, explaining compliance with mixed-use district architectural standards, as defined in the respective mixed-use district's development standards table in Section 5: Mixed-Use Districts.
- 5. A lighting plan shall be submitted for staff review and approval prior to issuance of building permits. The plan shall be in conformance with the standards in Section 8.7.7: Lighting, and contain the following information:
 - a. An area lighting plan, drawn to scale, indicating all structures, parking lots, building entrances, vehicular and pedestrian traffic areas, vegetation that may interfere with lighting, and adjacent land uses that may be adversely impacted by the lighting.
 - b. The plan shall contain a layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type.
 - c. The submission shall include, in addition to proposed area lighting, all other exterior lighting, e.g., architectural building entrance, landscape, flagpole, sign, and the like.
 - d. A 10' X 10' illuminance grid (point-by-point) of maintained footcandles overlaid on the site plan plotted out to 0.0 foot-candles, which demonstrates compliance with light intensity standards.
 - e. The lighting plan shall confirm conformance to Section 8.7.7: Lighting, as defined in this UDO. Graphical illustrations and narrative may be required to confirm compliance.
- 6. Any other required information such as landscape plans (as defined in Section 8.3: Landscaping, Buffering, Fences and Walls), traffic impact analysis, stormwater permit, erosion control, parking plan, construction plans or performance guarantees deemed necessary by the corresponding application and UDO requirements for TRC review.

7. A common signage plan shall be submitted, in accordance with Section 8.2.2.I: Common Signage Plan.

C. Review Process.

1. Site and development plans shall be reviewed and approved by the TRC for conformity with this UDO. The plan shall show in sufficient detail that the proposed project meets all applicable portions of the UDO.

3.4.18. TEMPORARY USE (60 DAYS OR MORE)

- A. **Purpose.** Temporary use permits allow for specific temporary uses of a limited duration, such as grand opening events, tent sales, outdoor vehicle shows, special events, and food trucks and street vendors. (See Section 3.4.19). In situations where a temporary use is 60 days or more, the temporary use shall require a special use permit from the BOA.
- B. **Application.** A completed application form for a temporary use of 60 days or more shall be of the same form for a special use permit and shall be submitted to the Planning and Development Department.
- C. **Review Process.** A temporary use that exceeds 60 days or more shall be reviewed in the same form as a special use permit, per Section 3.4.9: Special Use Permit.

3.4.19. TEMPORARY USE PERMIT (LESS THAN 60 DAYS)

- A. **Purpose.** Temporary use permits allow for specific temporary uses of a limited duration, such as grand opening events, tent sales, outdoor vehicle shows, special events, and food trucks and street vendors. These temporary uses for less than 60 days shall be reviewed to ensure they do not cause a negative effect on adjacent land, and shall not involve the construction of any permanent building or structure.
- B. **Application.** A completed application form for a temporary use permit shall be submitted to the Planning and Development Department.
- C. **Review Process.**
 1. Applicants for temporary use permits shall provide a sketch plan identifying the location of all temporary structures, trailers, product display areas, parking areas, road access points and other temporary uses and improvements to the property. The Director will review the proposed request for compliance with the UDO. The Director shall approve the application as submitted, approve the application subject to conditions of approval, or deny the application as submitted.

3.4.20. ZONING PERMIT

- A. **Purpose.** A zoning permit is required for development that does not require a site and development plan. Zoning permits shall be reviewed for compliance with the provisions defined in this UDO. Zoning permits are required for:
1. Fences;
 2. Driveways and driveway extensions;
 3. Accessory Structures 12x12 feet and under;
 4. Home occupations;
 5. Family care homes;
 6. Group homes;
 7. Intermediate homes; and
 8. Childcare homes
- B. **Application.** A completed application form for a zoning permit shall be submitted to the Planning and Development Department. The Director or their designee will review and issue a decision on application consistent with the UDO.
- C. **Approval Process.** Approval shall be contingent upon the below:
1. Proposed use being permitted in the zoning district;
 2. Application and any required documents must be complete;
 3. Application must comply with all standards and requirements of the UDO.
 4. If the application meets all standards of the UDO, the application shall be approved by the Director.
- D. **Appeal.** If an applicant disagrees with the decision rendered for a zoning permit, the applicant may submit an appeal in accordance with Section 3.4.11: Appeals.
- E. **Effect.** Approval of a zoning permit shall authorize an applicant to commence construction, provided all requirements of this UDO and other applicable rules and regulations are met.
- F. **Expiration.** A zoning permit shall expire and become void if development does not commence within 180 days of permit issuance.

3.4.21. PARKING PLAN

- A. **Purpose.** A parking plan is required for any development and redevelopment with the exception of single-family residential uses. Parking plans may be reviewed concurrently with site and development plans. Parking standards are defined in Section 8.4: Parking.
- B. **Application.** Parking Plans shall be submitted to the Planning and Development Department. Parking plans shall include access points, internal circulation (including drive aisles), landscaping, pedestrian connections, materials, parking type (angle of

parking), and dimensions, including but not limited to those in Section 8.4.3.C: Dimensional Standards

- C. **Approval Process.** Parking plans, unless otherwise stated, shall be reviewed by the TRC) and Director for compliance with the UDO and any applicable technical standards in other City ordinances.
- D. **Alternative Parking Plans.** Alternative parking plans may be submitted in place of a parking plan in compliance with Section 8.4.2.H: Alternative Parking Plan.
- E. **Expiration.** A parking plan shall not expire unless there are changes in the number of parking spaces, or uses proposed, in the parking plan.

3.5. REGULATORY PROVISIONS

A. Authorizing Use, Occupancy, or Sale.

1. If in extraordinary cases, such as weather conditions (and excluding financial hardship), if it would be unreasonable to require the applicant to comply with all of the requirements of this UDO before commencing the intended use, occupancy or sale of property, the permit-issuing body may authorize commencement, as long as a performance bond to be fulfilled within twelve (12) months is provided.
2. When additional conditions or requirements are required, or when additional items beyond what is required in this UDO are proposed, the permit-issuing body may authorize the permit recipient to commence if it specifies a date which such conditions, requirements, or additional items must be met. Compliance of the below requirements must be met:
 - a. A performance bond or other security satisfactory to the body is furnished;
 - b. A condition is imposed establishing an automatic expiration date on the permit, ensuring compliance will be reviewed when application for renewal is made;
 - c. With respect to subdivisions in which the developer is selling only undeveloped lots, the Director may authorize final plat approval and the sale of lots before all the requirements of this UDO are fulfilled if the applicant provides a performance bond or other security satisfactory to ensure that all of these requirements will be fulfilled within 12 months after final plat approval.
 - d. The applicant or developer may request a one-time extension of the performance bond or other surety for an additional 6 months if the applicant or developer submits in writing to the Director the request at

least 3 months prior to the expiration of the original bond for either an extension or reduction of the performance bond.

B. Completing Developments in Phases.

1. If a development is constructed in phases or stages in accordance with this UDO, then, subject to subsection (1), UDO requirements shall apply to each phase as if it were the entire development.
2. As a prerequisite to subsection (2), the developer shall submit plans that clearly show the various phases or stages of the proposed development and that the requirements of this UDO that will be satisfied with respect to each phase or stage.
3. If a development that is to be built in phases or stages includes improvements that are designed to be used by the entire development (such as amenities), then as part of the application, the developer shall submit a proposed schedule for completion of improvements. The schedule shall link completion of improvements to completion of phases. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit.

C. Expiration of Permits.

1. Unless otherwise specified, permits shall expire automatically if work has not commenced within one year of the permit issuance date. With respect to phased development, this requirement shall apply only to the first phase.
2. If work is discontinued for a period of one year after work has commenced, the permit shall immediately expire.
3. An extension period up to six months from the expiration date may be granted by the review authority if the following circumstances exist:
 - a. the permit has not yet expired;
 - b. the permit recipient has proceeded with due diligence and in good faith; and
 - c. conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
4. For purposes of this Section, permits are considered issued when the PB or CC votes to approve the application. Permits are considered issued by the Director when the earlier of the following takes place:

- a. A copy of the fully executed permit is delivered to the permit recipient by hand-delivery or mail; or
 - b. The Director notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required.
5. Notwithstanding any of the provisions of the Section 10: Nonconformities, this Section shall be applicable to permits issued prior to the date this Section becomes effective.

D. Effect of Permit on Successors and Assigns.

1. Approvals and permits authorized by this Section permit the permittee to make use of land and structures in a particular way. Such approvals and permits are transferable. However, so long as the land or structures (or any portion) covered under an approval or permit continues to be used for the purposes for which the permit was granted, then:
 - a. No person (including successors or assignees) may make use of the land or structures except in accordance with all the terms and requirements of that approval or permit.
 - b. The terms and requirements of the approval or permit apply to and restrict the use of land or structures to all persons having any interest in the property and persons who subsequently obtain any interest in all or part of the property. Subsequent persons shall be notified of the approval or permit.
2. Nothing authorized by the approval or permit may be done until the owner signs a written acknowledgment that the approval or permit has been issued.

Section 4. Amend Section §157.4 “TRADITIONAL DISTRICTS” as follows:

§157.4 TRADITIONAL DISTRICT

4.1. INTRODUCTION

4.1.1. DISTRICTS ESTABLISHED

- A. **Intent.** It is the intent of this Section to define development standards for traditional zoning districts within the City. All land within the City’s traditional zoning districts shall be developed in accordance with the standards and regulations in this Section and applicable Sections of this UDO.
- B. **Districts Established.** The City of Monroe is divided into zoning districts. This Section establishes the traditional zoning districts and defines their respective standards. The traditional zoning districts are organized into five (5) categories and established in Table 4.1 below. The five (5) categories are enumerated below:
1. Residential Zoning Districts
 2. Commercial Zoning Districts
 3. Industrial Zoning Districts
 4. Planned Districts
 5. Conditional Districts

Table 4.1. Traditional Zoning Districts

Traditional Zoning Districts		
Residential Zoning Districts		
RLD	Residential, Low Density	Section 4.2.1.
RMD	Residential, Medium Density	Section 4.2.2.
RHD	Residential, High Density	Section 4.2.3.
Commercial Zoning Districts		
OM	Office/Medical	Section 4.3.1.
NB	Neighborhood Business	Section 4.3.2.
GB	General Business	Section 4.3.3.

Industrial Zoning Districts		
GI	General Industrial	Section 4.4.1.
HI	Heavy Industrial	Section 4.4.2.
Planned Districts		
PCD	Planned Commerce Development	Section 4.5.1.
PUD	Planned Unit Development	Section 4.5.2.
Conditional Districts		
C-R	Conditional, Residential	Section 4.6.E.
C-O	Conditional, Office	Section 4.6.F.
C-C	Conditional, Commercial	Section 4.6.G.
C-I	Conditional, Industrial	Section 4.6.H

- C. **Forward Monroe Plan.** The traditional zoning districts are intended to implement the *Land Use Character Areas* identified in the City’s adopted Land Use Plan, Forward Monroe. The Forward Monroe plan identifies ten (10) character areas which are used broadly to describe the shape and form of future development intended for each area. Emphasis is placed on density, scale, compatibility of uses, and the way in which these choices shape the surrounding area. The traditional zoning districts implement the Suburban, Rural, Manufacturing, Logistics and Aerospace, Traditional Development, and portions of the Community Corridor character areas defined in the Forward Monroe plan.
- D. **Groupings.** The traditional zoning districts are categorized into four groupings (residential, business, industrial, and planned). Within the four groupings exist zoning districts which implement the character areas as defined in the Forward Monroe plan. The standards for each zoning district are defined and enumerated in the Section 4.1.2: Grouping of Districts, below.

4.1.2. GROUPING OF DISTRICTS

- A. **Residential.** Where the phrases “all residential districts”, “residential districts”, “zoned residentially”, and “residentially zoned” are used in this UDO, the phrases shall be construed to include:
1. RLD – Residential, Low Density
 2. RMD – Residential, Medium Density
 3. RHD – Residential, High Density
- B. **Commercial.** Where the phrases “all commercial districts”, “office and commerce districts”, and “commercially zoned” are used in this UDO, the phrases shall be construed to include:
1. OM – Office/Medical
 2. NB – Neighborhood Business
 3. GB – General Business
- C. **Industrial.** Where the phrases “all industrial districts”, “industrially zoned”, and “zoned industrial” are used in this UDO, the phrases shall be construed to include:
1. GI – Industrial, General
 2. HI – Industrial, Heavy
- D. **Planned.** Where the phrases “all planned districts”, “planned districts”, and “planned developments” are used in this UDO, the phrases shall be construed to include:
1. PCD – Planned Commerce Development
 2. PUD – Planned Unit Development
- E. **Conditional.** Where the phrases “all conditional districts”, “zoned conditional”, and “conditionally zoned” are used in this UDO, the phrases shall be construed to include:
1. C-R – Conditional, Residential
 2. C-O – Conditional, Office
 3. C-C – Conditional, Commercial
 4. C-I – Conditional, Industrial

F. **Districts Distinguished.** The City allows for different groupings of traditional base zoning districts, planned districts, and conditional districts which may be approved through a zoning map amendment (rezoning), subject to Section 3.4.6: Zoning Map Amendment, of this UDO.

1. **Residential, Commercial and Industrial.** The Traditional Residential, Commercial and Industrial Zoning Districts are base zoning districts which subject future development in the district to all required development standards and regulations applicable to that district, as required in this UDO. These standards are defined in Section 4.2: Residential Zoning Districts, Section 4.3: Commercial Zoning Districts, and Section 4.4: Industrial Zoning Districts.
2. **Planned.** The Planned Districts reclassify land to a planned district (PCD or PUD). A planned district requires a Planned Development Master Plan pursuant to Section 3.4.7: Planned Developments. The Planned Development Master Plan is a binding site plan and all future development must comply with the applicable development standards set forth in the Planned Development Master Plan. Planned Districts allow for more flexibility of development standards through customized planned development standards and deviations from design standards requirements set forth in this UDO, but not from permissible uses.
3. **Conditional.** Consistent with N.C.G.S. § 160D-703, the Conditional Districts reclassify land to a conditional district that is parallel to the base traditional zoning district. As part of a reclassification to a conditional district, future development is subjected to the same development standards as the base district, except as modified by conditions that are agreed to by the owner. These may also include and incorporate proposed modifications to permitted uses or development standards. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to this UDO, the City's plans, or the impacts reasonably expected to be generated by the development or use of the site. Conditional districts are further defined in Section 4.6: Conditional Districts.

4.2. RESIDENTIAL ZONING DISTRICTS

- A. **Purpose and Intent.** The residential zoning districts are intended to provide a safe and healthy environment for residents to live. Uses which are detrimental to the residential nature of these districts are discouraged. More specifically, the residential zoning districts intend to:

1. Implement the residential and suburban land use character areas identified in the Forward Monroe plan;
2. Permit a variety of residential uses, public and institutional uses, and other supporting uses;
3. Promote open space and recreational opportunities for residents;
4. Offer a range of densities and housing stock to allow for a sustainable mix of residential development, diversity and affordability;
5. Ensure adequate light, air, and privacy for all dwellings;
6. Preserve existing community character while providing for new infill development consistent with the Forward Monroe plan; and
7. Discourage uses that would substantially interfere or would be unsupportive of the character of the district. Compatible uses may be permitted per Section 7: Permissible Uses and Standards.

The three (3) residential zoning districts are listed in Table 4.2, and their standards enumerated, in the Sections below.

- B. **Uses.** The residential zoning districts permit residential uses and compatible public and institutional uses. The residential districts allow for a diverse range of housing stock and compatible uses across three (3) residential districts: Residential, Low Density (RLD), Residential, Medium Density (RMD), and Residential, High Density (RHD).
- C. **Design Standards.** Consistent with N.C.G.S. § 160D-702(b), certain residential development may need to comply with applicable design standards provided for in Section 8.7: Design Standards, of this UDO.

Table 4.2. Residential Zoning Districts

Residential	
RLD	Residential, Low Density
RMD	Residential, Medium Density
RHD	Residential, High Density

4.2.1. RLD – RESIDENTIAL LOW DENSITY

- A. **Intent.** The Residential Low Density (RLD) district is intended to implement the rural land use character area as defined in the Forward Monroe plan. This district is designed to accommodate single family residential development in areas within the City of Monroe which may not be served by public water or sewer and are not appropriate for higher densities. RLD is intended to allow for single family homes on larger lots and may permit compatible uses as permitted in Section 7: Permissible Uses and Standards.
- B. **Standards.** The standards that apply to RLD districts, which are intended to protect the character of the rural land use area and promote larger lot single family residential development, are defined in Table 4.2.1. below.
- C. **Density.** Maximum permitted density is two (2) dwelling units per acre.

Table 4.2.1. RLD District Development Standards Table

RLD District Development Standards Table		
Building Height		Maximum 3 Stories
Density		Maximum 2 Units / Acre
Setbacks ¹	Front (Street)	25'
	Side	15' (interior lot) 20' (corner lot)
	Rear	20' (interior lot) 25' (through lot)
Lot	Width	100' Minimum
	Area	20,000 Square Feet Minimum
	Coverage	20% Maximum
Open Space		See Section 8.8: Open Space

Additional Standards	¹ In any area that is located outside of a designated floodplain, but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank, or 35 feet on each side, whichever is greater.
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4.2.2. RMD – RESIDENTIAL MEDIUM DENSITY

- A. **Intent.** The Residential Medium Density (RMD) district is intended to implement the suburban land use character area as defined in the Forward Monroe plan. RMD allows for a neighborhood development pattern and is intended to allow for a mix of housing types, including single family detached, townhouses/attached single family, and may permit compatible uses as permitted in Section 7: Permissible Uses and Standards.
- B. **Standards.** The standards that apply to RMD districts, which are intended to promote a neighborhood development pattern, including a mixture of single family detached and attached homes, are defined in Table 4.2.2. below.
- C. **Density.** Maximum permitted density is three (3) dwelling units per acre, by-right. A maximum four (4) dwelling units per acre may be approved if an applicant qualifies for Cluster Development.
- D. **Cluster Development.** Cluster development within the RMD district is permitted if an applicant consents in writing to the single family design guidelines as defined in Section 8.7.2: Single Family Design Guidelines. Cluster development shall be a minimum five (5) acres in size. Cluster development allows an applicant to qualify for reduced minimum lot sizes per Table 4.2.2.1 and an increase in permitted density to a maximum of four (4) dwelling units per acre. In accordance with Section 3.4.15: Major Subdivision Preliminary Plat, cluster developments shall meet all requirements for a subdivision, site plan and all other applicable City ordinances and this UDO, except as otherwise provided for in Section 4.2.2.D.
 - 1. **Open Space.** Cluster developments shall designate at least 30% of the site for contiguous open space as defined in Section 8.8.E. The locations of the open space shall be reviewed at the time of rezoning and be dependent upon the internal layout of the project and the adjacent uses. Where properties do not require rezoning, open space shall be reviewed as part of the subdivision preliminary plat. Internally located open space may be needed to compliment a conservation subdivision form, while perimeter open space may be needed

to provide a transition or separation from an adjacent lower density residential or agricultural use. Open space areas may be used for the buffering required in Section 4.2.2.D.4 of this UDO.

2. **Connectivity.** Neighborhoods are to be interconnected and connect to adjacent neighborhood. Flexibility for connections shall be provided to preserve on-site environmental resources and preservation areas. Internal connections shall occur through streets and multimodal connections.
3. **Mixture of Housing (Lot) Types.** Each cluster development shall contain at least three (3) different housing types from Table 4.2.2.1. No less than 20% and no more than 60% should be provided of one housing type or lot size out of the housing types to be provided:

Table 4.2.2.1. Mix of Housing Types

Type	Lot Size	Minimum Lot Width	Lot Arrangement/Placement
Perimeter Lot/Estate House	20,000 Square Feet - 1 Acre	150'	
Single-Family Residential Type 1	10,000 – 20,000 Square Feet	75'	
Single-Family Residential Type 2	7,500 - 10,000 Square Feet	70'	Internal to site (i.e. not on periphery of boundary of development)
Single-Family Residential Type 3	5,000 – 7,500 Square Feet	50'	Internal to site; no more than 20% of the total housing units
Single-Family Attached Residential	N/A for single-family attached (townhome – 3 or more attached units) and two family residential duplex/villa (2 attached units).		Internal to site; no more than 20% of the total housing units

4. **Buffering.** A Type 2 buffer, as defined in Section 8.3.5: Perimeter Buffer Standards, shall be provided for cluster developments. The Type 2 buffer may be counted towards no more than 50% of the required open space percentage. These buffers may also allow pedestrian paths within the buffers. All buffers

shall be platted as separate tracts to be owned and maintained by the Homeowner's Association, Property Owner's Association, or similar entity.

Table 4.2.2.2. RMD District Development Standards Table

RMD District Development Standards Table		
Building Height		Maximum 3 Stories
Density		Maximum 3 Units / Acre (By-Right) Maximum 4 Units / Acre (Cluster)
Setbacks ¹	Front (Street)	20' May be reduced to 15' where a common parking area is provided (no driveway/garage)
	Side	10' (interior lot) 15' (corner lot)
	Rear	10' (interior lot) 20' (through lot)
Lot	Width ²	75' Minimum
	Area	12,000 Square Feet Minimum (By-Right) 5,000 Square Feet Minimum (Cluster) (Refer To Table 4.2.2.1)
	Coverage	40% Maximum 50% Maximum (Townhomes / Attached and Duplex / Triplex / Quadplex)
Open Space		See Section 8.8: Open Space
Additional Standards	¹ In any area that is located outside a designated floodplain, but where a stream is located, no building or fill may be located within a distance of the stream bank	

	equal to five times the width of the stream at the top of the bank or 35 feet on each side, whichever is greater. ² Lot width minimum requirements shall not apply to townhomes/attached single family or duplex/triple/quadplex units.
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4.2.3. RHD – RESIDENTIAL HIGH DENSITY

- A. **Intent.** The Residential High Density (RHD) district allows for a more dense development pattern and is intended to allow for a mixture of housing types, including multifamily. The RHD zoning district is intended to be utilized in areas that feature a design and scale that encourage townhouse/attached single family, duplex/triplex/quadplex, and multifamily development and may permit compatible uses as permitted in Section 7: Permissible Uses and Standards.
- B. **Standards.** The standards that apply to RHD districts, which are intended to promote more dense development featuring attached residential and multifamily, are defined in Table 4.2.3. below.
- C. **Density.** Maximum permitted density is ten (10) dwelling units per acre.
- D. **Design Standards.** Multifamily developments may require additional design standards in accordance with Section 8.7: Design Standards, of this UDO.

Table 4.2.3. RHD District Development Standards Table

RHD District Development Standards Table		
Building Height		Maximum 4 Stories
Density		Maximum 10 Units / Acre
Setbacks ¹	Front (Street)	15' non-multifamily residential structures 20' for multifamily and non-residential structures or where off-street parking (driveway, garage or similar) is provided
	Side	5' (interior lot) 15' (corner lot)
	Rear	10' (interior lot)

		20' (through lot)
Lot	Width ²	50' Minimum
	Area	5,000 Square Feet Minimum
	Coverage	60% Maximum 70% Maximum (Townhomes / Attached and Duplex / Triplex / Quadplex, Multifamily)
Open Space		See Section 8.8: Open Space
Additional Standards	¹ In any area that is located outside a designated floodplain, but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 35 feet on each side, whichever is greater. ² Lot width minimum requirements shall not apply to townhomes/attached single family.	

4.3. COMMERCIAL ZONING DISTRICTS

A. **Purpose and Intent.** The commercial zoning districts are intended to provide a range of office, medical, retail, service, and compatible uses and to implement the commercial land use character areas identified in the Forward Monroe plan. More specifically, the commercial zoning districts intend to:

1. Allow for the development of businesses that meet the needs of residents and visitors in the City of Monroe;
2. Provide employment opportunities;
3. Minimize incompatibilities from dissimilar uses;
4. Minimize impacts of commercial activities on residential uses; and
5. Provide for lands that will strengthen the economic base of the City of Monroe in accordance with the Forward Monroe plan.

B. **Uses.** The commercial zoning districts permit non-residential and limited residential uses that range in intensities from small-scale, neighborhood establishments to large

commercial developments that may feature multiple businesses and uses on a single parcel. Typical uses may include (but are not limited to) general retail sales, personal service, restaurants, professional offices, and medical/dental offices. The commercial zoning districts are listed in Table 4.3, and their standards defined in Sections 4.3.1, 4.3.2, and 4.3.3 below.

- C. **Design Standards.** Developments within the commercial zoning districts must comply with the design standards provided for Section 8.7: Design Standards, of this UDO.

Table 4.3. Commercial Zoning Districts

Commercial	
OM	Office/Medical
NB	Neighborhood Business
GB	General Business

4.3.1. OM – OFFICE/MEDICAL

- A. **Intent.** The Office Medical (OM) district is intended to implement office and medical uses as defined in the Forward Monroe plan. OM is designed to accommodate a mixture of office, medical, and residential uses. This district shall intend to serve as a transition between major arterials or more intensively developed commercial areas and residential districts. OM districts implement the traditional development land use character area in the Forward Monroe plan and may permit compatible uses as permitted in Section 7: Permissible Uses and Standards.
- B. **Standards.** The standards that apply to OM districts, which are intended to protect the residential character of the district while allowing the district to act as a transitional zone between residential and commercial uses, are defined in Table 4.3.1 below.
- C. **Density.** Maximum density is capped at a six (6) dwelling units per acre.
- D. **Design Standards.** Non-residential and multifamily developments within the OM district must comply with the design standards provided for in Section 8.7: Design Standards, of this UDO.

Table 4.3.1. OM District Development Standards Table

OM District Development Standards Table		
Building Height		Maximum 3 Stories (By Right) Maximum 4 Stories (By SUP)
Density		Maximum 6 Units / Acre
Setbacks ¹	Front (Street)	15'
	Side	5' (interior lot) 10' (corner lot)
	Rear	10' (interior lot) 20' (through lot)
Lot ²	Width	75' Minimum
	Area	7,500 Square Feet Minimum
	Coverage	50% Maximum
FAR ³		0.75 Maximum
Open Space		See Section 8.8: Open Space
Additional Standards	¹ In any area that is located outside a designated floodplain, but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 35 feet on each side, whichever is greater. ² Lot width, lot area, lot coverage requirements only apply to residential dwellings. ³ Floor area ratio only applies to non-residential uses.	

4.3.2. NB – NEIGHBORHOOD BUSINESS

A. **Intent.** The Neighborhood Business (NB) district is intended to permit small-scale, neighborhood commercial establishments. More specifically, the NB district intends to:

1. Provide small-scale NB commercial uses less than 25,000 square feet;
2. Accommodate a mixture of small-scale commercial, public and institutional, office/medical uses, and may permit compatible uses as permitted in Section 7: Permissible Uses and Standards;
3. Allow for lands for commercial establishments that are within convenient traveling distance from the neighborhoods which they serve; and
4. Discourage the developments of commercial establishments that are intended to draw customers from outside the immediate area.

B. **Standards.** The standards that apply to NB districts, which are intended to allow for small-scale, neighborhood commercial uses and compatible uses, are defined in Table 4.3.2 below.

C. **Density.** Maximum density is capped at ten (10) dwelling units per acre for Residential Care facilities.

D. **Design Standards.** Non-residential and multifamily developments within the commercial zoning districts must comply with the design standards set forth in Section 8.7: Design Standards, of this UDO.

Table 4.3.2. NB District Development Standards Table

NB District Development Standards Table		
Building Height		Maximum 4 Stories
Density ¹		Maximum 10 Units / Acre
Setbacks ²	Front (Street)	20'
	Side	5'
	Rear	10'

Lot	Width	Not Applicable
	Area	Not Applicable
	Coverage	Not Applicable
FAR		1.0 Maximum
Open Space		See Section 8.8: Open Space
Additional Standards	¹ Residential density permitted only for Residential Care.	
	² In any area that is located outside a designated floodplain, but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 35 feet on each side, whichever is greater.	

4.3.3. GB – GENERAL BUSINESS

- A. **Intent.** The General Business (GB) district is intended to permit commercial establishments of varying scales and may include an individual business on its own parcel or multiple businesses located together as a single parcel. The GB district allows for large-scale commercial uses greater than 25,000 square feet which attract a customer base from outside the immediate area. The GB district is designed to accommodate a mixture of commercial, public and institutional, office/medical uses, and may permit compatible uses as permitted in Section 7: Permissible Uses and Standards.
- B. **Standards.** The GB district standards, which are intended to allow for varying intensities of commercial uses and compatible uses, are defined in Table 4.3.3. below.
- C. **Density.** Maximum density is capped at ten (10) dwelling units per acre.
- D. **Design Standards.** Non-residential and multifamily developments within the commercial zoning districts must comply with the design standards provided for in Section 8.7: Design Standards, of this UDO.

Table 4.3.3. GB District Development Standards Table

GB District Development Standards Table		
Building Height		Maximum 5 Stories
Density		Maximum 10 Units / Acre
Setbacks ¹	Front (Street)	20'
	Side	10'
	Rear	15'
Lot	Width	Not Applicable
	Area	Not Applicable
	Coverage	Not Applicable
FAR		1.0 Maximum
Open Space		See Section 8.8: Open Space
Additional Standards	¹ In any area that is located outside a designated floodplain, but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 35 feet on each side, whichever is greater.	

4.4. INDUSTRIAL ZONING DISTRICTS

- A. **Purpose and Intent.** The industrial zoning districts are intended to provide a range of industrial uses and implement the manufacturing, logistics and aerospace land use characteristic area as defined in the Forward Monroe plan. More specifically, the industrial zoning districts intend to:
1. Provide employment opportunities;
 2. Strengthen the economic base of the City of Monroe; and
 3. Limit the potential impacts of incompatible industrial uses on commercial and residential zoning districts.
- B. **Uses.** The industrial zoning districts permit industrial uses that range in intensities from small-scale, light industrial and manufacturing establishments to large heavy industrial developments. Certain commercial and office/medical uses relating to the character of the district and supporting its activities and employees are also permitted. The two industrial zoning districts are listed in Table 4.4., and their standards defined in Section 4.4.1 and 4.4.2 below.
- C. **Design Standards.** Industrial uses within the industrial zoning districts must comply with the design standards provided for in Section 8.7: Design Standards, of this UDO.

Table 4.4. Industrial Districts

Industrial	
GI	General Industrial
HI	Heavy Industrial

4.4.1. GI - GENERAL INDUSTRIAL

- A. **Intent.** The General Industrial (GI) district is intended to permit light industrial and manufacturing establishments of varying scales and may permit compatible uses as permitted in Section 7: Permissible Uses and Standards. Limited commercial and office/medical uses necessary for the vitality of an industrial district may also commonly be found in the industrial general district.
- B. **Standards.** The GI district standards, which are intended to allow for varying intensities of light industrial uses and compatible uses, are defined in Table 4.4.1. below. Live-Work is the only permitted residential use within the GI district.
- C. **Density.** Maximum density is capped at two (2) dwelling units per acre for Live-Work residential uses only. An accessory residence for a night watchman may be permitted where appropriate.

Design Standards. Industrial uses within the industrial zoning districts must comply with the design standards provided for in Section 8.7: Design Standards, of this UDO.

Table 4.4.1. GI District Development Standards Table

GI District Development Standards Table		
Building Height		Maximum 5 Stories
Density ¹		Maximum 2 Units / Acre
Setbacks ²	Front (Street)	25'
	Side	10' 50' (if abutting, RLD, RMD and / or OM districts)
	Rear	25' 50' (if abutting, RLD, RMD and / or OM districts)
Lot	Width	Not Applicable
	Area	Not Applicable
	Coverage	Not Applicable
FAR		1.0 Maximum
Additional Standards	¹ Residential density permitted only for the residences of a night watchmen if required for operation of use or live-work units. ² In any area that is located outside a designated floodplain, but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 35 feet on each side, whichever is greater.	

4.4.2. HI - HEAVY INDUSTRIAL

- A. **Intent.** The Heavy Industrial (HI) district is intended to permit industrial uses, including heavy industrial uses which are unsuitable for any other zoning district. Industrial establishments of varying scales and intensities, and compatible uses as permitted in Section 7: Permissible Uses and Standards are permitted in the HI district. Unlike the GI district, commercial uses are not permitted.
- B. **Standards.** The HI district standards, which are intended to allow for varying intensities of industrial uses and compatible uses, are defined in Table 4.4.2. below.
- C. **Density.** No residential uses are permitted.
- D. **Design Standards.** Industrial uses within the industrial zoning districts must comply with the design standards provided for in Section 8.7: Design Standards, of this UDO.

Table 4.4.2. HI District Development Standards Table

HI District Development Standards Table		
Building Height		Maximum 5 Stories
Density		Not Applicable
Setbacks ¹	Front (Street)	50'
	Side	25' 100' (if abutting, RLD, RMD and / or OM districts)
	Rear	50' 100' (if abutting, RLD, RMD and / or OM districts)
Lot	Width	Not Applicable
	Area	Not Applicable
	Coverage	Not Applicable
FAR		1.0 Maximum

Additional Standards	¹ In any area that is located outside a designated floodplain, but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 35 feet on each side, whichever is greater.
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4.5. PLANNED DISTRICTS

- A. **Purpose and Intent.** The City recognizes the need for innovative designs that may require alternative development design standards and be developed under a master plan approach. The City has two (2) planned development districts to address the variations in project development, Planned Commerce Development (PCD) and Planned Unit Development (PUD). Specifically, the planned districts intend to:
1. Allow for creation of customized, planned development standards and deviations from development standards set forth in this UDO, but not from permissible uses;
 2. Establish planned development districts which provide an orderly, master plan style development with a mixture of land uses and intensities for master planned commercial and residential developments;
 3. Allow more efficient and creative use of land which utilize more condensed developments areas, thereby lowering development costs of land;
 4. Promote high quality design through the development of customized standards; and
 5. Allow for greater flexibility in development standards.
- B. **Requirements and Approval.** Planned districts shall adhere to all district standards and application requirements defined in Section 3.4.7: Planned Developments, of this UDO.
- C. **Design Standards.** Consistent with N.C.G.S. § 160D-702(b), certain residential development may need to comply with applicable design standards provided for in Section 8.7: Design Standards, of this UDO.
- D. **Size.** Shall be ten (10) acres or greater in size.
- E. **Density.** Residential density shall not exceed six (6) units per acre.
- F. **Intensity.** Intensity shall not exceed 1.0 FAR.

- G. **Permissible Uses.** As part of a PCD or PUD, permissible uses are defined in the Table of Permissible Uses, Section 7.1.1: Traditional Districts Table of Permissible Uses. A PCD or PUD may not modify permissible uses; only the permissible uses identified in the Table of Permissible Uses may be permitted in the PCD or PUD zoning districts.
- H. **Open Space.** In accordance with Section 8.8: Open Space Standards, of this UDO, a PCD shall require a minimum of 25% of the gross land area to be reserved for common recreation and open space, and a PUD shall require a minimum of 35% of the gross land area to be reserved for common recreation and open space.
- I. **Percentage of Uses.** Percentage of uses permitted shall be defined in Table 4.5.1 and Table 4.5.2.

Table 4.5. Planned Districts

Planned Districts	
PCD	Planned Commerce Development
PUD	Planned Unit Development

4.5.1. PCD - PLANNED COMMERCE DEVELOPMENT

A. **Intent.** Planned Commerce Development (PCD) is intended to allow for a master planned commercial development. More specifically, a PCD shall:

1. Require a Planned Development Master Plan as defined in Section 3.4.7: Planned Developments;
2. Subject all future development to the approved Planned Development Master Plan and the development standards established during the approval process;
3. Provide an orderly, master planned commercial development;
4. Require a mixture of land uses and intensities;
5. Require a minimum 50% of commercial uses; and
6. Regulate the maximum and minimum mixture of other uses, as defined in Table 4.5.1.

B. **Standards.** A PCD shall be a minimum of ten (10) acres in size and comply with Table 4.5.1 and Section 3.4.7: Planned Developments. Customized standards may be developed during the Planned Development Master Plan process.

Table 4.5.1. PCD District Development Standards Table

PCD District Development Standards Table		
Building Height		Maximum 5 Stories
Open Space		Minimum 25% (See Section 8.8: Open Space)
Percentage of Uses		Minimum % Maximum %
Commercial		50 85
Office		15 50
Industrial (GI with limitations)		0 10
Residential (Multifamily only)		0 25
Additional Standards	Setbacks, Lot Width, Lot Area, and FAR shall be determined during the Planned Development Master Plan process as defined in Section 3.4.7.	

4.5.2. PUD - PLANNED UNIT DEVELOPMENT

A. **Intent.** Planned Unit Development (PUD) is intended to allow for a master planned development that is predominantly residential in nature. More specifically, a PUD shall:

1. Require a Planned Development Master Plan as defined in Section 3.4.7: Planned Developments;
2. Limit non-residential uses to a maximum of 5% of the total gross area of the site;
3. Allow for more flexible design standards and alternative configuration of streets and utilities; and
4. Promote quality design and greater allowances for access, open space and amenities.

B. **Standards.** PUD shall be a minimum of ten (10) acres in size and comply with Table 4.5.2 and Section 3.4.7: Planned Developments. Customized standards may be developed during the Master Plan process.

Table 4.5.2. PUD District Development Standards Table

PUD District Development Standards Table	
Building Height	Maximum 4 Stories
Open Space	Minimum 35% (See Section 8.8: Open Space)
Percentage of Uses	Maximum 5% Non-Residential Uses (percent of total gross area of the site)
Uses	As permitted in Section 7.1.1
Additional Standards	Setbacks, Lot Width, Lot Area, and FAR shall be determined during the Planned Development Master Plan process as defined in Section 3.4.7: Planned Developments.

4.6. CONDITIONAL ZONING

A. **Purpose and Intent.** This Section and Section 3.4.6: Zoning Map Amendment, of this UDO, establish the options and procedures for conditional zoning within the City of Monroe. Conditional zoning, consistent with N.C.G.S. § 160D-102, is defined as a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment. Conditional zoning is intended to:

1. Provide an alternative to general zoning districts when a general zoning district may allow a range of uses that could have adverse impacts on public facilities or surrounding lands;
2. Create more flexibility in addressing the standards of this UDO to accommodate unique site-specific conditions or contexts;
3. Allow a landowner to propose, and the City Council to consider, additional conditions or restrictions on the range of allowable uses, use-specific standards, development intensities, development standards, and other applicable regulations; and
4. Allow a landowner to propose, and the City Council to consider, a reduction in some development standards that would otherwise apply.

B. **Standards.**

1. **Site Plan.** A site plan shall be approved as part of a conditional zoning in accordance with the procedure set forth in Section 3.4.6: Zoning Map Amendment, of this UDO. A site plan is part of the legislative decision made by City Council.
2. **Conditions.** Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to this UDO, the City's plans, or the impacts reasonably expected to be generated by the development or use of the site.
3. **Minor Modifications.** Consistent with N.C.G.S. § 160D-403(d), changes after a conditional district can be permitted with written approval of proposed changes by the Planning Director. Minor modifications to a conditional district, for the purpose of this Section, are defined as all modifications that do not involve a change in permitted uses or an increase in the density or intensity of an overall development. Such minor modifications can be submitted, reviewed, and

approved or denied administratively by the Director. Any other modification of the conditions and standards in a conditional district (major modification) shall follow the same process as outlined in Section 3.4.6: Zoning Map Amendment.

4. **Multiple Parcels.** In accordance with N.C.G.S. § 160D-703, if multiple parcels of land are subject to a conditional zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved shall only be applicable to those properties who owners petition for the modification.
- C. **Process.** Conditional districts shall follow the amendment process as outlined in Section 3.4.6: Zoning Map Amendment.
- D. **Limitations on Conditions.** While conditional districts provide flexibility in addressing the standards of this UDO, in no instance shall any of the following standards of this UDO be waived or reduced as part of a conditional rezoning:
1. Any overlay district standards, as defined in Section 6: Overlays;
 2. Maximum permitted density within a zoning district, unless clustering or density incentives are permitted;
 3. Required access standards for development, as defined in Section 8.1.7.E.5: Access;
 4. Sign standards, as defined in Section 8.2: Signs;
 5. Street yard buffers, as defined in Section 8.3.7: Street Yard Buffers;
 6. Design standards for single family and duplex, multifamily, non-residential and industrial buildings and development, as defined in Section 8.7: Design Standards;
 7. Open space standards, as defined in Section 8.8: Open Space;
 8. Mixed-Use zoning district standards, as defined in Section 5: Mixed-Use Zoning Districts.
- E. **Conditional Residential (C-R) District Standards.**

1. **Intent.** The Conditional Residential (C-R) district is established to allow for residential developments that choose to go through the conditional rezoning process defined in Section 3.4.6: Zoning Map Amendment.
2. **Standards.** All development within the C-R zoning district shall comply with the standards of this UDO unless an applicant requests that, and consents in writing to, additional or alternative requirements and standards, per N.C.G.S. § 160D-703(b). An applicant may also request reduced levels of certain standards in this UDO, subject to 4.6.D: Limitations on Conditions. If a specific request is not made regarding applicable standards or regulations, the standards defined in Section 4.2.2: RMD, in addition to all other applicable standards of this UDO, shall apply.

F. Conditional Office (C-O) District Standards.

1. **Intent.** The Conditional Office (C-O) district is established to allow for office and institutional developments that choose to go through the conditional rezoning process defined in Section 3.4.6: Zoning Map Amendment.
2. **Standards.** All development within the C-O zoning district shall comply with the standards of this UDO unless an applicant requests that, and consents in writing to, additional or alternative requirements and standards, per N.C.G.S. § 160D-703(b). An applicant may also request reduced levels of certain standards in this UDO, subject to 4.6.D: Limitations on Conditions. If a specific request is not made regarding applicable standards or regulations, the standards defined in Section 4.3.1: OM, in addition to all other applicable standards of this UDO, shall apply.

G. Conditional Commercial (C-C) District Standards.

1. **Intent.** The Conditional Commercial (C-C) district is established to allow for commercial developments that choose to go through the conditional rezoning process defined in Section 3.4.6: Zoning Map Amendment.
2. **Standards.** All development within the C-C zoning district shall comply with the standards of this UDO unless an applicant requests that, and consents in writing to, additional or alternative requirements and standards, per N.C.G.S. § 160D-703(b). An applicant may also request reduced levels of certain standards in this UDO, subject to 4.6.D: Limitations on Conditions. If a specific request is not made regarding applicable standards or regulations, the standards defined in

Section 4.3.3: GB, in addition to all other applicable standards of this UDO, shall apply.

H. Conditional Industrial (C-I) District Standards.

1. **Intent.** The Conditional Industrial (C-I) district is established to allow industrial developments that choose to go through the conditional rezoning process defined in Section 3.4.6: Zoning Map Amendment.

Standards. All development within the C-I zoning district shall comply with the standards of this UDO unless an applicant requests that, and consents in writing to, additional or alternative requirements and standards, per N.C.G.S. § 160D-703(b). An applicant may also request reduced levels of certain standards in this UDO, subject to 4.6.D: Limitations on Conditions. If a specific request is not made regarding applicable standards or regulations, the standards defined in Section 4.4.1: GI, in addition to all other applicable standards of this UDO, shall apply.

Section 5. **Amend Section §157.5 “MIXED-USE DISTRICTS” as follows:**

§157.5 **MIXED-USE DISTRICTS**

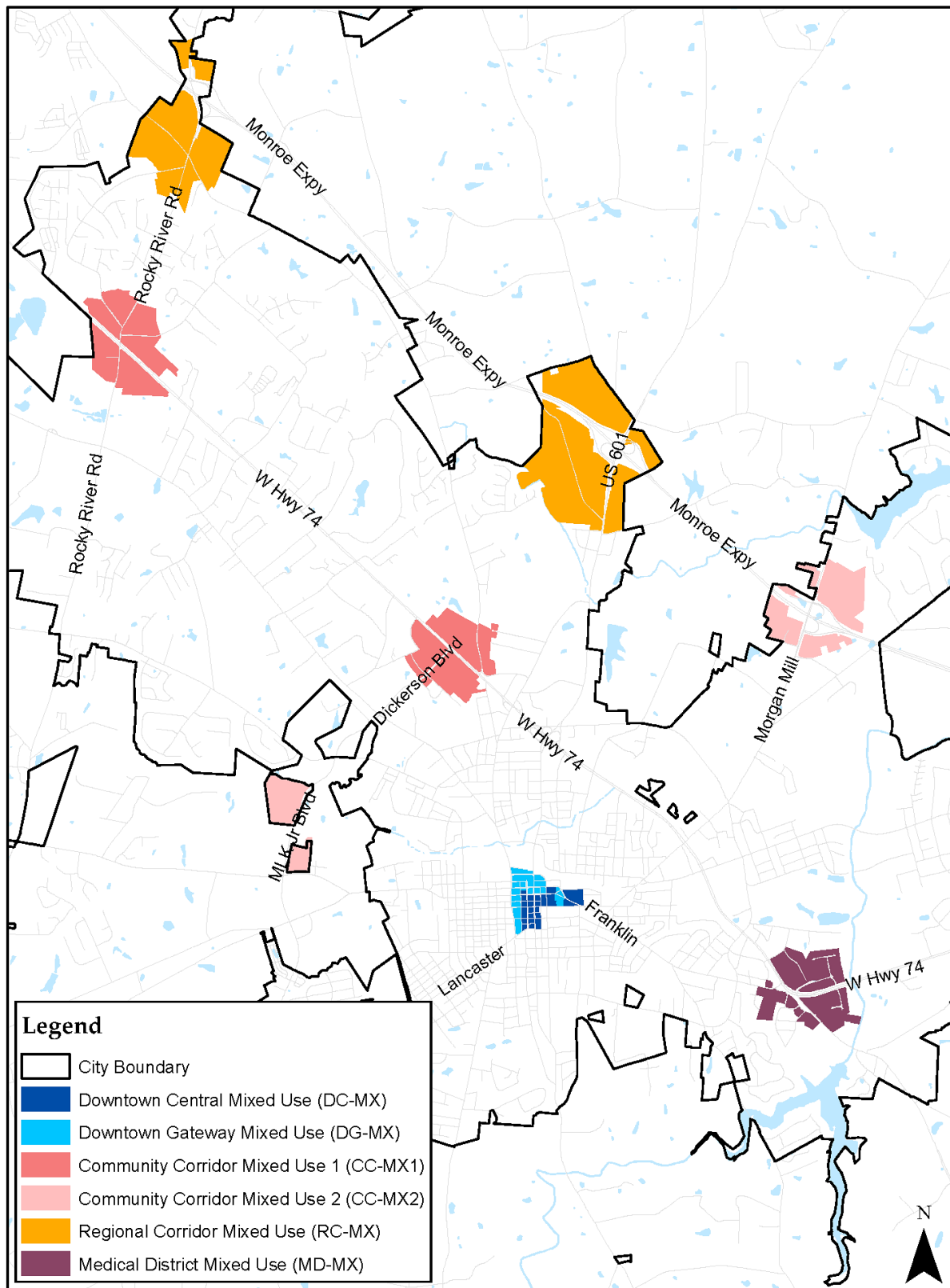
5.1 PURPOSE AND INTENT

- A. **Intent.** The City’s approved land use plan, Forward Monroe, designates character areas and mixed-use centers on the Future Land Use Map (FLUM). Mixed-use zoning districts, as defined in this Section, and their respective development standards, are intended to implement these character areas, as defined in Forward Monroe. Mixed-use zoning districts provide high-quality and predictable designs within the public and private realm. Each implementing mixed-use zoning district shall act as its own zoning district, with its own specific standards of development and permissible uses. The mixed-use zoning districts, their boundaries, and their respective standards shall be consistent with Forward Monroe and other approved City plans. The Mixed-use zoning districts intend to establish mixed-use development and redevelopment that is pedestrian oriented at key locations throughout the City. These zoning districts seek to enable the development of higher intensity mixed-use centers with a mixture of new housing, shopping, working, and recreational options in close proximity to one another. The mixture and proximity of uses enable residents to meet some of their day to day needs without use of a vehicle.
- B. **Density.** Character areas, as designated on the FLUM, are defined by a variety of residential densities (density) and intensities. Density is measured by dwelling units per gross acre. All residential densities denoted in the adopted Forward Monroe plan are not guaranteed by right. The appropriate allocation of density shall encourage a sustainable development. Subdivision, zoning, and site plan review criteria shall ensure that density assigned to new development is consistent with established residential development patterns and provides equitable use of the land.
1. Each mixed-use zoning district shall allow for residential density and implement their respective character area as identified within the Future Land Use Map defined in Forward Monroe. Due to the unique nature of mixed-use districts, density greater than ten (10) dwelling units per acre may be permitted.
 2. Each mixed-use zoning district shall define its permitted density in its respective district standards development table.

Table 5.1. City of Monroe Mixed-Use Districts

Character Areas (FLUM)	Implementing Mixed-Use Zoning District	UDO
Downtown	DC-MX - Downtown Central Mixed-Use	Sec. 5.4.
	DG-MX – Downtown Gateway Mixed-Use	Sec. 5.4.
Neighborhood Mixed Use Centers	CC-MX1 – Community Corridor Mixed-Use 1	Sec. 5.5.
	CC-MX2 – Community Corridor Mixed-Use 2	Sec. 5.6.
Regional Mixed-Use Centers	RC-MX – Regional Corridor Mixed-Use	Sec. 5.7.
Medical District	MD-MX Medical – Medical District Mixed-Use	Sec. 5.8.

Figure 5.1. City of Monroe Mixed-Use Zoning Districts



5.2. MIXED-USE ZONING DISTRICT MAPS, DISTRICT DEVELOPMENT STANDARDS, AND PERMISSIBLE USES.

Each mixed-use district shall be defined by an *Implementing Map, District Development Standards Table*, and its permissible uses as defined in Section 7.1.2: Mixed-Use Districts Table of Permissible Uses.

- A. **Implementing Map.** Each mixed-use district is defined and delineated by an implementing map that addresses the specific development vision of the mixed-use district. The implementing map is keyed to specific development standards (defined in each district's development standards table) that designates the appropriate form, scale and character of development and redevelopment, rather than only distinctions in land uses.
- B. **District Development Standards Table.** District development standards are defined for each mixed-use district via a district development standards table. The district development standards table shall apply to all properties within the respective mixed-use district.
 - 1. The development standards will have specific measurement requirements that are specific to each mixed-use district.
 - 2. Standards are provided relative to building height, density, building placement, lot size configuration, frontage, parking, priority land uses, incentives, open space, and architectural standards.
- C. **Table of Permissible Uses.** Section 7.1.2: Mixed-Use Districts Table of Permissible Uses, identifies which uses may be permitted as a principal use.
 - 1. Each mixed-use district has its own column in the Mixed-Use Districts Table of Permissible Uses.
 - 2. Permissible uses are appropriate for each mixed-use district's purpose and are consistent with the goals and objectives of Forward Monroe, this UDO, and all approved City Plans.

5.3. MIXED-USE ZONING DISTRICT DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY.

For development standards of general applicability, see Section 8.10: Standards of Measurement.

5.4. DOWNTOWN DISTRICTS

- A. **Downtown Central Mixed-Use District (DC-MX) Purpose and Intent.** The *Downtown Central Mixed-Use District (DC-MX)* intends to:
 - 1. Advance the intent of Downtown Master Plan;

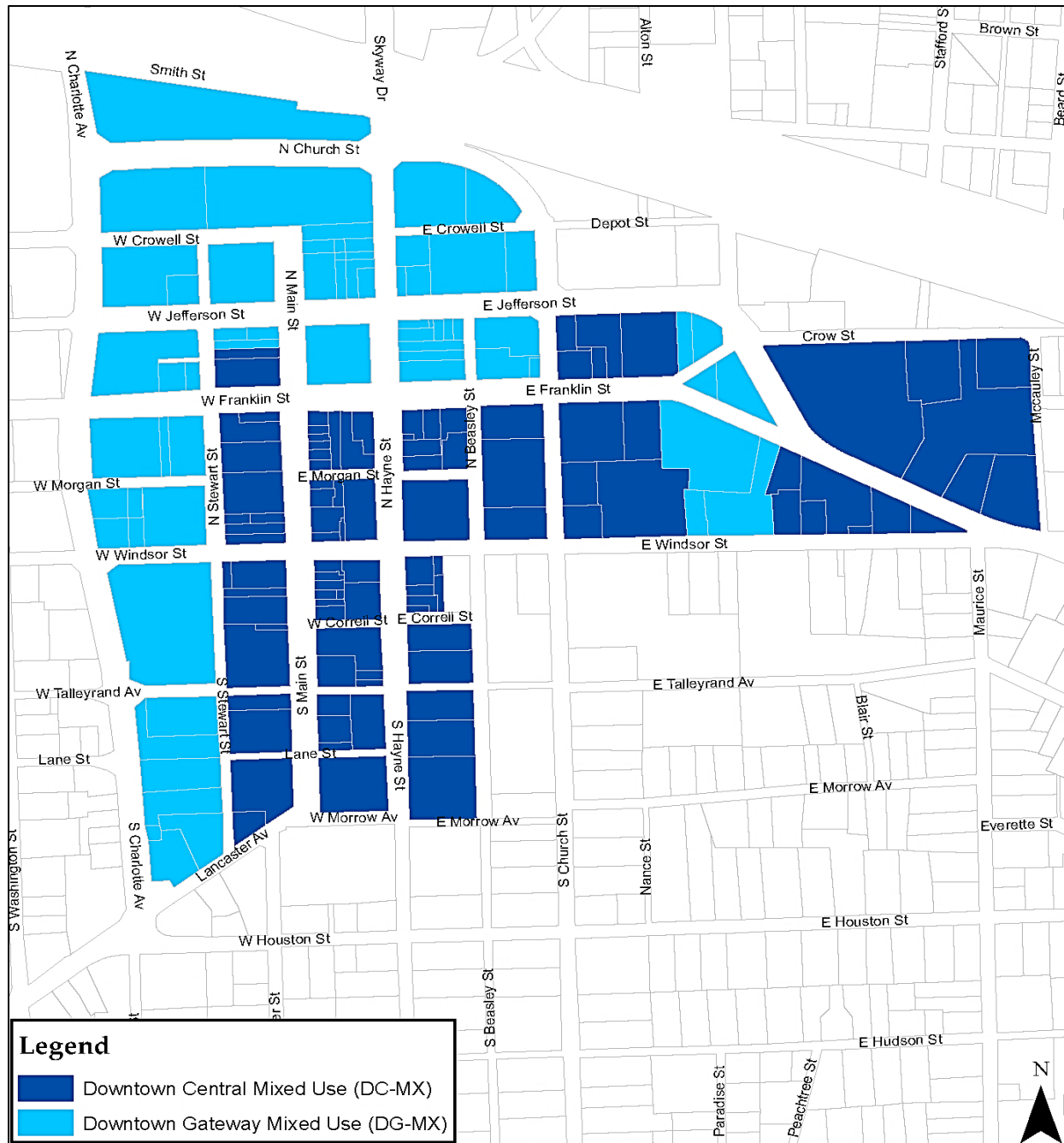
2. Implement the Downtown Master Plan character area on the FLUM in the Forward Monroe plan;
3. Allow for urban, high quality development that features a mixture of uses;
4. Be implemented in the area designated in Figure 5.4;
5. Permit increased densities through the use of mixed-use zoning district incentives; and
6. Regulate development for the DC-MX district per the standards defined in Table 5.4.

B. Downtown Gateway Mixed-Use District (DG-MX) Purpose and Intent. The

Downtown Gateway Mixed-Use District (DG-MX) intends to:

1. Act as a gateway to the downtown area;
2. Advance the intent of Downtown Master Plan;
3. Implement the Downtown Master character area on the FLUM;
4. Allow for less intense mixture of uses;
5. Be implemented in the area designated in Figure 5.4;
6. Permit increased densities through the use of mixed-use zoning district incentives; and
7. Regulate development for the DG-MX district per the standards defined in Table 5.4.

Figure 5.4. Downtown Districts Implementing Map



D. DC-MX/DG-MX District Development Standards Table

Table 5.4. DC-MX/DG-MX District Development Standards

		DC-MX	DG-MX
Building Height		Maximum 3 stories (By Right) 5 stories (Via Mixed-Use Incentives)	Maximum 3 stories (By Right) 5 stories (Via Mixed-Use Incentives)
Density		10 Units/Acre (By Right) 15 Units/Acre Maximum (See Section 5:10 for Incentives)	10 Units/Acre (By Right) 15 Units/Acre Maximum (See Section 5:10 for Incentives)
Building Placement (min/max)	Front/Street	0'/5' ¹	0'/20' ²
	Side ³	0'/5'	0'/10'
	Rear ⁴	0'/20'	0'/20'
Lot	Length (min)	25'	50'
	Width (min)	25'	50'
	Coverage (min/max)	75%/100%	50%/75%
Frontage	% Requirement	75%	75%
	Active Use Areas	Permitted	Permitted, but active use area shall not be physically adjacent to residentially zoned property
	Entrances	Front	Front
Parking	Placement	Rear	Side/Rear

	Shared Parking	Permitted (See Section 5.9)	Permitted (See Section 5.9)
	Accessory Parking Structure	Permitted if parking structure allows for a mixture of uses on ground floor	Permitted if parking structure allows for a mixture of uses on ground floor
Incentives Permitted		Yes (See Section 5.10)	Yes (See Section 5.10)
Open Space		See Section 8.8: Open Space	See Section 8.8: Open Space
Architectural Standards		See Section 8.7: Design Standards Minimum 50% transparency for ground floor, minimum 40% for upper floors	See Section 8.7: Design Standards Minimum 50% transparency for ground floor, minimum 40% for upper floors
<u>Notes:</u> ¹ Can be increased by a factor of 1.5 where an active use area is provided. ² Can be increased by a factor of 0.5 where an active use area is provided. ³ 25' may be permitted to accommodate those lots without access to an alley or shared driveway in order to accommodate a driveway where rear serving parking or loading is provided. ⁴ Except where served by rear parking, not to exceed 50' without a design alternative.			

5.5. COMMUNITY CORRIDOR MIXED-USE 1 DISTRICT (CC-MX1)

- A. **Community Corridor Mixed-Use 1 District (CC-MX1) Purpose and Intent.** The *Community Corridor Mixed-Use 1 District (CC-MX1)* is intended to implement the

Neighborhood Mixed-Use Center character area as designated on the FLUM. More specifically, the CC-MX1 district intends to:

1. Act as a transitional mixed-use district from the US-74 commercial corridor and may service multiple neighborhoods (i.e. community retail);
2. Permit community level retail for areas in greater radius than the immediate neighborhood;
3. Permit a maximum 100,000 square feet single-use general retail by right;
4. Allow for dynamic mixed-use developments;
5. Provide for both vertical and horizontal mixture of uses within a building or development;
6. Permit increased densities through the use of mixed-use zoning district incentives;
7. Be implemented in two geographic locations and shown in Figure 5.5, Figure 5.5.1, and Figure 5.5.2; and
8. Regulate development per the standards defined in Table 5.5.

B. Community Corridor Mixed-Use 1 District (CC-MX1) Implementing Map.

Figure 5.5. CC-MX1 District Implementing Map

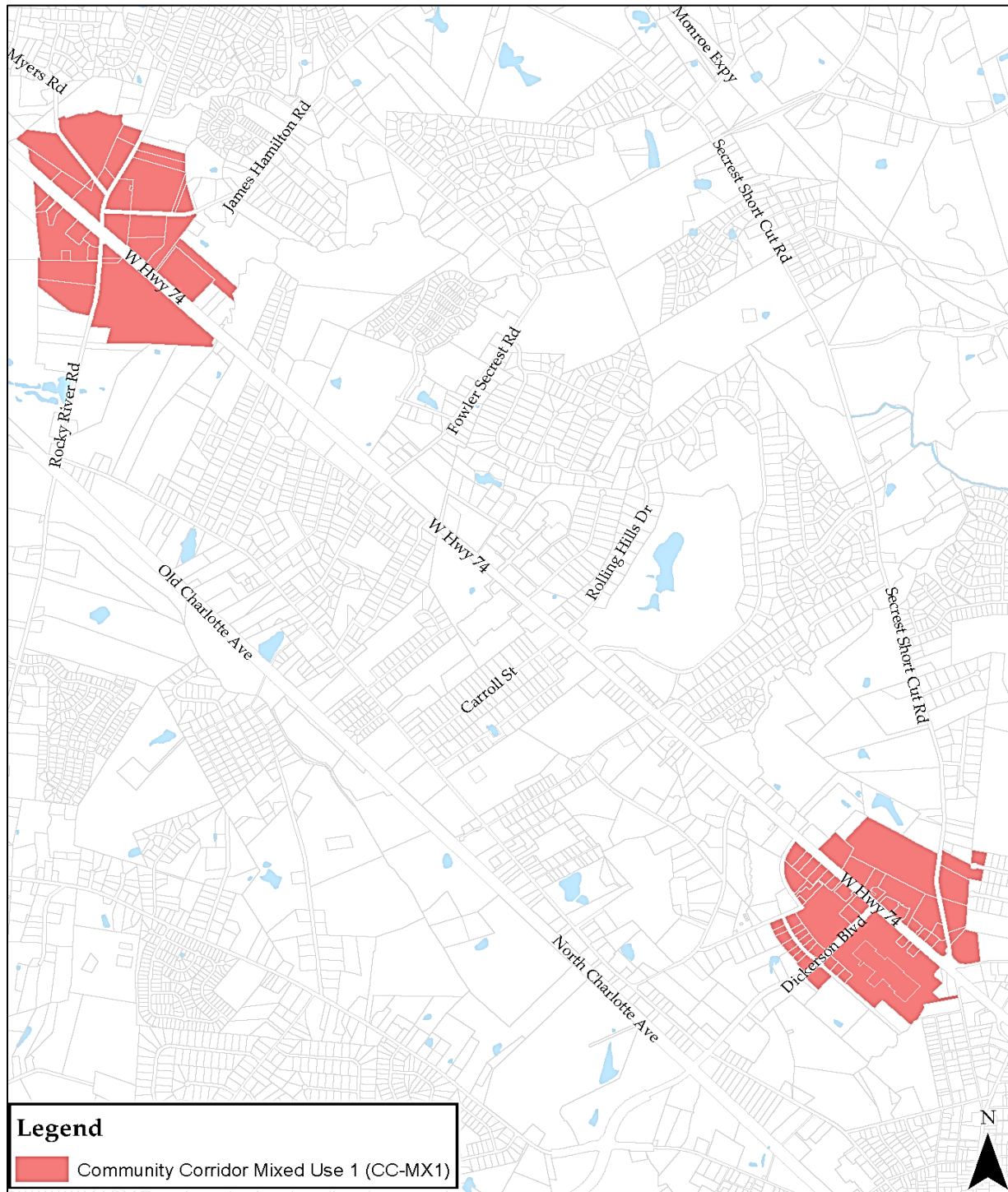


Figure 5.5.1. CC-MX1 District Implementing Map Zoom 1

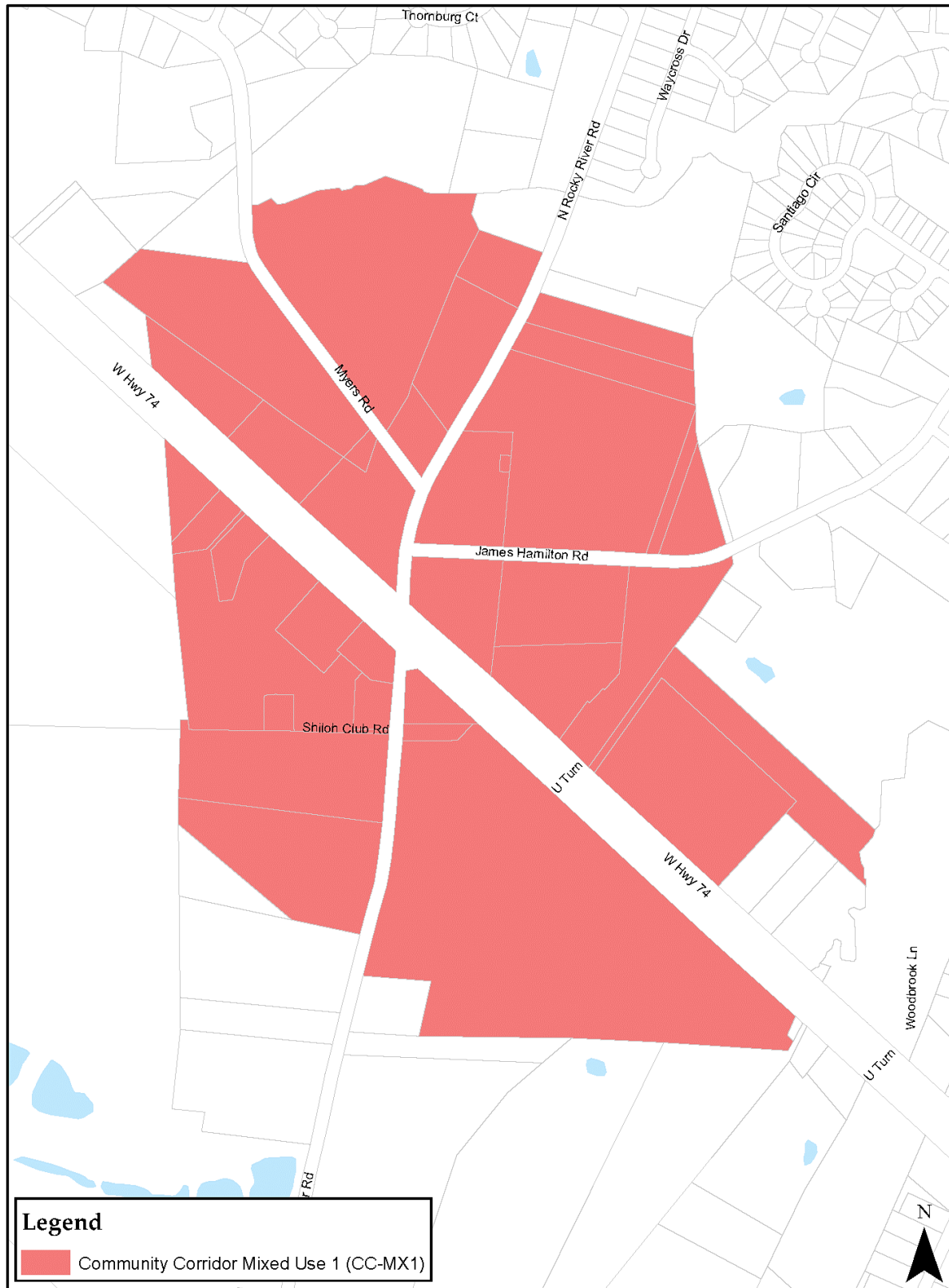
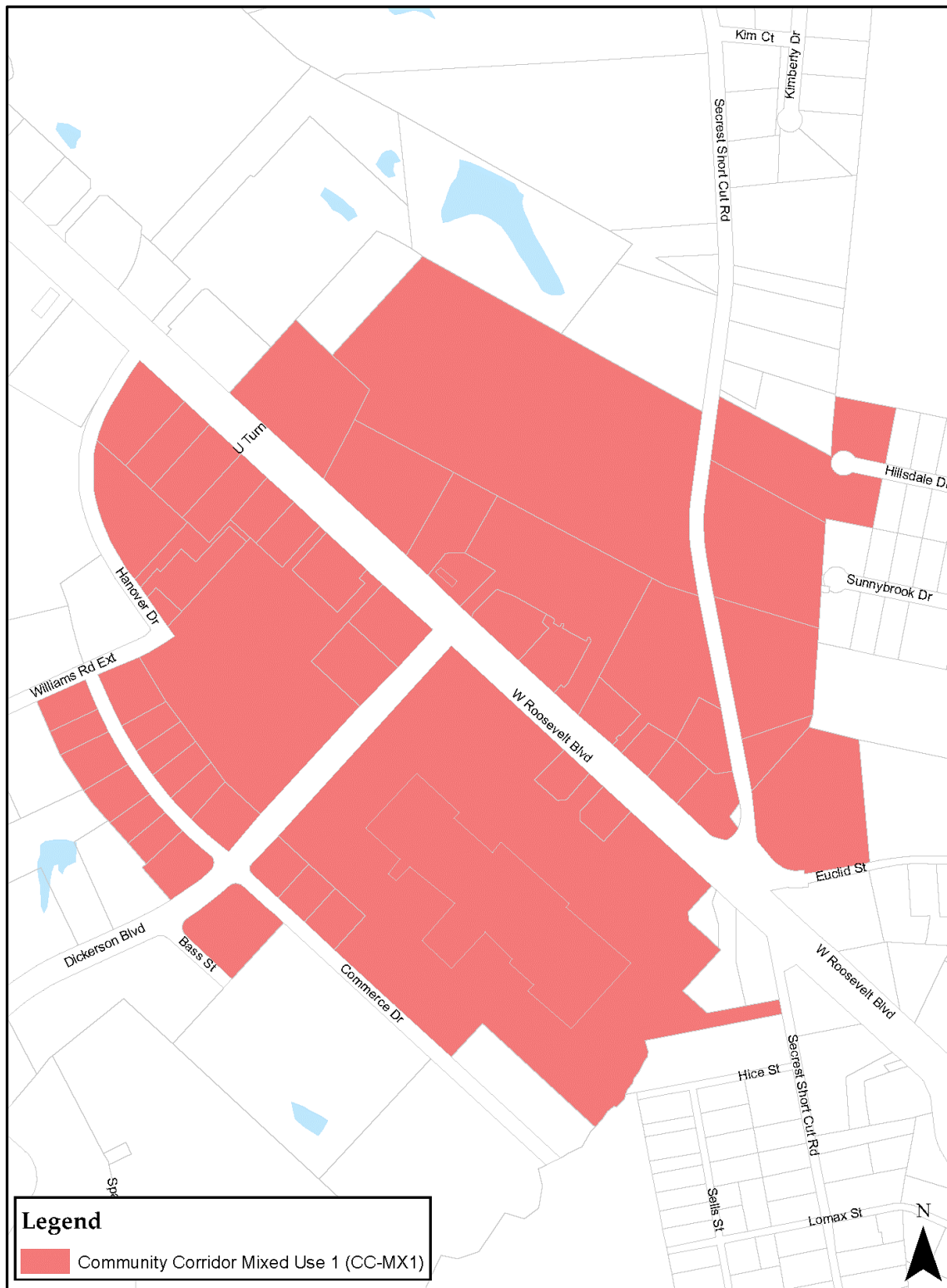


Figure 5.5.2. CC-MX1 District Implementing Map Zoom 2



C. Community Corridor Mixed-Use 1 District (CC-MX1) Development Standards Table.

Table 5.5. CC-MX1 District Development Standards

CC-MX1 District Development Standards		
Building Height		Maximum 4 Stories Buildings above 3 stories shall be situated closer to US 74 where practicable
Density		8 Units/Acre (By Right) 10 Units/Acre Maximum (See Section 5:10 for Incentives)
Building Placement (min/max)	Front/Street ¹	15'/30'
	Side ²	5'/25'
	Rear ³	10'/50'
Lot	Length (min)	100
	Width (min)	50
	Coverage (min/max)	50%/85%
Frontage	% Requirement	75%
	Active Use Areas	Permitted, but active use area shall not be physically adjacent to residentially zoned property
	Entrances	Oriented to street
Parking	Placement	Off-Street
	Shared Parking	Permitted (See Section 5.9)

	Accessory Parking Structure	Not Permitted
Incentives Permitted		Yes (See Section 5.10)
Open Space		See Section 8.8: Open Space
Architectural Standards		See Section 8.7: Design Standards Minimum 40% transparency for each story of a building
<u>Notes:</u> ¹ Can be increased by a factor of 1.5 where an active use area is provided. ² 44' may be permitted to accommodate those lots without access to an alley or shared driveway in order to accommodate a driveway where rear serving parking or loading is provided. ³ Except where served by rear parking, not to exceed 60' without a design alternative. Also accommodates required buffering.		

5.6. COMMUNITY CORRIDOR MIXED-USE 2 DISTRICT (CC-MX2)

- A. **Community Corridor Mixed-Use 2 District (CC-MX2) Purpose and Intent.** The *Community Corridor Mixed-Use 2 (CC-MX2) District* implements the Neighborhood Mixed-Use Center character area as designated on the FLUM and is surrounded by suburban and rural uses. More specifically, the CC-MX2 district intends to:
1. CC-MX2 permits small-scale, neighborhood-oriented commercial uses that are compatible with nearby residential uses
 2. Promote neighborhood-oriented commercial uses that are within a convenient traveling distance from the neighborhood in which they serve;
 3. Allow for lesser intense uses through the Table of Permissible Uses;
 4. Permit a maximum of 50,000 square feet for a single-use general retail sales establishment and limit a mixed-use development to a maximum of one (1) 50,000 square feet single-use general retail sales establishment;
 5. Allow for a vertical and horizontal mixture of uses;
 6. Be implemented in two geographic locations and shown in Figure 5.6, Figure 5.6.1, and Figure 5.6.2;
 7. Permit increased densities through the use of mixed-use zoning district incentives; and
 8. Regulate development per the standards as defined in Table 5.6.

B. Community Corridor Mixed-Use 2 District (CC-MX2) Implementing Map.

Figure 5.6. CC-MX2 District Implementing Map

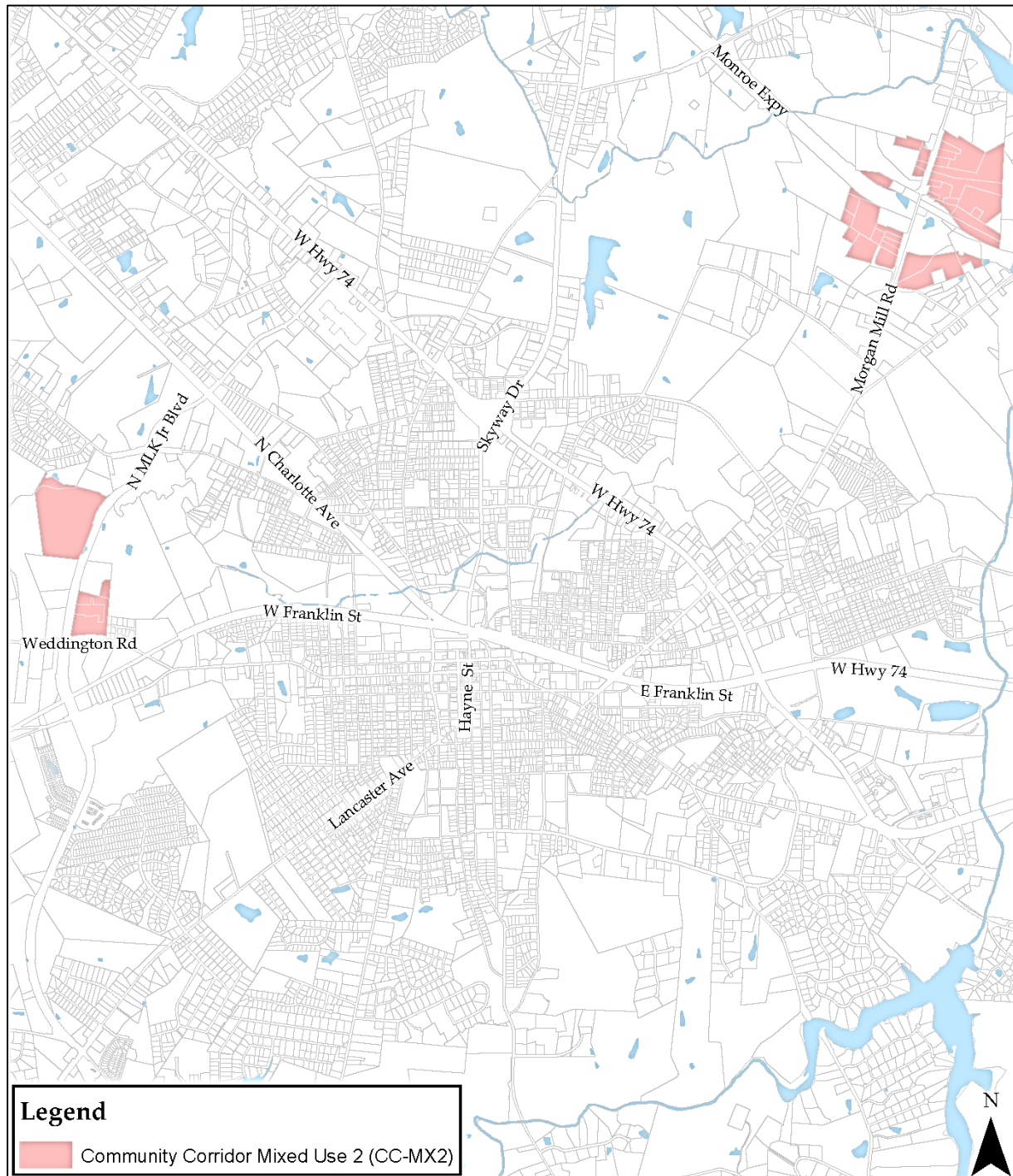


Figure 5.6.1. CC-MX2 District Implementing Map Zoom 1

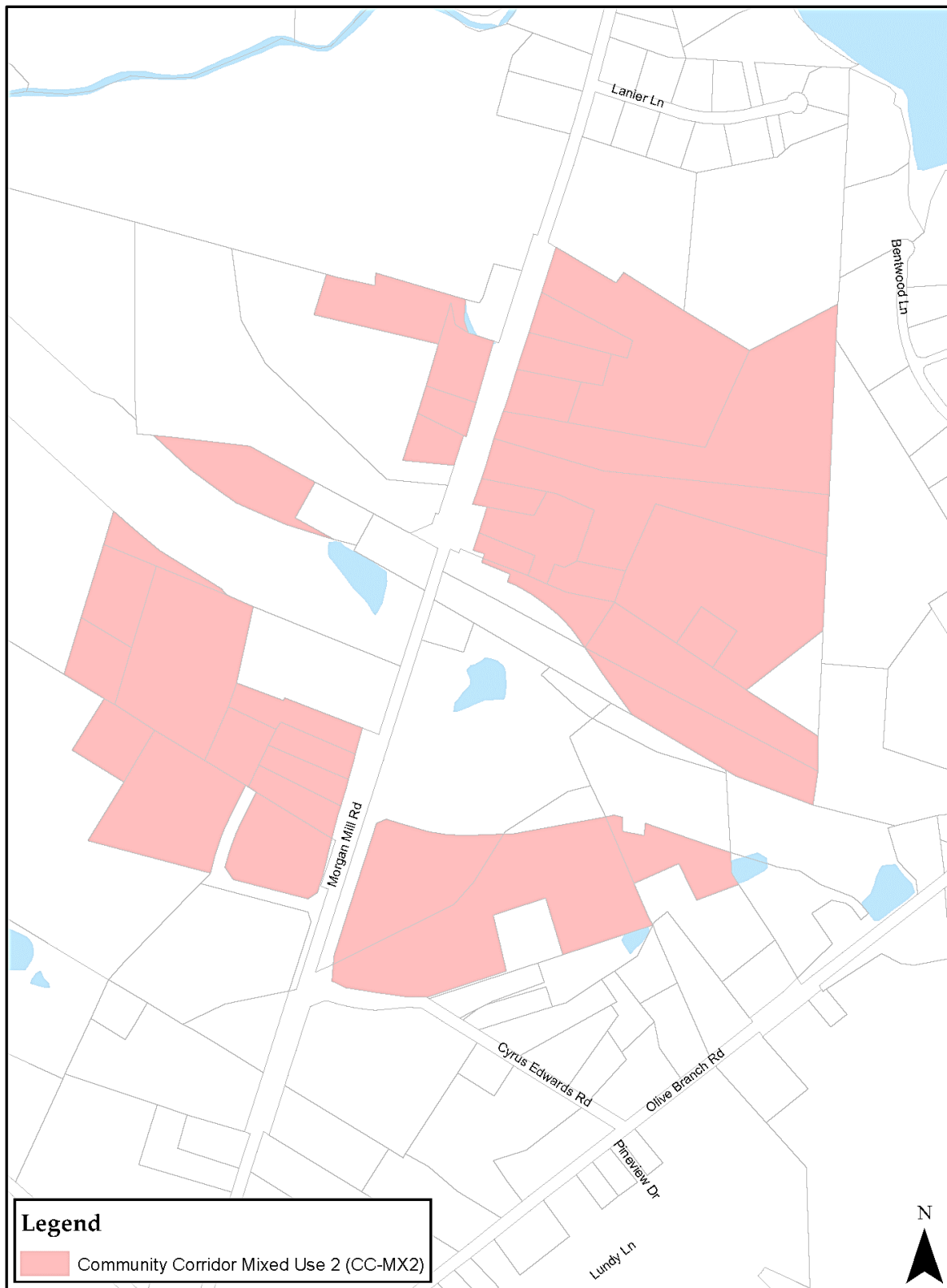
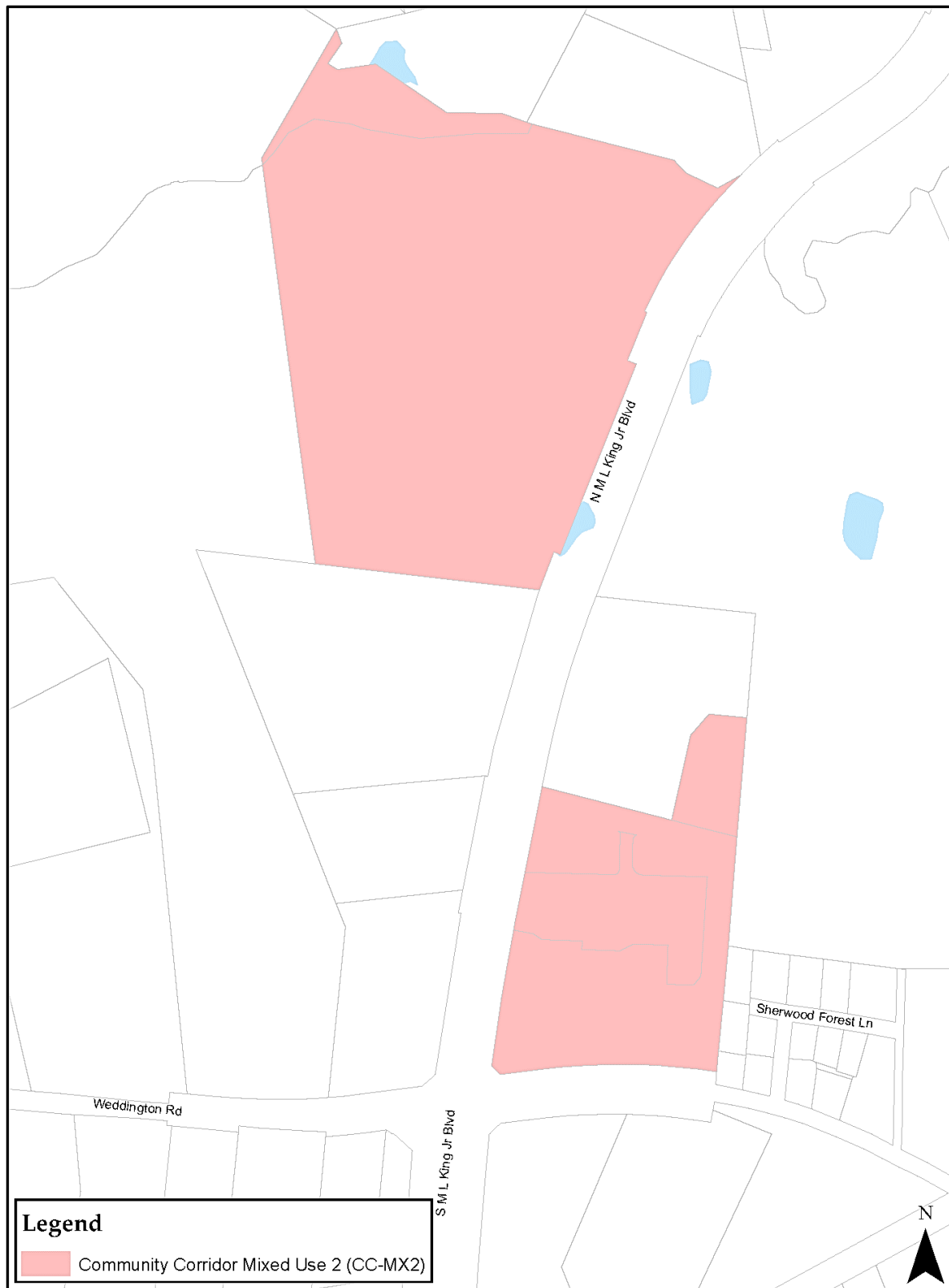


Figure 5.6.2. CC-MX2 District Implementing Map Zoom 2



C. Community Corridor Mixed-Use 2 District (CC-MX2) Standards Table.

Table 5.6. CC-MX2 District Development Standards

CC-MX1 District Development Standards		
Building Height		Maximum 4 Stories Buildings above 3 stories shall be situated closer to US 74 where practicable
Density		8 Units/Acre (By Right) 10 Units/Acre Maximum (See Section 5:10 for Incentives)
Building Placement (min/max)	Front/Street ¹	15'/30'
	Side ²	5'/25'
	Rear ³	10'/50'
Lot	Length (min)	100
	Width (min)	50
	Coverage (min/max)	50%/85%
Frontage	% Requirement	75%
	Active Use Areas	Permitted, but active use area shall not be physically adjacent to residentially zoned property
	Entrances	Oriented to street
Parking	Placement	Off-Street
	Shared Parking	Permitted (See Section 5.9)

	Accessory Parking Structure	Not Permitted
Incentives Permitted		Yes (See Section 5.10)
Open Space		See Section 8.8: Open Space
Architectural Standards		See Section 8.7: Design Standards Minimum 40% transparency for each story of a building
<u>Notes:</u> ¹ Can be increased by a factor of 1.5 where an active use area is provided. ² 44' may be permitted to accommodate those lots without access to an alley or shared driveway in order to accommodate a driveway where rear serving parking or loading is provided. ³ Except where served by rear parking, not to exceed 60' without a design alternative. Also accommodates required buffering.		

5.6. COMMUNITY CORRIDOR MIXED-USE 2 DISTRICT (CC-MX2)

- A. **Community Corridor Mixed-Use 2 District (CC-MX2) Purpose and Intent.** The *Community Corridor Mixed-Use 2 (CC-MX2) District* implements the Neighborhood Mixed-Use Center character area as designated on the FLUM and is surrounded by suburban and rural uses. More specifically, the CC-MX2 district intends to:
1. CC-MX2 permits small-scale, neighborhood-oriented commercial uses that are compatible with nearby residential uses
 2. Promote neighborhood-oriented commercial uses that are within a convenient traveling distance from the neighborhood in which they serve;
 3. Allow for lesser intense uses through the Table of Permissible Uses;
 4. Permit a maximum of 50,000 square feet for a single-use general retail sales establishment and limit a mixed-use development to a maximum of one (1) 50,000 square feet single-use general retail sales establishment;
 5. Allow for a vertical and horizontal mixture of uses;
 6. Be implemented in two geographic locations and shown in Figure 5.6, Figure 5.6.1, and Figure 5.6.2;
 7. Permit increased densities through the use of mixed-use zoning district incentives; and
 8. Regulate development per the standards as defined in Table 5.6.

B. Community Corridor Mixed-Use 2 District (CC-MX2) Implementing Map.

Figure 5.6. CC-MX2 District Implementing Map

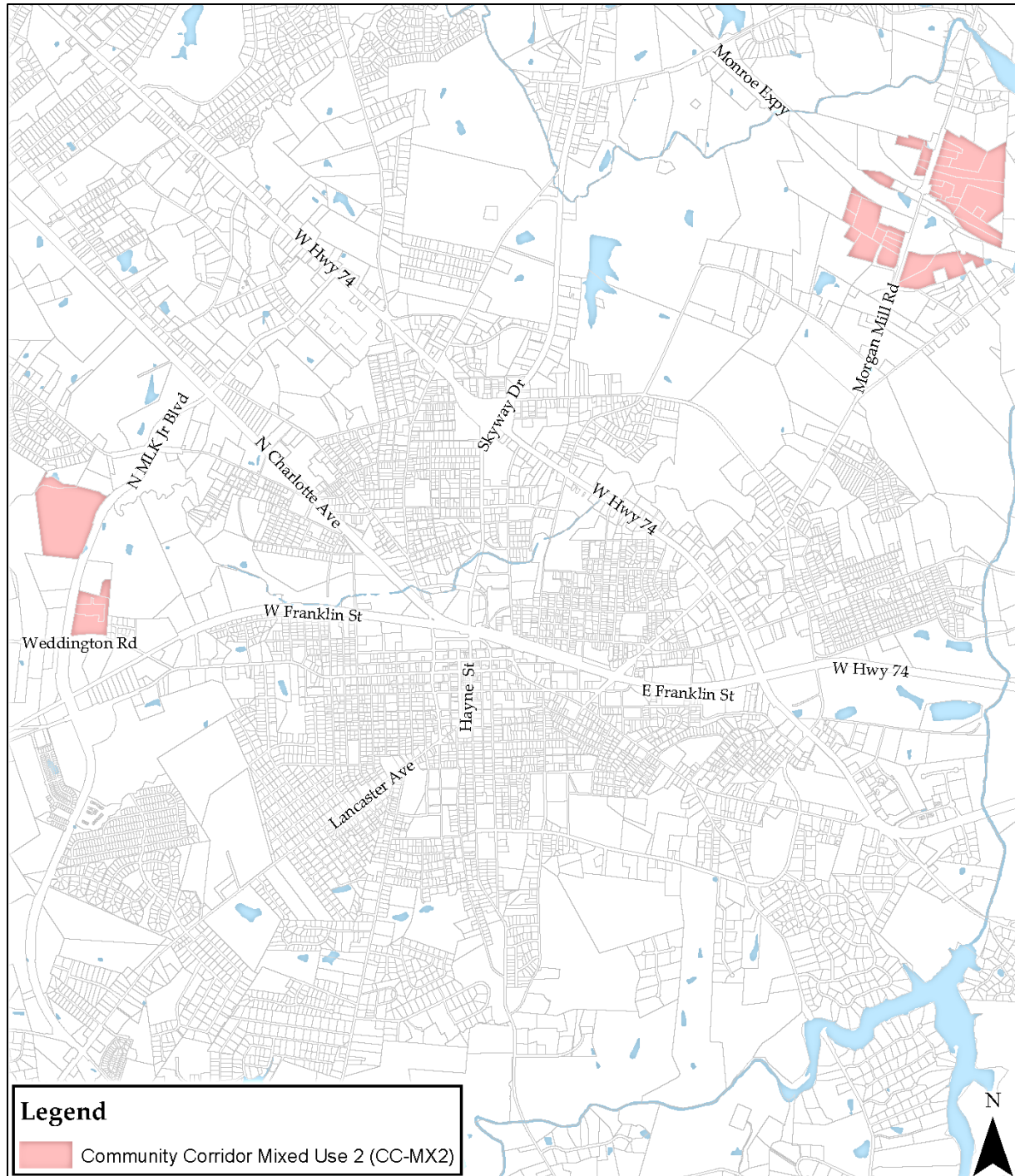


Figure 5.6.1. CC-MX2 District Implementing Map Zoom 1

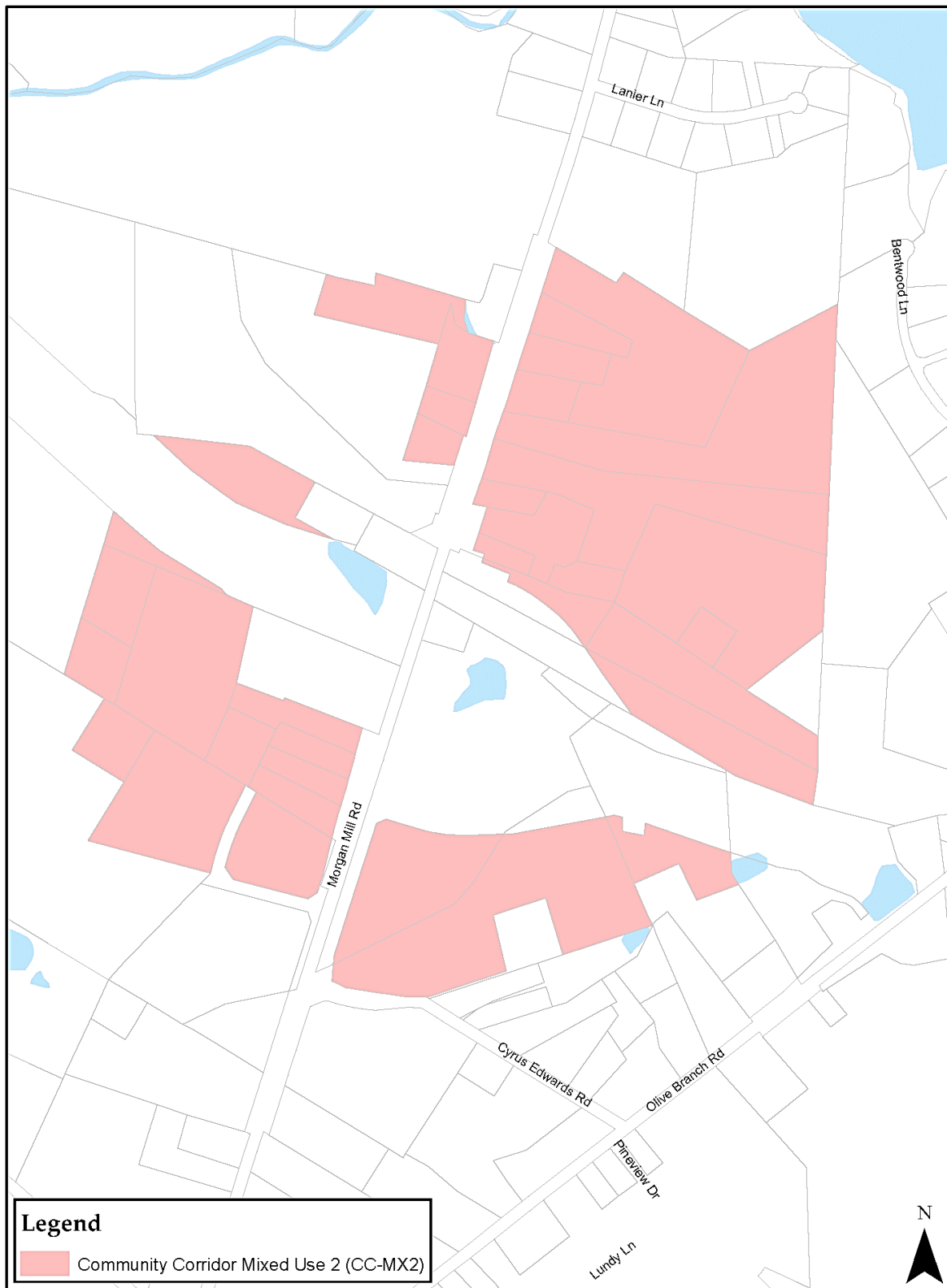
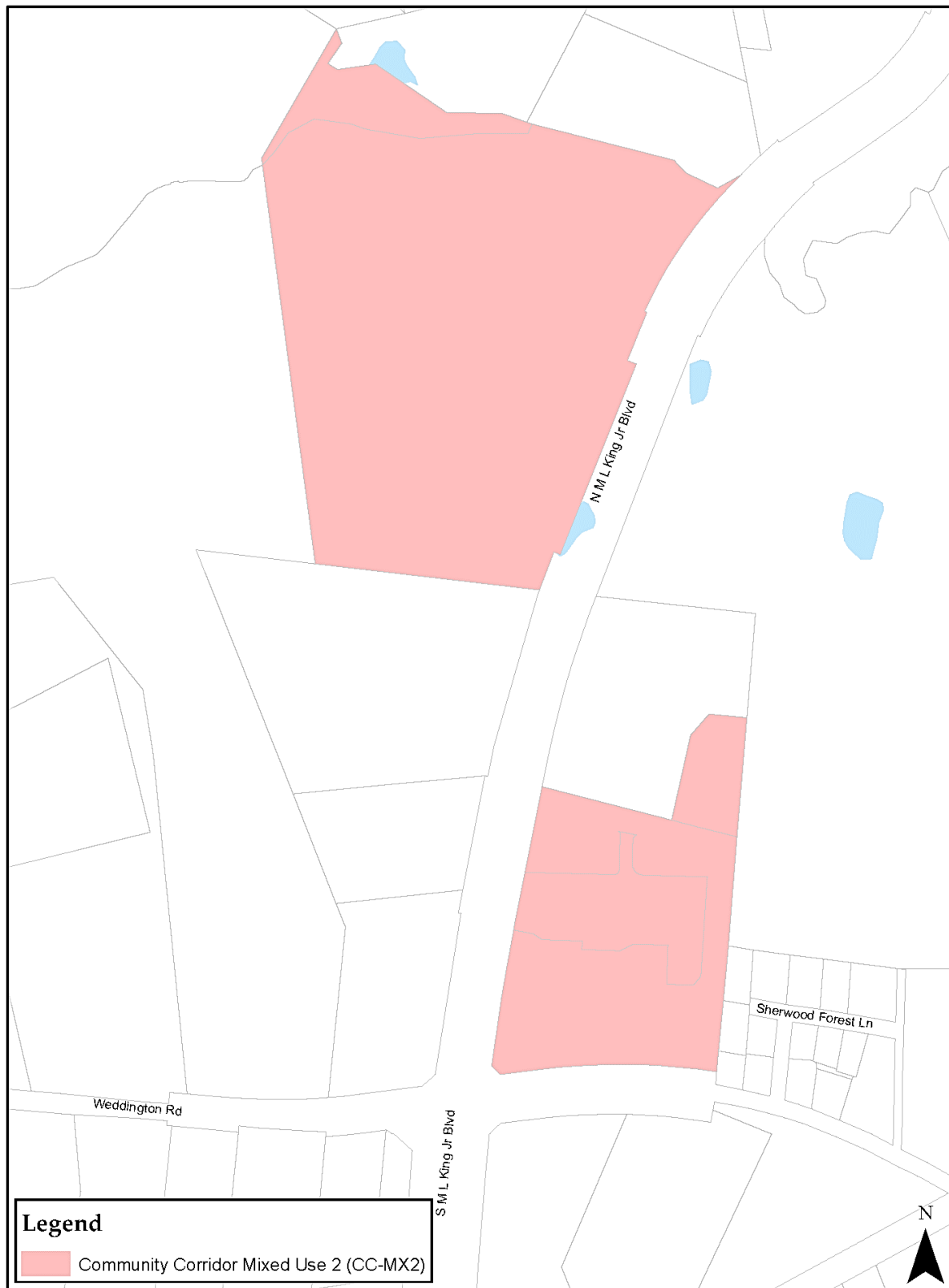


Figure 5.6.2. CC-MX2 District Implementing Map Zoom 2



C. Community Corridor Mixed-Use 2 District (CC-MX2) Standards Table.

Table 5.6. CC-MX2 District Development Standards

CC-MX2 District Development Standards		
Building Height		Maximum 3 Stories
Density		6 Units/Acre (By Right) 10 Units/Acre Maximum (See Section 5:10 for Incentives)
Building Placement (min/max)	Front/Street ¹	15'/30'
	Side ²	5'/25'
	Rear ³	10'/50'
Lot	Length (min)	100
	Width (min)	50
	Coverage (min/max)	50% / 75%
Frontage	% Requirement	60%
	Active Use Areas	Permitted, but active use area shall not be physically adjacent to residentially zoned property
	Entrances	Oriented to Street
Parking	Placement	Off-Street
	Shared Parking	Permitted (See Section 5.9)
	Accessory Parking Structure	Not Permitted

Incentives Permitted	Yes (See Section 5.10)
Open Space	See Section 8.8: Open Space
Architectural Standards	See Section 8.7: Design Standards Minimum 40% transparency for each story of a building
<u>Notes:</u> ¹ Can be increased by a factor of 1.0 where an active use area is provided. ² 44' may be permitted to accommodate those lots without access to an alley or shared driveway in order to accommodate a driveway where rear serving parking or loading is provided. ³ Except where served by rear parking, not to exceed 60' without a design alternative. Also accommodates required buffering.	

5.7. REGIONAL CORRIDOR MIXED-USE DISTRICT (RC-MX)

A. **Regional Corridor Mixed-Use District (RC-MX) Purpose and Intent.** The *Regional Corridor Mixed-Use District (RC-MX)* is intended to implement the Regional Mixed-Use Center character area as designated on the FLUM. More specifically, the RC-MX intends to:

1. Permit intense concentrations of retail, employment, and high-density residential uses through a mixed-use development;
2. Allow for vertical and horizontal mix of uses;
3. Be implemented in two geographic locations and shown in Figure 5.7, Figure 5.7.1, and Figure 5.7.2;
4. Allow for the development of outparcel buildings to meet frontage requirements;
5. Permit increased densities through the use of mixed-use zoning district incentives; and
6. Regulate development per the standards defined in Table 5.7.

B. Regional Corridor Mixed-Use District (RC-MX) Implementing Map.

Figure 5.7. RC-MX District Implementing Map

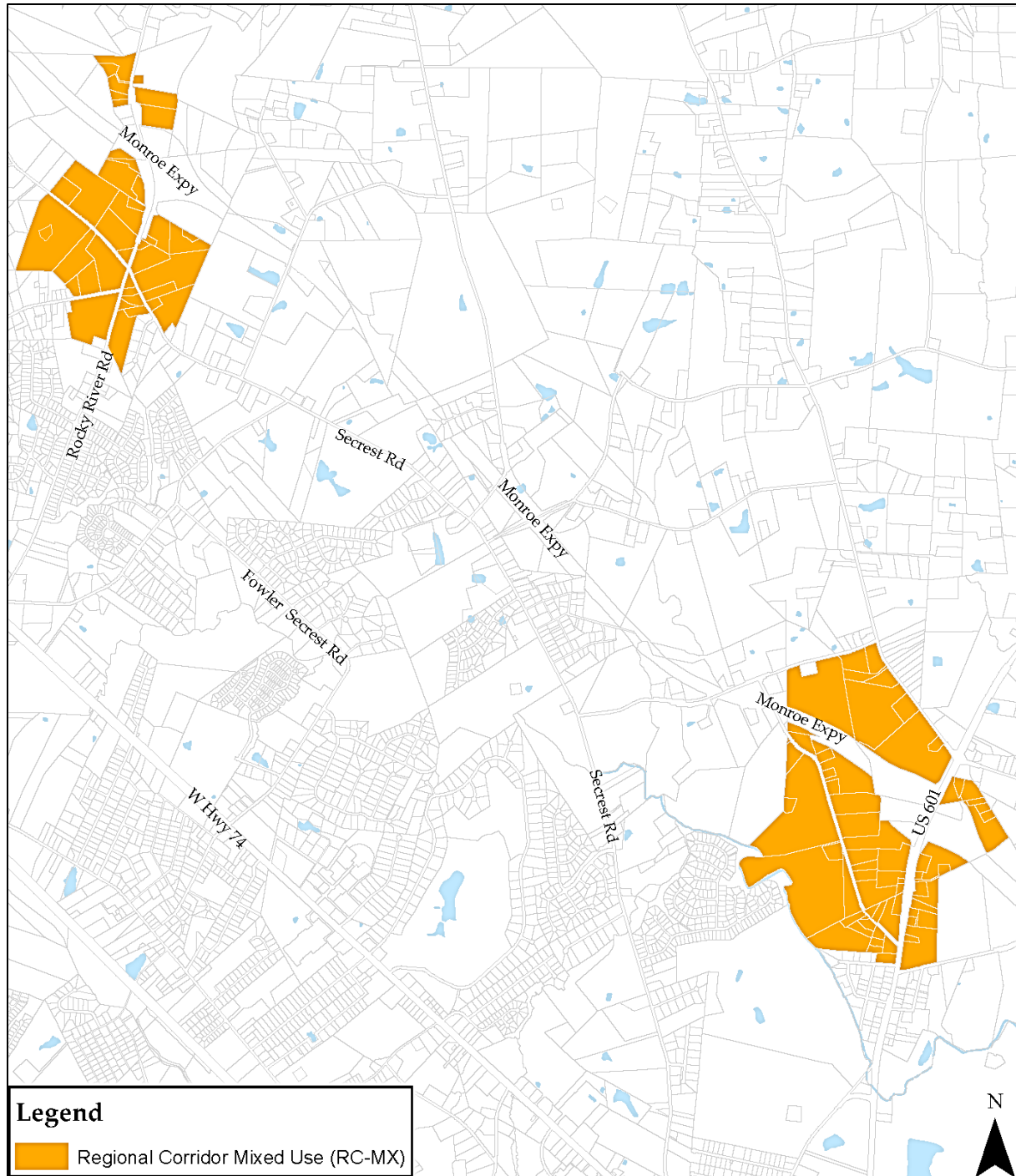


Figure 5.7.1. RC-MX District Implementing Map Zoom 1

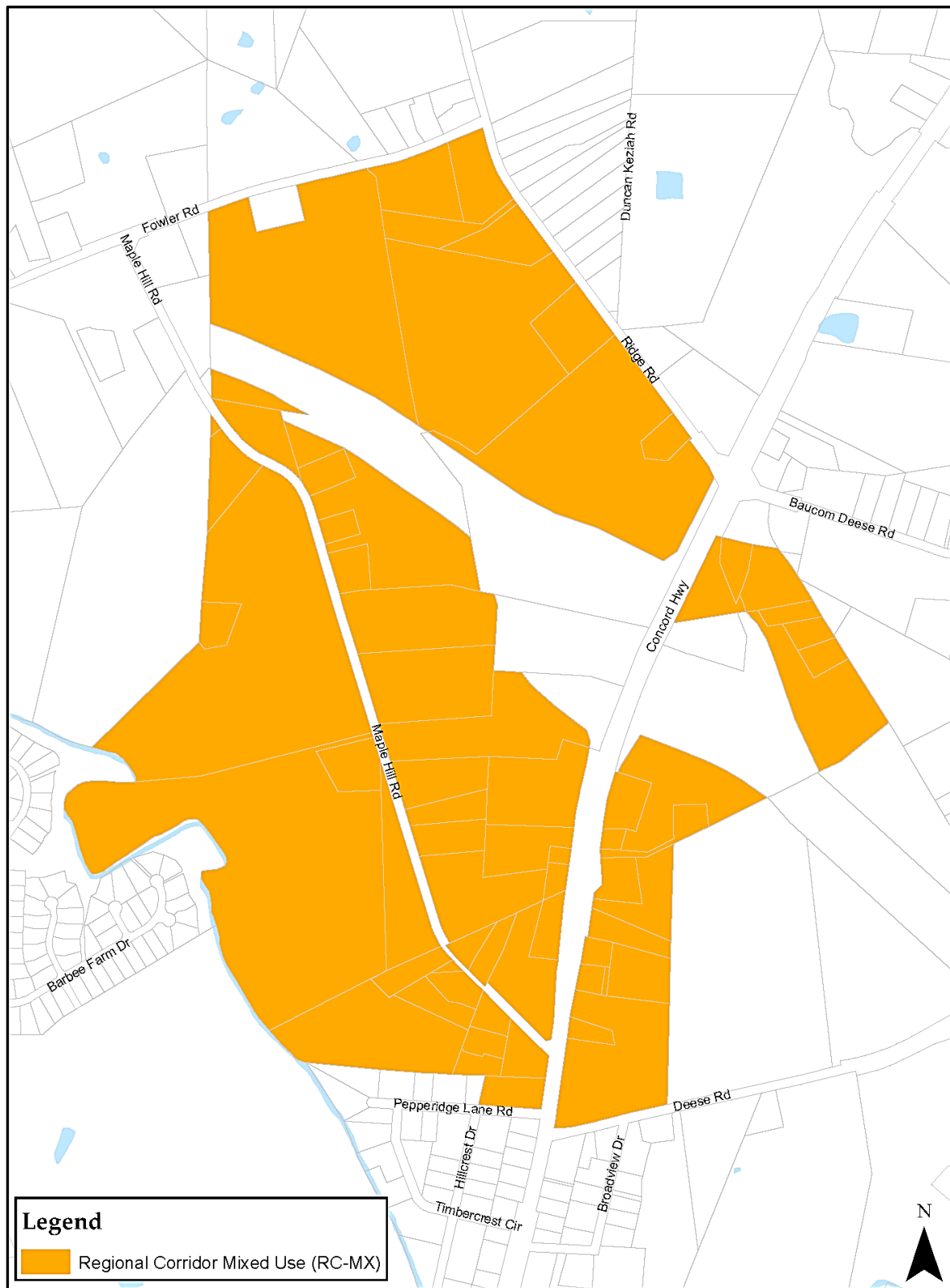
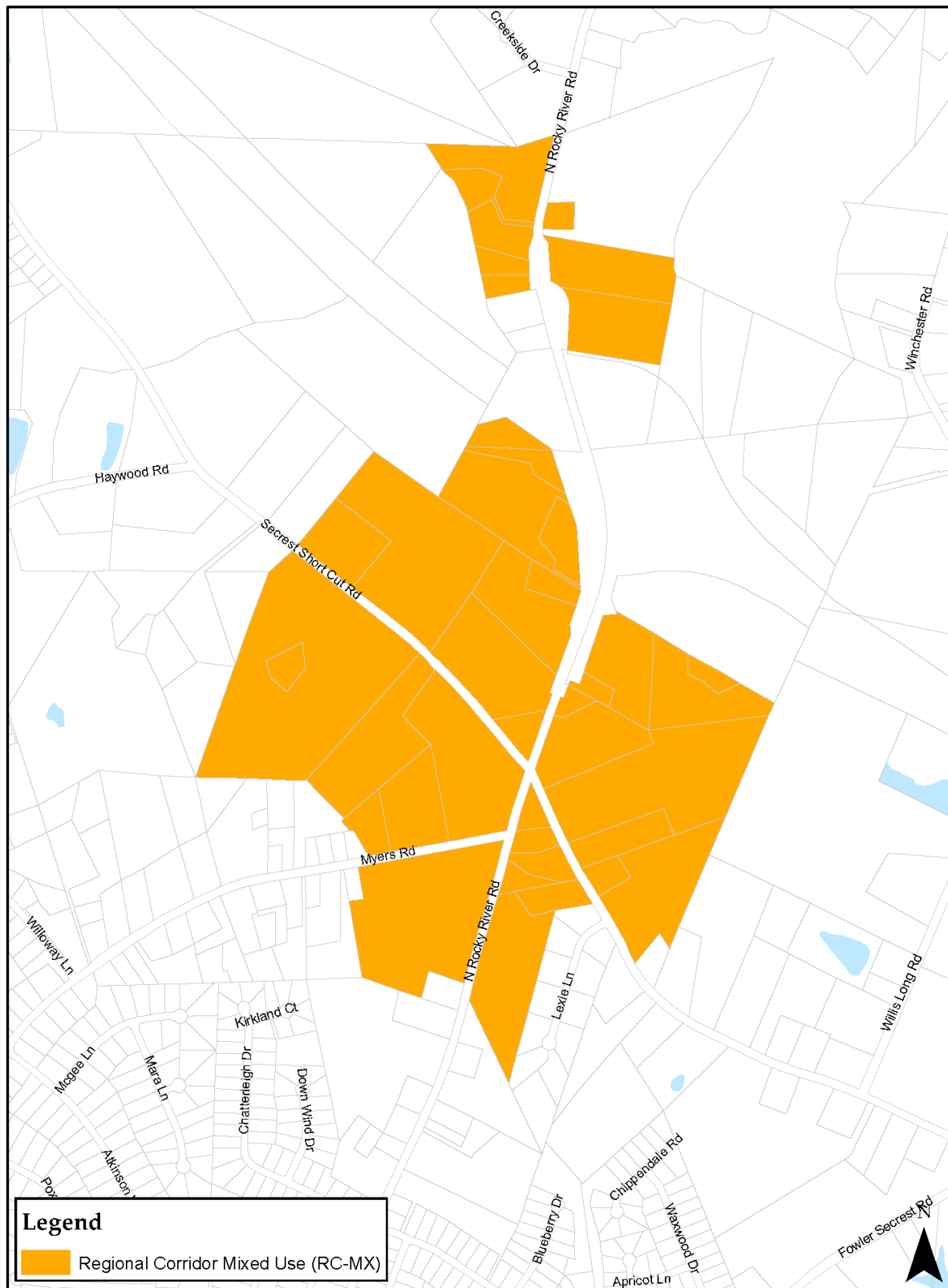


Figure 5.7.2. RC-MX District Implementing Map Zoom 2



C. Regional Corridor Mixed-Use District (RC-MX) Standards Table.

Table 5.7. RC-MX District Development Standards

RC-MX District Development Standards		
Building Height		Maximum 5 stories Buildings above 3 stories shall be placed closer to Monroe Expressway where practicable and be placed 100' away from adjacent residential boundaries or provide twice the width of any standard landscape buffer requirement
Density		12 Units/Acre (By Right) 15 Units/Acre Maximum (See Section 5:10 for Incentives)
Building Placement (min/max)	Front/Street	15'/50'
	Side ¹	5'/25'
	Rear ²	10'/100'
Lot	Length (min)	100'
	Width (min)	25'
	Coverage (max)	75%
Frontage	% Requirement	65% Outparcel buildings may be used to meet frontage and entrance requirements. See Section 8.7: Design Standards
	Active Use Areas	Permitted, but active use area shall not be physically adjacent to residentially zoned property

	Entrances	Oriented to street
Parking	Placement	Off-street
	Shared Parking	Permitted (See Section 5.9)
	Parking Structures as an accessory	Permitted
Incentives Permitted		Yes (See Section 5.10)
Open Space		See Section 8.8: Open Space
Architectural Standards		See Section 8.7: Design Standards Minimum 40% transparency for each story of a building
<u>Notes:</u> ¹ 60' may be permitted to accommodate those lots without access to an alley or shared driveway in order to accommodate a driveway where rear serving parking or loading is provided or side yard parking/drive aisle ² Except where served by rear parking, not to exceed 128' without a design alternative.		

5.8. MEDICAL DISTRICT MIXED-USE (MD-MX)

A. Medical District Mixed-Use (MD-MX) Purpose and Intent. The *Medical District Mixed-Use (MD-MX)* is intended to:

1. Address the unique needs of a hospital;
2. Allow for a mixture of uses, both vertical and horizontal, appropriate for a medical campus;
3. Allow for housing for students associated with the hospital and other specialized uses including research and development;
4. Implement the Medical Campus character area as designated on the FLUM in the Forward Monroe plan;
5. Be implemented in the area designated shown in Figure 5.8; and
6. Regulate development per the standards defined in Table 5.8.

B. Medical District Mixed-Use (MD-MX) Implementing Map.

Figure 5.8. MD-MX District Map



C. Medical District Mixed-Use (MD-MX) Standards Table.

Table 5.8. MD-MX District Development Standards

MD-MX District Development Standards		
Building Height		Maximum 4 stories Buildings above 3 stories shall be placed 100' away from adjacent residential boundaries, or provide twice the width of any standard landscape buffer requirement
Density		8 Units/Acre (Residential Density Requires Conditional District) 10 Units/Acre (Special Use Permit and Incentives in Section 5:10)
Building Placement (min/max)	Front/Street ¹	0'/20'
	Side ²	0'/25'
	Rear ³	5'/50'
Lot	Length (min)	50
	Width (min)	50
	Coverage (min/max)	75%/85%
Frontage	% Requirement	85%
	Active Use Areas	Permitted
	Entrances	Oriented to Street
Parking	Placement	Off-street
	Shared Parking	Permitted (See Section 5.9)

	Accessory Parking Structure	Permitted
Incentives Permitted		Yes (See Section 5.10)
Open Space		See Section 8.8: Open Space
Architectural Standards		See Section 8.7: Design Standards
<u>Notes:</u> ¹ Can be increased by a factor of 1.5 where an active use area is provided. ² 60' may be permitted to accommodate those lots without access to an alley or shared driveway in order to accommodate a driveway where rear serving parking or loading is provided. ³ Except where served by rear parking, not to exceed 120' without a design alternative.		

5.9. MIXED-USE ZONING DISTRICT PARKING STANDARDS

- A. **Generally.** Each mixed-use zoning district shall have its own unique parking requirements that differ from the parking requirements defined in Section 8.4: Parking and Loading.
1. **Placement.** Parking placement shall require parking be placed either in the front, rear, or side of a property within mixed-use zoning districts, or may allow any type of “off-street” parking placement.
 2. **Shared Parking Ratio.** The mixture of uses within a building and the provision of on-street parking, public parking lots, or similar parking facilities allows for an overall decrease in parking demand. To support a decrease in the need for parking, the parking requirements contained in Section 8.4: Parking, may be reduced by fifteen percent (15%) within the mixed-use districts. Within the DC-MX and DG-MX districts, parking may be reduced by twenty percent (20%). This percentage may be modified through an Alternative Parking Plan (APP) as identified in Section 8.4: Parking and Loading.
 3. **Structures.** Accessory parking structures may be allowed as permitted in each district standards development table.

5.10. MIXED-USE ZONING DISTRICT INCENTIVES

- A. **Generally.** To promote development and redevelopment of mixed-use zoning districts, incentives may be applied to buildings and developments which qualify based upon the criteria of this Section. To encourage certain public benefits and create a more dynamic public realm, density bonuses may be permitted for the items defined below. Each mixed-use zoning district development standards table shall define the maximum permitted density which may be achieved through incentives. Providing 3 of 4 of the incentive categories listed in this Section shall permit development at fifty percent (50%) of the maximum density bonus through incentives. Providing 4 of 4 of the incentive categories listed in this Section shall permit development at one hundred percent (100%) of the maximum density bonus through incentives. For example, a mixed-use project in the DC-MX district that provides: 1.) Adaptive reuse of an existing building, 2.) Streetscape enhancements, and 3.) Additional greenspace in the form of a public plaza, would be able to develop at 12.5 dwelling units/acre.
- B. **Priority Land Use Incentives.** Priority land uses are recognized from previously adopted City plans (i.e., *Forward Monroe* and the *Downtown Master Plan*) and represent a community vision for a desired land use within a mixed-use zoning district. A mixed-use

zoning district may recognize priority land uses and offer density incentives to implement priority land uses within a vertical or horizontal mixture of uses in a building or development. To qualify for this incentive, each building or development must include at least 2 priority land uses, each of which shall be at least 25 percent of the total.

Table 5.10 Priority Land Use Incentives

District	Priority Land Use
DC-MX and DG-MX	Multifamily, Commercial, Civic, Medical
CC-MX1	Multifamily, Commercial, Civic, Office, Medical
CC-MX2	Multifamily, Commercial, Civic, Office, Medical
RC-MX	Multifamily, Commercial, Civic, Office, Medical
MD-MX	Student/Medical Housing, Commercial, Civic, Office, Medical

C. Adaptive Reuse.

1. *Adaptive Reuse* shall be defined as the process of reusing an existing building or structure for a purpose other than which it was originally designed for.
2. Any development request for adaptive reuse of a building must be stated on applicable City permits.

D. Streetscape Enhancements.

1. Incentives for *streetscape enhancements* shall be limited to the DC-MX and DG-MX districts. Streetscape enhancements shall be defined as items which increase the design quality of the street and its visual character by implementing the Downtown Master Plan Section 5.4: Urban Design, including a continuation of sidewalks with large trees and landscaping, wider planting strip (8 feet to 10 feet), uniform lighting with decorative lamps and other street furniture.

E. Additional Greenspace.

1. *Additional Greenspace* shall be defined as publicly accessible greenspace that exceeds the required open space for the respective mixed-use zoning district development, as defined in Section 8.8: Open Space. For example, a minimum of ten percent (10%) of open space is required within the DG-MX district. To receive the bonus, the project would need to include fifteen percent (15%) of open space.
 - a. Required additional greenspace
 - i. DC-MX and DG-MX: five percent (5%).

- ii. All Other Mixed-Use Districts: ten percent (10%).
- b. Additional greenspace shall be in the form(s) as defined in Section 8.8.3: Open Space Standards.

Section 6. Amend Section §157.6 “OVERLAY DISTRICTS” as follows:

§157.6 OVERLAY DISTRICTS

6.1. FLOODPLAIN AND FLOODWAY DISTRICTS

6.1.1. FLOODPLAIN AND FLOODWAY DISTRICTS

- A. **Generally.** The floodplain and floodway districts are hereby established as "overlay" districts, meaning that these districts are overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district. The applicable Flood Insurance Rate Maps (FIRM) for the corporate limits and or extraterritorial jurisdiction of the City of Monroe are adopted by reference consistent with G.S. 160D-105. The following FIRM maps are included for reference: 37179CIND0C, 3710541500J, 3710541600J, 3710541700J, 3710542200J, 3710542400J, 3710542500J, 3710542600J, 3710542700J, 3710542800J, 3710543400J, 3710543500J, 3710543600J, 3710543700J, 3710544200J, 3710544400J, 3710544500J, 3710544600J, 3710545400J, 3710545500J, 3710545600J, 3710545700J, 3710546400J.

6.1.2 OBSTRUCTIONS

- A. **Standard.** No artificial obstruction may be located within any floodway.
- B. **Definition.** For purposes of this Section, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the flood carrying capacity of a stream or may accumulate debris and thereby reduce the flood-carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.

6.1.3 FLOOD DAMAGE PREVENTION ORDINANCE

- A. **Statutory Authorization, Findings of Fact, Purpose and Objectives.**
1. **Statutory Authorization.** The North Carolina General Assembly has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes,

delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

2. Findings of Fact.

- a. The flood prone areas within the jurisdiction of Monroe 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 flood waters;
- 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. Minimize damage to private and public property due to flooding;
 - g. Make flood insurance available through the National Flood Insurance Program;
 - h. Maintain the natural and beneficial functions of floodplains;
 - i. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
 - j. Ensure that potential buyers are aware that property is in a special flood hazard area.
5. **Severability.** It is hereby declared by the intention of Monroe City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.
- B. **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 its most reasonable application.
- 1. **ACCESSORY STRUCTURE (APPURTENANT 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.
 - 2. **ADDITION (TO AN EXISTING BUILDING).** An extension or increase in the floor area or height of a building or structure.
 - 3. **ALTERATION OF WATERCOURSE.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

4. **APPEAL.** A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.
5. **AREA OF SHALLOW FLOODING.** A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
6. **AREA OF SPECIAL FLOOD HAZARD.** See "Special Flood Hazard Area (SFHA)".
7. **BASE FLOOD.** The flood having a one (1) percent chance of being equaled or exceeded in any given year.
8. **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".
9. **BASEMENT.** Any area of the building having its floor sub grade (below ground level) on all sides.
10. **BUILDING.** See "Structure".
11. **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.
12. **DESIGN FLOOD.** See "Regulatory Flood Protection Elevation."
13. **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.
14. **DEVELOPMENT ACTIVITY.** Means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.
15. **DIGITAL FLOOD INSURANCE RATE MAP (DFIRM).** Means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

16. **DISPOSAL.** As defined in G.S. 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
17. **ELEVATED BUILDING.** A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
18. **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.
19. **EXISTING BUILDING AND EXISTING STRUCTURE.** Means any building and/or structure for which the “start of construction” commenced before the effective date of this ordinance.
20. **EXISTING MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION.** Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.
21. **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 or runoff of surface waters from any source.
22. **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).
23. **FLOOD HAZARD BOUNDARY MAP (FHBM).** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.
24. **FLOOD INSURANCE.** The insurance coverage provided under the National Flood Insurance Program.

25. **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.
26. **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.
27. **FLOOD PRONE AREA.** See Floodplain.
28. **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.
29. **FLOODPLAIN.** Any land area susceptible to being inundated by water from any source.
30. **FLOODPLAIN ADMINISTRATOR.** The Engineering Director or their designee appointed to administer and enforce the floodplain management regulations.
31. **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.
32. **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.
33. **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.
34. **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.

35. **FLOOD-RESISTANT MATERIAL.** Means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
36. **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.
37. **FLOODWAY ENCROACHMENT ANALYSIS.** Means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.
38. **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 (BFE) plus the freeboard establishes the "Regulatory Flood Protection Elevation".
39. **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.

40. **HAZARDOUS WASTE MANAGEMENT FACILITY.** As defined in G.S. 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
41. **HIGHEST ADJACENT GRADE (HAG).** The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.
42. **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".
36. **CERTIFIED LOCAL GOVERNMENT (CLG) PROGRAMS.** 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.
37. **LETTER OF MAP CHANGE (LOMC).** Means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:
- a. Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

- b. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- c. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- d. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

38. **LIGHT DUTY TRUCK.** means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- a. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- b. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- c. Available with special features enabling off-street or off-highway operation and use.

39. **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.

40. **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.

41. **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".
42. **MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
43. **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.
44. **MAP REPOSITORY.** Means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products carry the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.
45. **MARKET VALUE.** Means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.
46. **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.
47. **NON-ENCROACHMENT AREA (NEA).** 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.

48. **POST-FIRM.** Means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.
49. **PRE-FIRM.** Means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.
50. **PRINCIPALLY ABOVE GROUND.** That at least fifty-one (51%) percent of the actual cash value of the structure is above ground.
51. **RECREATIONAL VEHICLE (RV).** A vehicle, which is:
- a. Built on a single chassis;
 - b. Four hundred (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.
 - e. Is fully licensed and ready for highway use.

For the purpose of this ordinance, “Tiny Homes/Houses” and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.

52. **REFERENCE LEVEL.** “Reference Level” is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.
53. **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.
54. **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.

- 55. **RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- 56. **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.
- 57. **SOLID WASTE DISPOSAL FACILITY.** Any facility involved in the disposal of solid waste, as defined in G.S. 130A-290(a)(35).
- 58. **SOLID WASTE DISPOSAL SITE.** As defined in G.S. 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
- 59. **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 per C. General Provisions, 2. Special Flood Hazard Areas below.
- 60. **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.
- 61. **STRUCTURE.** A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
- 62. **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.

63. **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.

64. **TECHNICAL BULLETIN AND TECHNICAL FACT SHEET.** Means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations. It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

65. **TEMPERATURE CONTROLLED.** Means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

66. **THREAT TO PUBLIC SAFETY 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.

67. **VARIANCE.** The grant of relief from the requirements of this ordinance.
68. **VIOLATION.** The failure of a structure or other development to be fully compliant with the applicable floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.
69. **WATER SURFACE ELEVATION (WSE).** The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
70. **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.

C. **General Provisions.**

1. **Applicability.** This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions, of the City of Monroe.
2. **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) for Union County dated October 16, 2008 and its accompanying Flood Insurance Rate Map Panels (5406J, 5415J, 5416J, 5417J, 5422J, 5424J, 5425J, 5426J, 5427J, 5428J, 5434J, 5435J, 5436J, 5437J, 5442J, 5444J, 5445J, 5446J, 5454J, 5455J, 5456J, 5457J, and 5464J provided for reference) for the City of Monroe also dated October 16, 2008, which are adopted by reference and declared to be a part of this ordinance, and all revisions thereto after July 1, 2021. The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date: Union County Unincorporated Area, dated July 18, 1983, City of Monroe, dated January 19, 1983. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the City of Monroe are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) are adopted by reference consistent with G.S. 160D-105.
3. **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 per C. General Provisions, 2. Special Flood Hazard Areas above.

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. **Other Restrictions (Abrogation).** 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. **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 City of Monroe 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. **Violation.** Violations of this section shall be undertaken consistent with Section 1.1.12 of this UDO.

D. Administration.

1. **Floodplain Administrator.** The Floodplain Administrator is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and overall compliance with the National Flood Insurance Program and the provisions of this ordinance.
2. **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 per C. General Provisions, 2. Special Flood Hazard Areas above, 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 per C. General Provisions, 2. Special Flood Hazard Areas above;
 - d) The boundary of the floodway(s) or non-encroachment area(s) as determined per C. General Provisions, 2. Special Flood Hazard Areas above;
 - e) The Base Flood Elevation (BFE) where provided as set forth per C. General Provisions, 2. Special Flood Hazard Areas above; D. Administration, 3. Duties and Responsibilities of the Floodplain Administrator below; and E. Provisions for Flood Hazard Reduction, 4. Standards for Floodplains Without Established Base Flood Elevations below.
 - 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 NAVD 1988 of the proposed reference level (including basement) of all structures;
 - b) Elevation in relation to NAVD 1988 to which any non-residential structure in Zone AE, A or AO will be floodproofed; and
 - c) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
- iii. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- 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 this Section, when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
- 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 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 complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.)
- ii. The special flood hazard area determination for the proposed development in accordance with available data specified in this ordinance.
- 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, unless the requirements in E. Provisions for Flood Hazard Reduction, 5. Floodways and Non-Encroachment Areas are met.
- vii. The flood openings requirements.
- viii. Limitations on use of enclosed areas below the lowest floor (if applicable), i.e., parking, building access and limited storage only.
- ix. A statement, that all materials below BFE/RFPE must be flood resistant materials.

c. **Certification Requirements.**

- i. An Elevation Certificate (FEMA Form 086-0-33) 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 NAVD 1988. 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.

- ii. An Elevation Certificate (FEMA Form 086-0-33) 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 NAVD 1988. 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.
- iii. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) 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. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number. To

the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

- iv. If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), 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 NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a licensed professional engineer or a licensed 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.
- v. A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by

same. The 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 Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

- vi. If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per E. Provisions for Flood Hazard Reduction, 2. Specific Standards, (c) Manufactured Homes.
- vii. 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.
- viii. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection: Recreational Vehicles per E. Provisions for Flood Hazard Reduction, 2. Specific Standards, f. Recreational Vehicles below; Temporary Placement and Temporary Structures per E. Provisions for Flood Hazard Reduction, 2. Specific Standards, g. Temporary Non-Residential Structures below; and accessory structures less than 150 square feet meeting requirements of E. Provisions for Flood Hazard Reduction, 2. Specific Standards, h. Accessory Structures below; and Accessory Structures that are one hundred fifty (150) square feet or less or \$5,000 or less and meeting requirements of E. Provisions for Flood Hazard Reduction, 2. Specific Standards, h. Accessory Structures below.

- d. **Determinations for Existing Buildings and Structures.** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
 - i. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - ii. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - iii. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 - iv. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.
3. **Duties and Responsibilities of the Floodplain Administrator.** The Floodplain Administrator or their designee 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, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 - c. Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the

National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

- 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 E. Provisions for Flood Hazard Reduction, 6. Standards for Areas of Shallow Flooding are met.
- f. Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, per D. Administration, 2. Certification Requirements, c. Certification Requirements above.
- g. Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of D. Administration, 2. Requirements, c. Certification Requirements above.
- h. Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of D. Administration, 2. Requirements, c. Certification Requirements above.
- i. When floodproofing is utilized for a particular structure, obtain certifications from a licensed professional engineer or licensed architect in accordance with the provisions of D. Administration, 2. Requirements, c. Certification Requirements above and E. Provisions for Flood Hazard Reduction, 2. Specific Standards, b. Non-Residential Construction below.
- 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 Section.
- k. When Base Flood Elevation (BFE) data have not been provided in accordance with C. General Provisions, 2. Special Flood Hazard Areas above, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to E. Provisions

for Flood Hazard Reduction, 4. Standards for Floodplains Without Established Base Flood Elevations below and C. General Provisions, 2. Special Flood Hazard Areas above. in order to administer the provisions of this ordinance.

- l. When Base Flood Elevation (BFE) data are provided but no floodway or non-encroachment area data have been provided per C. General Provisions, 2. Special Flood Hazard Areas above, 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. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area are above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from the North Carolina Division of Emergency Management. Maintain a copy of the LOMA issued by the North Carolina Division of Emergency Management in the floodplain development permit file.
- n. 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.
- o. 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 City of Monroe at any reasonable hour for the purposes of inspection or other enforcement action.
- p. 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.

- q. 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.
- r. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction. 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.
- s. Follow through with corrective procedures of D. Administration, 4. Corrective Procedures below.
- t. Review, provide input, and make recommendations for variance requests.
- u. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted per C. General Provisions, 2. Special Flood Hazard Areas above, including any revisions thereto including Letters of Map Change, issued by the North Carolina Division of Emergency Management. Notify State and North Carolina Division of Emergency Management of mapping needs.
- v. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

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.** 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, he or she 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, he or she 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 consistent with Section 3 of this UDO 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. Appeals shall be heard within a reasonable time and the finding 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 Monroe City Council 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 City of Monroe, 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 ____ 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 B. Definitions of this ordinance, provided provisions of D. Administration, 5. Variance Procedures above 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 B. Definitions 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 BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE 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.
- v. Variances shall only be issued upon:
 - a) A showing of good and sufficient cause;
 - b) A determination that failure to grant the variance would result in exceptional hardship; and
 - c) 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.
- j. 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 City of Monroe 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.

E. 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. All new 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.
 - i. Replacement part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - ii. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure
- e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- h. Nothing in this 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.

- i. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in D. Administration, 5. Variance Procedures, j. above. 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 D. Administration, 2. Requirements, c. Certification Requirements above.
 - j. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
 - k. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - l. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - m. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 - n. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
 - o. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple Base Flood Elevations (BFEs), the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.
 - p. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.
2. **Specific Standards.** In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data have been provided, as set forth per C. General Provisions,

2. Special Flood Hazard Areas above or D. Administration, 4. Corrective Procedures, the following provisions, in addition to the provisions of E.

Provisions for Flood Hazard Reduction, 1. General Standards above, 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 this Section.
- 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 this Section. 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 E. Provisions for Flood Hazard Reduction, 6. Standards for Areas of Shallow Flooding (Zone AO) below. 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 D. Administration, 2. Requirements, c. Certification Requirements above, along with the operational plan and the inspection and maintenance plan.
- 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 this Section.
 - 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 G.S. 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 E. Provisions for Flood Hazard Reduction, 2. Specific Standards, d. Elevated Buildings.
- 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 not be temperature-controlled or conditioned;
- iii. Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
- iv. Shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

- 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.
- v. Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.

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, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and

the addition must comply with the standards for new construction.

- 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, the existing structure and the addition and/or improvements must comply with the standards for new construction.
- iv. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a ten (10) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the ten (10) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - a) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

- b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

f. **Recreational Vehicles.**

- i. Temporary Placement. Recreational vehicles shall either 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 meet all the requirements for new construction.
- ii. Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall 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. **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 E. Provisions for Flood Hazard Reduction, 1. General Standards, a. above;
 - vi. All service facilities such as electrical shall be installed in accordance with the provisions of E. Provisions for Flood Hazard Reduction, 1. General Standards, d. above;
 - 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 E. Provisions for Flood Hazard Reduction, 2. Specific Standards, d. Elevated Buildings, iv. above;
 - viii. 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 D. Administration, 2. Requirements, c. Certification Requirements above;
 - ix. An accessory structure with a footprint less than one hundred fifty (150) square feet or that is a minimal investment of \$3,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of E. Provisions for Flood Hazard Reduction, 2. Specific Standards, b. Non-Residential Construction above. Elevation or floodproofing certifications are required for all other accessory structures per D. Administration, 2. Requirements, c. Certification Requirements above.

- i. **Tanks.** When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
 - i. **Underground Tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
 - ii. **Above Ground Tanks, Elevated.** Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
 - iii. **Above Ground Tanks, Not Elevated.** Above-ground tanks that do not meet the elevation requirements of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
 - iv. **Tanks, Inlets and Vents.** Tank inlets, fill openings, outlets and vents shall be at or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- j. **Other Development.**
 - i. In regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of E. Provisions for Flood Hazard

Reduction, 6. Standards for Areas of Shallow Flooding (Zone AO) below.

- ii. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of E. Provisions for Flood Hazard Reduction, 6. Standards for Areas of Shallow Flooding (Zone AO) below.
- iii. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of E. Provisions for Flood Hazard Reduction, 6. Standards for Areas of Shallow Flooding (Zone AO) below.
- iv. Commercial storage facilities are not considered “limited storage” as noted in this ordinance and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

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 C. General Provisions, 2. Special Flood Hazard Areas above, where no Base Flood Elevation (BFE) data have been provided by FEMA, the following provisions, in addition to the provisions of E. Provisions for Flood Hazard Reduction, 1. General Standards above, 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 licensed 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 are 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 E. Provisions for Flood Hazard Reduction, 1. General Standards and 2. Specific Standards above.

- ii. When floodway or non-encroachment data are 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 E. Provisions for Flood Hazard Reduction, 2. Specific Standards above and 6. Standards for Areas of Shallow Flooding (Zone AO) below.
- 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 BFE data shall be adopted by reference per C. General Provisions, 2. Special Flood Hazard Areas above and utilized in implementing this ordinance.
- iv. When Base Flood Elevation (BFE) data are not available from a federal, state, or other source as outlined above, the reference level shall be elevated or floodproofed (non-residential) to or above the Regulatory Flood Protection Elevation, as defined in
B. Definitions. All other applicable provisions of E. Provisions for Flood Hazard Reduction, 2. Specific Standards above shall also apply.

4. **Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways or Non-Encroachment Areas.** Along rivers and streams where Base Flood Elevation (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 E. Provisions for Flood Hazard Reduction, 1. General Standards and 2. Specific Standards above; 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 licensed 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.

5. **Floodways and Non-Encroachment Areas.** Areas, designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established per C. General Provisions, 2. Special Flood Hazard Areas above. 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 the standards outlined in E. Provisions for Flood Hazard Reduction, 1. General Standards and 2. Specific Standards above, 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 a floodplain development permit, or
 - ii. A Conditional Letter of Map Revision (CLOMR) has been approved by the North Carolina Division of Emergency Management. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
 - b. If E. Provisions for Flood Hazard Reduction, 6. Standards for Areas of Shallow Flooding (Zone AO) below 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 E. Provisions for Flood Hazard Reduction, 2. Specific Standards, c. Manufactured Homes below; and

- ii. The no encroachment standard of E. Provisions for Flood Hazard Reduction, 6. Standards for Areas of Shallow Flooding (Zone AO), c. below.

6. **Standards for Areas of Shallow Flooding (Zone AO).** Located within the Special Flood Hazard Areas established in C. General Provisions, 2. Special Flood Hazard Areas above, 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 E. Provisions for Flood Hazard Reduction, 1. General Standards and 2. Specific Standards above, 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 two (2) 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 (a) above 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 per D. Administration, 2. Requirements, c. Certification Requirements and E. Provisions for Flood Hazard Reduction, 2. Specific Standards, b. Non-Residential Construction above.
 - c. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
7. **Standards for Areas of Shallow Flooding (Zone AH).** Within the Special Flood Hazard Areas established in C. General Provisions, 2. Special Flood Hazard Areas above are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to 6.1.5 Boundaries of Floodplain and Floodway Districts, A. Boundaries, all new construction and substantial improvements shall meet the following requirements:

- a. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

F. 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 16, 2003 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 City of Monroe enacted on December 16, 2003, as amended, which are not reenacted herein are repealed.

- 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.

- 2. Effective Date.** This ordinance shall become effective _____.

6.1.4 FLOODPLAIN SUBDIVISION PROVISIONS

- A. **Notice.** An applicant for a planned district authorizing a major subdivision and an applicant for minor subdivision final plat approval shall be informed by the planning department of the use and construction restrictions of any portion of the land to be subdivided if it lies within a floodway or floodplain.
- B. **Plat.** Final plat approval for any subdivision containing land that lies within a floodway or floodplain may not be given unless the plat shows the boundary of the floodway or floodplain and contains in clearly discernible print the following statement: "Use of land within a floodplain is substantially restricted by Chapter 152: Historic Properties in the Monroe Code of Ordinances.

6.1.5. BOUNDARIES OF FLOODPLAIN AND FLOODWAY DISTRICTS

A. Boundaries. As used in this subsection, the terms floodplain and floodway refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth the definition of these terms. These terms also refer to overlay zoning districts whose boundaries are established on the map, which boundaries are intended to correspond to the actual physical location of floodways and floodplains. These overlay districts thus differ from other zoning districts whose boundaries are established solely according to planning or policy, rather than physical criteria. Therefore, the Floodplain Administrator is authorized to make necessary interpretations as to the exact location of the boundaries of the floodways or floodplains if there appears to be a conflict between a mapped boundary and actual field conditions. Such interpretations, like other decisions of the administrator, may be appealed to the Board of Adjustment in accordance with the applicable provisions of this UDO. The Flood Insurance Rate Map numbers of properties within the corporate limits and extra territorial jurisdiction of the City of Monroe are as follows: 37179CIND0C, 3710541500J, 3710541600J, 3710541700J, 3710542200J, 3710542400J, 3710542500J, 3710542600J, 3710542700J, 3710542800J, 3710543400J, 3710543500J, 3710543600J, 3710543700J, 3710544200J, 3710544400J, 3710544500J, 3710544600J, 3710545400J, 3710545500J, 3710545600J, 3710545700J, 3710546400J.

6.1.6. SETBACK REQUIREMENTS

A. Setbacks. In any area that is located outside a designated floodplain but where a stream is located, no building or fill may be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or 35 feet on each side, whichever is greater.

6.1.7. BUFFER REQUIREMENTS

A. Buffers.

1. A 35 foot undisturbed vegetated buffer is required along all perennial and intermittent stream channels.
2. The buffer shall begin at the most landward limit of the top of bank or the most landward limit of the normal ponded water level and extend landward on perpendicularly.
3. Diffuse flow of runoff shall be maintained in the riparian buffer to the extent practicable.
4. Existing and ongoing uses shall be exempt.

5. Allowable uses within the buffer include bridges, dam maintenance, new stormwater facilities designed to control sediment and attenuate flow before being discharged through the road crossings and temporary sediment and erosion control devices.

6.2. WATERSHED DISTRICTS

- A. **Overlays.** The following districts are hereby established as zoning overlay districts and shall be in place and are depicted on the City's official zoning map:
 1. WS-III-CA (Critical Area) Overlay District.
 2. WS-III-BW (Balance of Watershed) Overlay District.
 3. WS-IV-CA (Critical Area) Overlay District.
 4. WS-IV-PA (Protected Area) Overlay District.

6.3. NEIGHBORHOOD OVERLAY DISTRICTS

- A. **Generally.** The Neighborhood Overlay Districts are hereby established as “overlay” districts, meaning that these districts are overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such is also permitted in the applicable overlay district.
- B. **Neighborhood Overlay Districts**
 1. Winchester Overlay District.
 2. Concord Avenue Overlay District.

6.3.1. WINCHESTER OVERLAY DISTRICT.

- A. **Generally.** As established on the City’s official zoning map, the Winchester Overlay District shall contain special requirements for development.
- B. **Requirements.**
 1. The construction or renovation as proposed and designed will not substantially injure the value of adjoining or abutting property.
 2. The construction or renovation as proposed and designed will be compatible in the neighborhood, and along the street with which it is located.
 3. The construction or renovation as proposed and designed fulfills the intent of § 156.132 of the City of Monroe Code of Ordinances.
 4. The construction or renovation as proposed maintains the historic character and integrity of the infill neighborhood in which it is located.

5. The construction or renovation as proposed shall adhere to the strategies and objectives outlined in the Forward Monroe Plan.
6. All principal developments shall schedule a pre-application review before applying for any site and development or construction permit with the planning department. The planning department shall meet with the applicant to ensure compatibility with the neighborhood is met.
7. Duplexes may be allowed on corner lots.
8. All principal developments shall obtain a special use permit.
9. Mobile homes shall not be permitted.

6.3.2. CONCORD AVENUE OVERLAY DISTRICT (CA-O)

6.3.2.1. CA-O GENERAL PROVISIONS

- A. **Generally.** The purpose of the CA-O District is to implement the relevant goals and recommendations of the Concord Avenue Master Plan adopted by the City on November 3, 2015 (with an effective date of May 2, 2017). The intent of the Concord Avenue Master Plan and the CA-O district is to:
 1. Improve safety and aesthetics in the Concord Avenue area identified in the Concord Avenue Master Plan;
 2. Promote private investment and beneficial redevelopment of the Concord Avenue area;
 3. Create a suitable environment for compact, pedestrian-oriented, mixed-use development where business, office, retail, and residential uses are located in close proximity one another;
 4. Provide greater residential housing choice, affordability, and diversity with varying housing designs and densities;
 5. Strengthen the City's economic base and provide employment and shopping opportunities close to home for City residents;
 6. Provide a clear and predictable set of standards and review procedures for development in the district.
- B. **Applicability.** Except where exempted in 6.3.2.1.C, Exemptions, or modified in accordance with 6.3.2.1.G, Modification of District Standards, the standards in this Section apply to all land and development located within the CA-O District boundary. Land included in the CA-O District shall retain its base zoning district designation in place upon the effective date of these standards, but the CA-O District

standards shall supersede all applicable base zoning district standards. Development subject to this Section shall be reviewed for compliance with these standards as part of the review of a site plan, subdivision plat, or zoning permit, building permit, as appropriate. Amendments to an approved application shall be processed in the same fashion as the original approval.

C. **Exemptions.** The following forms of development are exempted from the standards in this Section:

1. Minor additions to lawfully-established buildings that existed on April 4, 2017. For the purposes of this Section, **MINOR ADDITIONS** are defined as increases in the amount of building floor area on a lot of up to 25 percent beyond what existed on April 4, 2017.
2. Minor renovations or remodeling to lawfully established buildings that existed on April 4, 2017. For the purposes of this Section, **MINOR RENOVATIONS** or **REMODELING** are defined as interior or exterior improvements to a building that increase the total building value on a lot of up to 25 percent beyond what existed on April 4, 2017.
3. Changes from one conforming principal use to another conforming principal use with no minor additions or minor renovations are exempted from the standards in 6.3.2.2: CA-O Dimensional Standards, but shall comply with the development standards in elsewhere in this Section, to the maximum extent practicable.
4. Development additions or renovations that exceed the definition of “minor” shall comply with all applicable CA-O District standards.

D. **Conflicts.** Conflicts between the standards in this Section and other laws or adopted plans in effect are addressed in the following ways:

1. In cases of conflict between the standards in this Section and the Concord Avenue Master Plan, the Concord Avenue Master Plan shall control;
2. In cases of conflict between the standards in this Section and the standards of the applicable base zoning district, the standards in this Section shall control; and
3. In cases where the standards of this Section conflict with standards in the City’s Code of Ordinances, the standards in this Section shall control.

E. **Area.** The following portions of the Concord Avenue Master Plan are hereby adopted and incorporated by reference into the CA-O District standards:

1. The study area boundary which identifies the CA-O District boundary;

2. The land use program, which identifies the general range of allowable uses (but not the required locations of uses) in the CA-O District; and
 3. The Comprehensive Master Plan which identifies the street patterns and general guidance for site configuration in the CA-O District.
- F. Modifications to CA-O District Boundary.** Applications to expand, modify, remove, or revise the CA-O District boundary may only be filed by the City's Planning Board or City Council.
1. Applications to modify a sub-district boundary in the CA-O District may be submitted by anyone authorized to file an application to amend the Official Zoning Map and shall be reviewed and decided in accordance with Section 3.4.6. of this UDO, and the adopted Concord Avenue Master Plan. Lots intended for designation to a new sub-district shall comply with the applicable minimum dimensional requirements in 6.3.2.2: CA-O Dimensional Standards, in the CA-O District.
 2. In no instance shall an amendment to establish a conditional zoning district or planned unit development within the area subject to the CA-O standards include conditions that seek to waive or reduce the requirements of the CA-O District.
 3. In the event a roadway or other feature that serves as a boundary of the CA-O district is moved or otherwise relocated, the CA-O district boundary and corresponding sub-district boundaries shall likewise be moved or relocated.

G. Modifications to CA-O District Standards

Minor modifications or deviations of up to 10 percent of any numerical requirement applicable in the CA-O District may be approved by the Director if the Director determines that:

1. The modification is consistent with the character of development on surrounding land, and results in development that is compatible with surrounding land uses;
2. The modification compensates for some unusual aspect of the site or the proposed development that is not shared by landowners in general or supports an objective or goal from the purpose and intent statements of the zoning district where it is located;
3. The modification will not pose a danger to the public health or safety;
4. Any adverse impacts resulting from the modification will be fully mitigated; and
5. The district standard being modified is not the subject of a previously

approved zoning condition or variance on the same site.

6. A modification shall be reviewed and decided prior to the other applications with which it is submitted. For example, if a modification request is submitted in conjunction with a site plan application, the modification shall be reviewed and decided prior to the approval of the site plan application.

H. Permissible Use Table

1. **Permissible Uses.** The permissible uses in the CA-O District are provided in Table 6.3.2.1. Permissible Uses Table, which sets out the range of use types allowed in the CA-O District regardless of the base zoning district designation. Uses with a “p” are allowed in a sub-district with the approval of a zoning permit. Principal uses that are not listed in the table shall require approval of a special use permit in accordance with Section 7 of the UDO.
2. **Prohibited Uses.** If the table does not include a “P” in the cell, the use is not permitted.

Table 6.3.2.1. Permissible Uses Table

PERMISSIBLE USES IN THE CA-O DISTRICT				
Use Type	Sub-District A	Sub-District B	Sub-District C	Sub-District D
PRINCIPAL USES				
Residential				
Assisted Living Facility	-	P	P	-
Dwelling, Duplex/Triplex/ Quadplex	P	P	-	-
Family Care Facility	P	-	-	-
State Licensed Group Home	P	-	-	-
Live-Work	P	P	P	P
Dwelling, Manufactured Home	-	-	-	-

Dwelling, Multifamily	-	P	-	P
Dwelling, Townhouse/Attached Single Family	P	P	-	P
Dwelling, Single Family Detached	P	-	-	-
Institutional				
Religious Institutions	P	P	P	P
Healthcare and counseling	-	P	P	P
Libraries, museums, and similar uses	P	P	P	P
Public safety facility	P	P	P	-
Schools	P	-	-	-
Social, event, fraternal and assembly uses (Event Center)	-	-	-	-
Telecommunicatio ns facility, major	-	-	-	-
Telecommunications facility, minor	P	P	P	P
Utility facility	P	P	P	P
Commercial				
Adult use	-	-	-	-
Animal care	-	P	-	-
Auction house	-	-	-	-

Bank or financial institution, excluding payday lending and check cashing	-	P	P	P
Bar or nightclub	-	-	-	P
Bed and breakfast	P	P	P	P
Day Care	P	P	P	P
Electronic gaming establishment	-	-	-	-
Flea market	-	-	-	-
Hotel or motel	-	-	P	P
Gasoline sales	-	-	P	-
General retail sales of 3,000 square feet or less	-	P	P	P
General retail sales of 3,001 to 25,000 square feet	-	P	P	P
General retail sales of 25,001 to 100,001 square feet	-	-	P	-
Motor vehicle sales or rental	-	-	-	-
Motor vehicle service or repair	-	-	-	-
Office of less than 10,000 square feet	-	P	P	P
Office of 10,000 square feet or more	-	P	P	P
Parking lot or parking structure	-	P	P	P

Pawnshop	-	-	-	-
Personal services use of less than 4,000 square feet	-	P	P	P
Personal services use of 4,000 or more square feet	-	P	P	P
Recreation, indoor	-	P	P	P
Recreation, outdoor	-	P	-	-
Restaurant with a drive-through	-	-	-	-
Restaurant without a drive- through	-	P	P	P
Tattoo parlor or body piercing establishment	-	-	-	-
Industrial				
Heavy industrial uses	-	-	-	-
Light industrial uses	-	-	-	-
Outdoor or open-air use	-	-	-	-
Self-storage	-	-	-	-
Waste-related uses	-	-	-	-
Wholesale sales	-	-	-	-
ACCESSORY USES				
Accessory dwelling unit	P	P	-	-
Day care, in-home	-	-	-	-
Drive-through, except at a restaurant	-	P	P	P
Home occupation	P	-	-	P
Outdoor dining	-	P	P	P

Outdoor display or sales	-	P	P	P
Outdoor storage	-	-	-	-
Upper-story residential unit	-	-	P	P

6.3.2.2. CA-O DIMENSIONAL STANDARDS

- A. **Principal Uses.** Table 6.3.2.2: CA-O Dimensional Standards, establishes the dimensional standards applicable in each sub-district of the CA-O regardless of the base zoning district designation.
- B. **Accessory Uses.** Accessory uses shall be incidental in size and impact to the principal use they serve. In no instance shall an accessory structure have a floor area exceeding 50 percent of the principal structure it serves, nor shall it have a height exceeding the principal use it serves. Accessory structures (except fences, walls, or facilities associated with outdoor dining) shall not be located between the front of the principal use and the front lot line.

Table 6.3.2.2. Dimensional Standards

Requirement	Sub-District A	Sub-District B	Sub-District C	Sub-District D
Minimum lot area (square feet)	10,000 [1]	n/a	20,000	n/a
Minimum lot width (linear feet) [2]	36 [3]	24	36	24
Maximum lot coverage (%) [4]	70	75	80	100
Minimum lot frontage occupied by building wall (%) [5]	n/a	60	n/a	80
Minimum street setback (feet)	20	3	20	n/a
Maximum street setback (feet)	n/a	20 [6]	n/a	8 [7]
Minimum side setback (feet) [8]	Minimum of 5 each side; 15 total		15	0
Minimum rear setback (feet) [9]	20	10	20	0; 10 from residential
Minimum building setback from perimeter lot lines of multi-building developments (linear feet)	20			5

Minimum building height (feet/stories)	n/a		16/2
Maximum building height (feet/stories) [10]	35/3		72/6 [11] 48/4
Minimum spacing between buildings on same lot (linear feet)	10	8	5 0
Minimum open space (% of lot or site)	15	20	25 10
Minimum residential density (units/acre)	n/a		n/a 4
Maximum residential density (units/acre)	6	8	12 16

NOTES:

[1] Minimum development size for single family attached residential; no lot area requirement for individual lots used for single family attached residential units.

[2] Minimum lot width is measured at the edge of the right-of-way except on cul-de-sac lots, where it is measured at the rear edge of the front setback line.

[3] Minimum lot width for single family attached residential is 20 feet.

[4] Maximum lot coverage for single family attached residential is 95%.

[5] Measured at front setback unless public gathering area is provided in front of building.

[6] Can be increased to accommodate 1 bay of parking and vehicular access in cases where building is two or more stories in height.

[7] Can be increased to 20 feet if area between building and street is used for sidewalk.

[8] Side setbacks between individual single family attached residential units is zero. Individual buildings housing single family attached residential units shall be at least 15 feet apart.

[9] Rear setbacks for individual single family attached residential units shall be 5 feet. Individual buildings housing single family attached residential units shall be at least 15 feet apart.

[10] In no instance shall single family attached residential units exceed three stories or 35 feet, regardless of the sub-district where located.

[11] Maximum building height shall be reduced by one foot for each additional foot of distance beyond 100 feet from the Highway 74 right-of-way edge. In no instance shall maximum building height be reduced below 15 feet regardless of distance from the Highway 74 right-of-way edge.

6.3.2.3. CA-O PARKING REQUIREMENTS

A. Off-street Parking Requirements.

1. *Amount.* All new development and redevelopment in the CA-O District shall ensure adequate off-street parking is provided in accordance with the standards in Table 6.3.2.3, Minimum Parking Requirements below.
2. *Uses not listed.* For uses that do not correspond to those listed in the Permissible Uses Table for the CA-O (Table 6.3.2.1), the Director shall determine the minimum off-street parking requirements based on all information necessary to determine the uses' parking needs to be provided by the applicant.

Table 6.3.2.3. Minimum Parking Requirements

Use Type	Min. Number of Off-Street Parking Spaces (#)	Use Type	Min. Number of Off-Street Parking Spaces (#)
Residential		Institutional	
Assisted living facility	0.3/room	Churches and other religious institutions	1/50 sf of seating area
Duplex residence	2/unit	Healthcare and counseling	1/200 sf
Family care home (6 persons or less)	1/bedroom	Libraries, museums, and similar uses	1/500 sf
Group home	1/employee	Public safety facility	1/employee on peak shift
Live/work dwelling	2/unit	Schools	1.5/classroom
Multifamily residence	1.5/unit	Telecommunications facility, minor	None

Single family attached residence	2	Utility facility	0.5/employee on peak shift
Single family detached residence	2		
Commercial		Accessory Uses	
Animal care	1/400 sf	Accessory dwelling unit	1
Bank or financial institution, excluding payday leading and check cashing	1/300 sf	Day care, in-home	1 + principal use
Bar or nightclub	1/100 sf	Drive-through, except at a restaurant	None
Bed and breakfast	1/bedroom	Home occupation	2 + principal use
Hotel or motel	1/guest room	Outdoor dining	1/200 sf of outdoor area
Gasoline sales	1/400 sf	Outdoor display or sales	1/500 sf of outdoor area
General retail sales of 3,000 square feet or less	1/500 sf		
General retail sales of 3,001 to 25,000 square feet	1/600 sf		
General retail sales of 25,001 to 100,001 square feet	1/800 sf		

Office of less than 10,000 square feet	1/800 sf		
Office of 10,000 square feet or more	1/500 sf		
Parking lot or parking structure	None		
Personal services use of less than 4,000 square feet	1/500 sf		
Personal services use of 4,000 or more square feet	1/600 sf		
Recreation, indoor	1/400 sf		
Recreation, outdoor	1/1,000 sf of outdoor area		
Restaurant without a drive- through	1/200 sf		

3. **Credit for On-Street Parking Spaces.** Non-residential and mixed-use development may use on-street spaces to meet the minimum off-street parking requirements provided the on-street spaces are within 50 linear feet of the entrance and the on-street spaces are not reserved for loading or handicapped parking.
4. **Parking Configuration.** Off-street parking areas shall be configured in accordance with Section 6.4, Vehicle Accommodation Area Surfaces of this UDO.
5. **Shared Parking.** Sharing of required off-street parking spaces is permitted

in accordance with the UDO, provided all parties seeking to share parking spaces have executed and recorded a shared parking agreement that specifies the rights and responsibilities of all parties involved.

6. **Off-Site Parking.** Off-site parking may be permitted with 1,000 linear feet of the use to be served, provided there is improved pedestrian access between the parking area and the use to be served, and provided the off-site parking area is located on a lot in sub-districts B, C, or D.
7. **Bicycle Parking.** Mixed-use, multifamily, and non-residential uses shall provide on-site bicycle parking facilities at a rate of one bicycle parking space for every 30 dwelling units or 5,000 square feet of non-residential floor area.
8. **Parking Location.** Except for single family detached dwellings, which are not subject to parking location requirements, buildings of two or more stories may have up to one bay of parking spaces and the associated access aisle between the building front and the street it faces. Off-street parking spaces shall not be located between a single-story building facade and the street it faces.
9. **Cross Access.** Off-street parking lots of 24 or more parking spaces shall be configured, to the maximum extent practicable, to connect to adjacent off-street parking lots in a manner that allows vehicles to move from one lot to an adjacent lot without use of a public street. Cross accessways shall maintain a minimum width of 12 feet for one-way drives and 24 feet for two-way drives.

6.3.2.4. CA-O LANDSCAPING REQUIREMENTS

- A. **Required Types.** Except for single family detached and duplex dwellings, all new development and redevelopment in the CA-O District shall provide parking lot screening, perimeter buffers, and street trees in accordance with these standards.
- B. **Parking Lot Screening.** Where surface off-street parking lots abut public streets, the parking lot shall be screened by a row of evergreen shrubs, a fence or wall of 36 inches in height, or a combination of these features. The area devoted to screening shall be at least five feet in width, and shall be located to minimize the appearance of parked automobiles from the adjacent street right-of-way.
- C. **Perimeter Buffers.** Perimeter buffers of at least 15 feet in width comprised of two canopy trees, three understory trees, and 20 evergreen shrubs shall be provided by mixed-use, multifamily, single family attached, and non-residential development every 100 feet

along lot lines shared with a lot containing a single family detached dwelling.

- D. Street Trees.** Street trees shall be provided every 40 feet on-center along both sides of all streets (except alleys) and shall be located between the sidewalk and the street edge. In cases where no sidewalk is present, street trees shall be located within five feet of the edge of pavement. In cases where the sidewalk extends to the curb, street trees shall be placed in tree pits of at least 25 square feet each. Street trees shall be deciduous canopy trees, except when underneath overhead utilities, when deciduous understory trees at the same on-center spacing shall be used.
- E. Landscaping Configuration.** Required landscaping (including fences and walls) shall be configured in accordance with Section 6.2, Design and Maintenance Standards and Sizes of this UDO.

6.3.2.5. CA-O OPEN SPACE

- A. Where Required.** Except for single family detached and duplex dwellings, all new development in the CA-O (including residential subdivisions of four or more lots) shall provide private common open space in accordance with these standards.
- B. Amount.** New non-residential and mixed-use development shall provide private common open space at a rate comparable to at least 10 percent of the gross floor area of the development. New residential subdivisions of four or more lots shall provide centrally-located private common open space at a rate of 435 square feet per dwelling unit.
- C. Configuration.** Private common open space is land area that is devoted to recreation or gathering. It shall include land area or facilities capable of supporting recreation, public gathering, outdoor dining, and similar activities. Trails, plazas, and sidewalk areas that exceed minimum sidewalk width requirements shall be credited towards open space requirements. In the case of residential subdivisions, the private common open space shall be owned and managed by a homeowner's association and shall be improved with walking paths or recreation amenities.

6.3.2.6. CA-O EXTERIOR LIGHTING

- A. Lighting Plan.** New development shall provide a lighting plan that identifies the type, location, height, and intensity (in watts, lumens, nits, or other comparable standard) of proposed exterior lighting in order to demonstrate how proposed development will comply with these standards.
- B. Maximum Illumination.** Exterior lighting shall be designed and located such that the maximum illumination at the lot line from new development shall not exceed

the maximum illumination value, shown in Table 6.3.2.6.1.

Table 6.3.2.6.1, Maximum Illumination

Abutting Use Type	Max. Illumination (Footcandle)
Single family residential use, or vacant land in sub-district A	1.0
Institutional use	1.5
Commercial, mixed-use, or vacant land in sub-districts B, C, D	2.0
Parking lot	2.5
NOTES: Measured at ground level.	

- A. **Parking Lot Illumination.** Surface parking lots and parking structures shall be configured to provide a minimum illumination level of at least 0.5 foot candles throughout the parking and access areas.
- B. **Shielding.** Exterior lighting fixtures shall be configured such that the bulb or source of illumination is not visible from grade level of adjacent lots or street rights-of-way.
- C. **Maximum Fixture Height.** Except for outdoor recreation uses (like tennis courts) the maximum height of exterior lighting, whether mounted on polls, walls, or by other means, shall not exceed 24 feet above grade.
- D. **Private Streets.** Private streets shall be treated as public streets with respect to all street lighting provisions.
- E. **Screening.** Dumpsters, refuse collection and recycling facilities, service and loading areas, and ground-based mechanical equipment shall be located and screened in accordance with Sections 6.2 and 6.5 of this UDO.

6.3.2.7. CA-O SIGNAGE

- A. **Sign Permit Required.** All signage shall obtain a sign permit in accordance with the Section 8.2: Signs of this UDO.
- B. **Prohibited Signs.** Any form of signage identified as prohibited within Section 8.2:

Signs of the UDO, shall be prohibited in the CA-O District.

- C. **Standards.** Signage in the CA-O District shall be configured in accordance with Table 6.3.2.7, Signage Standards in the CA-O District. Each lot may include one or more sign types from each of the four categories.

Table 6.3.2.7. Signing Standards in CA-O District

Standard	Sub-District A	Sub-District B	Sub-District C	Sub-District D	Notes
Building Mounted Signage					
Maximum sign face area per lot (square feet)	6/facade facing a street	64/facade facing a street	120/facade facing a street	32/facade facing a street	No single sign may occupy more than 50% of the maximum sign face area allowed for an individual building. If there are three or more units in a building or development, a maximum 120 square feet of building mounted signage may be permitted.
Maximum height above grade (feet)	5	24	Below eave or parapet		Any portion of a sign projecting more than 6 inches from building wall must be at least 10 feet above grade
Total number of building mounted signs per lot (#)	1	1 per tenant plus 1			Nothing prohibits more than one sign per tenant as long as the maximum number and face area are not exceeded

Internal illumination allowed	No	Yes	Yes	No (external illumination permitted)	Illumination shall not exceed 7,500 nits during daylight and 500 nits from dusk to dawn
Changeable copy allowed	No	No	Yes	Yes	Message must remain static for at least 5 seconds with an interval of 2 seconds or less
Window Signage					
Maximum sign face area per lot	n/a	25% of individual window	25% of facade area of first two floors		Prohibited on single-family and multi-family buildings
Maximum height above grade (feet)	n/a	24	24	30	
Ground Mounted Signage					
Maximum sign face area per lot (square feet)	6	0.5/each linear foot of lot frontage containing the sign		32	No single sign may occupy more than 50% of the maximum sign face area allowed for an individual building

Maximum height above grade (feet)	4	8	10	6	Signs on lots abutting Highway 74 may have a maximum height of 20 feet
Total number of ground-mounted signs per lot (#)	1	1 per entrance; 1 per frontage; max. of 2			Prohibited on lots with single family and multifamily dwellings
Minimum setback from lot lines (feet)	5	5	5; 15 from Highway 74 ROW	3	Setbacks may be increased to maintain clear sight lines along streets
Minimum spacing from other ground mounted signage (feet)	50	60	100	75	Applies to ground signs on the same or different lots
Internal illumination allowed	No	Yes	Yes	Yes	Illumination shall not exceed 7,500 nits during daylight and 500 nits from dusk to dawn
Changeable copy allowed	Yes	Yes	Yes	Yes	Message must remain static for at least 5 seconds with an interval of 2 seconds or less
Monument base standards	The monument base shall be at least 80% of the entire width or length of the sign, at least 16 inches above constructed of brick, stone or stucco.				
Temporary Signage					
Temporary signage shall be in accordance with Section 8.2 of the UDO.					

NOTES:

[1] Election signs must be removed no more than 7 days after the election. For sale/rent signs must be removed immediately upon sale or rental. Garage/yard sale signs must be removed within 24 hours of the termination of the sale. Grand Opening signs may be displayed up to 10 days before the opening and must be removed within 30 days after the opening. Special event signs may remain in place for up to 15 days.

- D. **Flags.** Flags and flag poles shall be permitted subject to Section 8.2.7, Exempt Signs.
- E. **Nonconforming Signs.** Existing signs that do not conform to the standards in this Section shall be subject to Section 8.2.3, Nonconforming Signs.

6.3.2.8. ARCHITECTURAL STANDARDS

- A. **Non-residential and Mixed-Use Development.** Non-residential and mixed-use development shall comply with Section 8.7: Design Standards of this UDO.
- B. **Multifamily Development.**
 - 1. *Building Orientation.* Buildings around the perimeter of a development shall be oriented to the street they front, not towards internal features like parking areas.
 - 2. *Building Placement.* Buildings in a multifamily development shall be located at least ten feet from other buildings and parking areas in the development.
 - 3. *Building length.* Unless located parallel to and within 20 feet of a street right-of-way, the maximum building length shall not exceed 100 linear feet.
 - 4. *Facade Articulation.* Street-facing building facades shall include wall offsets (recesses or projections) of at least two feet located every 30 feet along the facade wall.
 - 5. *Visual Interest.* Each building facade facing a street shall include at least three of the following nine features:
 - a. A central covered porch;
 - b. Dormer windows or a cupola(s);
 - c. Pillars, posts, or pilasters;
 - d. Bay windows along the facade with a 12-inch projection;
 - e. Window trim with a minimum width of four inches;
 - f. Raised, corniced parapets over the doors;
 - g. Eaves of four feet in depth;

- h. Integral planters that incorporating plantings or seating; or
 - i. Up to one unlisted feature approved by the Director.
- 6. *Roof Form.* Development shall include a pitched roof of at least 4:12 or a flat roof with a corniced parapet.
- 7. *Roof-Mounted Equipment.* All roof-mounted vents, pipes, antennas, roof penetrations, of mechanical equipment shall be fully screened by a parapet wall, located to the rear elevation, or otherwise camouflaged to minimize the visual impact from the street, to the maximum extent practicable.
- 8. *Garage Placement.* Garage doors or entrances, whether for multiple or individual units, shall be located to the rear of the structure they serve.
- 9. *Pedestrian Connection.* All buildings and recreational facilities within a multifamily development shall be connected via a paved, all-weather pedestrian access of at least 4 feet in width.

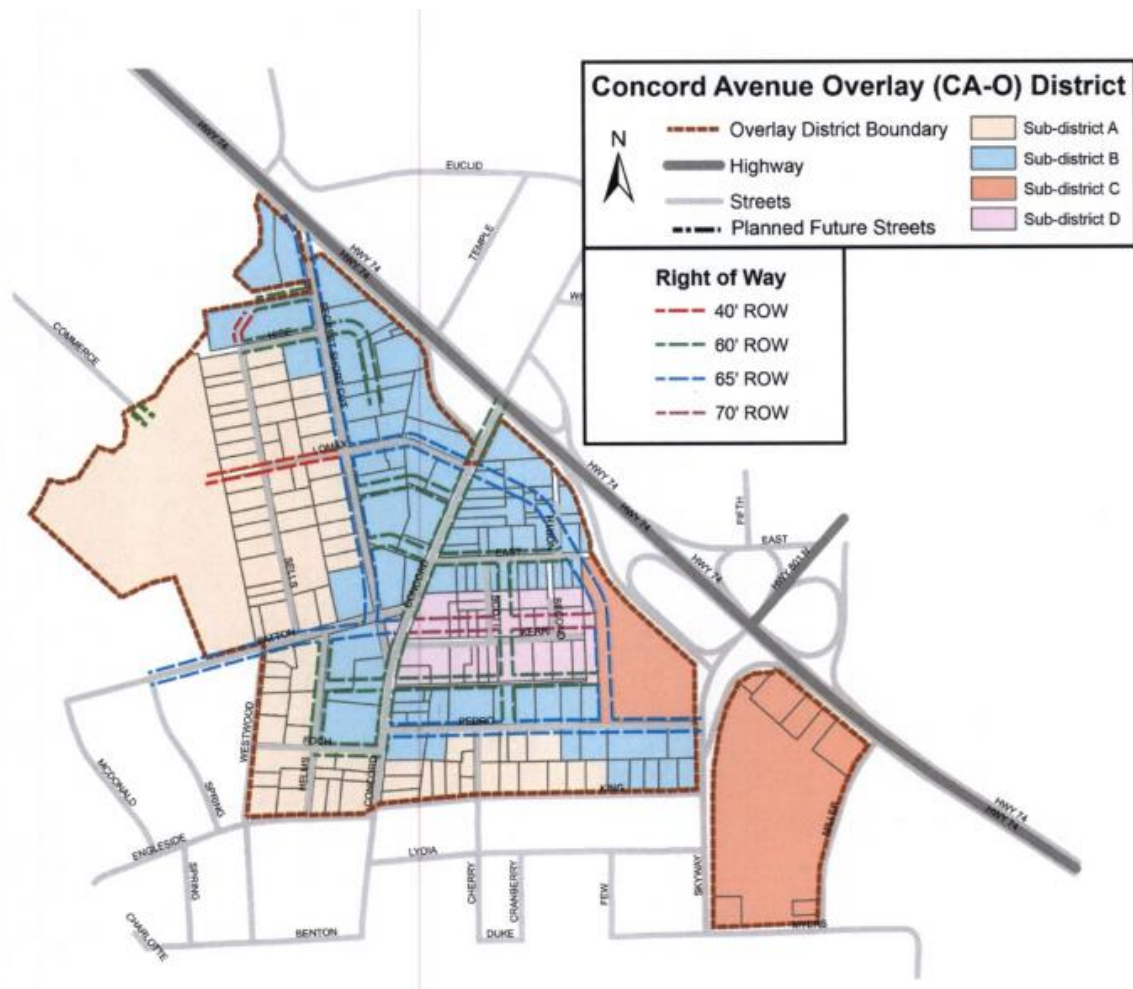
6.3.2.9. INFRASTRUCTURE

- A. **Streets.** All streets in the development shall be configured in accordance with Figure 6.3.2.9, CA-O District Rights-of-Way, and the following:
 - 1. *Dedication required.* New development or redevelopment in the CA-O District (including site plans and subdivisions) shall dedicate the right-of-way as identified in CA-O Districts Rights-of-Way, and all applicable City policy documents. Exact street locations may deviate from those shown as determined by the City Engineering Department.
 - 2. *Construction.* New development in the CA-O District shall construct the street improvements identified in the Concord Avenue Master Plan and CA-O District Rights-of-Way, Figure 6.3.2.9, that border or transect lots included in the development.
 - 3. *Curb and gutter.* All streets in the CA-O District shall be served by curb and gutter configured in accordance with city standards.
 - 4. *Access.* In cases where two or more lots are consolidated as part of development or redevelopment, exiting street access shall be consolidated to the maximum extent practicable. In no instance shall an individual parcel be served by more than three accessways.
 - 5. *Speed control devices.* Speed bumps, speed humps, speed tables, and similar devices are prohibited on public streets in the CA-O District.
 - 6. *Sidewalks.* Sidewalks shall be provided on both sides of all streets (except alleys) and shall be configured in accordance with City standards. Lots

fronting Kerr Street shall provide sidewalks with a minimum width of ten feet that are configured to include a four-foot-wide clear zone adjacent to building walls to facilitate pedestrian movement along the street.

7. *Bike lanes.* Shared bicycle lanes shall be provided as part of any required roadway improvements along Concord Avenue and Skyway Drive.
8. *Utilities.* All new utilities shall be placed underground.

Figure 6.3.2.9. CA-O District Rights-of-Way



6.3.2.10. PAYMENTS IN-LIEU

- A. In-lieu payments for construction of streets, sidewalks, bike lanes, or the provision of open space may be requested by an applicant as part of the initial development application, and shall be decided by the City Council following a recommendation by the Director and approval by the City Engineering Department.
- B. Payment of in-lieu fees shall be based on an estimated cost of completing the installation, based on current contract unit prices, as approved by the Director.
- C. Fees collected by the City in accordance with this Section shall be deposited in the appropriate fund and used solely for the construction of the appropriate feature(s) either on or abutting the site associated with the in-lieu payment. In the case of open space resources, open space facilities may be located anywhere within the CA-O District boundary.
- D. In-lieu payments for features other than streets, sidewalks, bike lanes, or open space within the CA-O District are prohibited.

6.3.2.11. NONCONFORMITIES.

- A. **Generally.** In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the landowner.
- B. **Continuation.** Nonconformities are allowed to continue in accordance with this Section, and are allowed to receive minor repairs and routine maintenance necessary to protect the health and safety of the public. No change in title or possession of a nonconformity shall prevent the continuation of the nonconformity.
- C. **Abandonment.** If a nonconforming use or structure ceases operation for a continuous period of 90 days, and subsequent use or structure shall conform to the CA-O District requirements.
- D. **Casualty Damage.** Except for single family detached dwellings, and nonconforming use or structure that is damaged in excess of 35 percent of the use or structure's value (according to tax appraiser records) shall only be reestablished in accordance with the applicable CA-O District requirements. Single family detached dwellings may be reconstructed regardless of the extent of the damage, but shall be repaired or reconstructed in accordance with the CA-O District standards to the maximum extent practicable, as determined by the Director.
- E. **Expansion.** Expansion or enlargement of a nonconforming use or structure is prohibited.
- F. **Nonconforming Lots.** When two or more nonconforming lots are under common ownership and consolidation will aid in compliance with the dimensional requirements this Section, then the lots shall be combined prior to approval of any development

application.

- G. **Nonconforming Signs.** Maintenance or change of copy on a nonconforming sign is allowed, provided the replacement copy is the same or less nonconforming, but removal or replacement of nonconforming signage with new signage that does not meet the standards in the CA-O District is prohibited. Signs advertising a use or structure that has ceased operation for 90 continuous days or longer shall be considered nonconforming signs.

6.4. HISTORIC DISTRICTS

- A. **Purpose and Intent.** In compliance with N.C.G.S. § 160D, Article 9, Part 4, the purpose of Monroe’s historic district(s) is to maintain the historic integrity of certain areas within the City of Monroe (“City”) and to:
1. Promote the sound and orderly restoration, preservation, rehabilitation, and conservation of historic properties and areas;
 2. Increase and stabilize property values of property within the City and strengthen the overall economy;
 3. Protect, safeguard and conserve the heritage of the City;
 4. Promote and preserve any individual property or area that embodies important elements of the City’s social, economic, political or architectural history for the education, pleasure and enrichment of citizens;
 5. Ensure compliance with the standards defined in the *South Monroe Historic District Design* document; and
 6. Contribute to the enrichment of the culture and welfare of the City.
- B. **Applicability.** Before the designation of any historic district, compliance with all provisions of Chapter 152, Historic Properties of the City’s Code of Ordinances, and this Section shall occur.
1. **Local Report.** A local report, prepared by the *Historic District Commission* (HDC) (refer to Section 3.3.5: Historic District Commission) shall be prepared detailing the following items:
 - a. The proposed boundaries of a proposed or amended historic district.
 - b. The significance of the buildings, structures, features, sites or surroundings included in any proposed or amended district.
 - c. Consistent with N.C.G.S. § 160D-944, any historic district proposed shall only consist of areas deemed of special significance in terms of their history, architecture, or culture and to possess integrity of design, setting, materials, feeling, and association.

2. **Local Report Recommendations.** The HDC shall forward its local report and recommendations to the North Carolina Department of Cultural Resources (NCDCCR) for review and comment. The NCDCCR, acting through the State Historic Preservation Officer or designee, shall complete an analysis of, and recommendation concerning the proposed historic district, and shall submit its recommendation to the City Council. Failure of the NCDCCR to submit its recommendations to the City Council within 30 calendar days after receipt of a written request for such from the City shall relieve the City Council of any responsibility to await the recommendation.
 3. **Planning Board.** Prior to action by the City Council, the Planning Board shall review the recommendations of the HDC and the NCDCCR and forward its comments and recommendation to the City Council.
 4. **City Council.** After receiving the comments and recommendations of the HDC, NCDCCR, and Planning Board, the City Council shall provide a decision as to the initiation of an application for a zoning map amendment, consistent with Section 3.4.6: Zoning Map Amendment, to classify land as a local historic district.
- C. **Historic Districts.** The historic districts existing in the City are enumerated and defined below:
1. **South Monroe Historic District.** The South Monroe Historic District extends west, south, and southeast of downtown and its area is defined in the *South Monroe Historic District Design* document, and on the City's Official Zoning Map.
- D. **Certificate of Appropriateness (COA).** A Certificate of Appropriateness (COA) shall be required when applicable in accordance with Section 3.4.12: Certificate of Appropriateness, whether a building permit is required or not. All requests for a COA shall be in compliance with N.C.G.S. § 160D -947. No exterior portion of any building or structure (including walls, fences, light fixtures, steps, pavement or other appurtenant features) may be erected, altered, restored, moved or demolished without approval of a COA by the HDC.
1. **Minor Work.** When inside a historic district, the HDC shall have the authority to delegate to the Planning Director (or designee) review authority of certain types of Minor Works. Minor work is defined as those exterior changes that do not involve substantial alterations, additions or removals that could impair the integrity of the property (or the district as a whole). The minor works shall be limited to those listed in the Monroe Historic District's design standards. The Planning Director shall review minor works in accordance with Section 3.4.13:

Certificate of Appropriateness (Minor Works).

2. **Quasi-judicial Decisions.** Other than these administrative decisions on minor works, decisions on COAs are quasi-judicial and shall follow the procedures of N.C.G.S. § 160D -406.

E. Design Standards.

1. **Standards.** In accordance with N.C.G.S. § 160D-947, the HDC shall adopt detailed architectural and design standards for all designated historic districts and designated properties. These standards shall take into account the historic and architectural significance and historic elements of properties and of structures unique to the district, and shall guide the commission in determining congruity with the special character of the historic district for new construction, alterations, additions, moving, and demolition. In reviewing a COA, the exterior form and appearance of any proposed addition or modification to the historic property or structure within the district shall be in accordance with the adopted standards. The standards are defined in *South Monroe Historic District Design* document.
2. **Contents.** The *South Monroe Historic District Design* standards give consideration to various development standards, including standards on:
 - a. Site features and plants;
 - b. Public rights of way;
 - c. Fences and walls;
 - d. Walkways, driveways and off-street parking;
 - e. Exterior lighting;
 - f. Signage;
 - g. Garages and Accessory structures;
 - h. Cemeteries
 - i. Building exteriors and materials;
 - j. Exterior Walls;
 - k. Windows and doors;
 - l. Roofs;
 - m. Porches, entrances, patios, decks and balconies;
 - n. Sustainability, utilities and energy retrofit;
 - o. Accessibility, health and safety considerations;
 - p. Additions and new construction; and
 - q. Relocation and demolition

- F. Zoning and Uses.** Historic districts may contain several zoning classifications and uses. Uses of land within a historic district shall be subject to the underlying zoning district

requirements in accordance with Section 7.1: Tables of Permissible Uses.

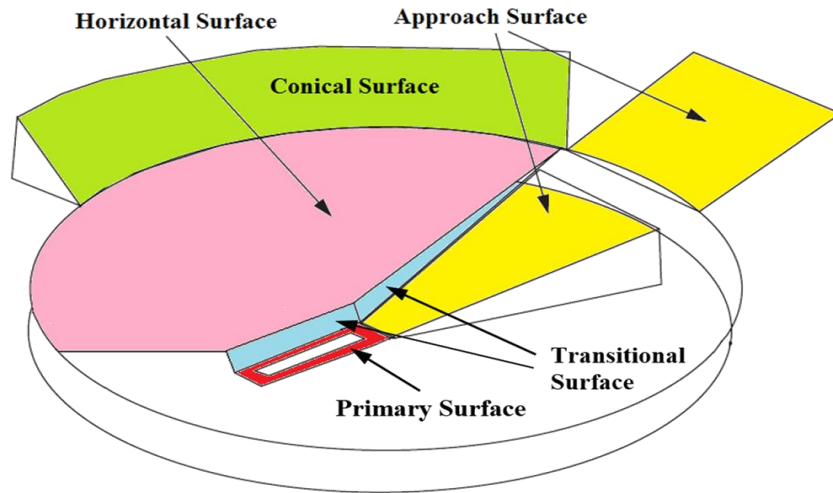
- G. **Maintenance and Repair.** Nothing in this Section shall be construed to prevent the maintenance or repair, voluntary or as required by the Building Inspection Division due to unsafe conditions, of any exterior architectural feature in a historic district which does not involve a substantial change in design, material or outer appearance.

6.5. AIRPORT OVERLAY

- A. **Purpose.** The Airport Overlay (AO) district is intended to protect the airspace around and near the Charlotte-Monroe Executive Airport (“Airport”) from the encroachment of incompatible land uses, which present hazards to users of the Airport as well as to persons residing or working in the Airport vicinity. It is the intent of this section to restrain influences, which are averse to the airport property and safe conduct of aircraft. This section is designed to prevent the creation of conditions hazardous to Airport operation, to prevent conflict with land development, which may result in loss of life and property and to encourage development that is compatible with the Airport uses characteristics within the intent and purpose of zoning. To this end, AO district designation, when overlaid onto a basic zoning district classification, is intended to coordinate the purpose and intent of this section with other regulations in the UDO. This section is intended to conform with Federal Regulation 14 CFR Part 77 - Safe, Efficient Use, and Preservation of the Navigable Airspace.
- B. **Applicability.** The AO district applies to designated land in the vicinity of the Airport. The AO designation specifically applies to the administration and enforcement of the areas surrounding the Airport by regulating or restricting the height and location of where structures and trees may be erected or allowed to grow.
- C. **Definitions.** For the purposes of this section, the following terms are generally defined. All other technical terms used in this section will be as defined in Federal Regulation 14 CFR Part 77.
1. Airport. The Charlotte-Monroe Executive Airport.
 2. Airport Elevation. The highest point of the Airport’s useable landing area measured in feet above mean sea level (682.6 feet surveyed).
 3. Height. Value used in determining the impact of an obstruction.
 4. Nonconformity. Any structure, object of natural growth, or use of land, which is inconsistent with the provisions of this UDO or any amendment thereto existing prior to the effective date of this section.

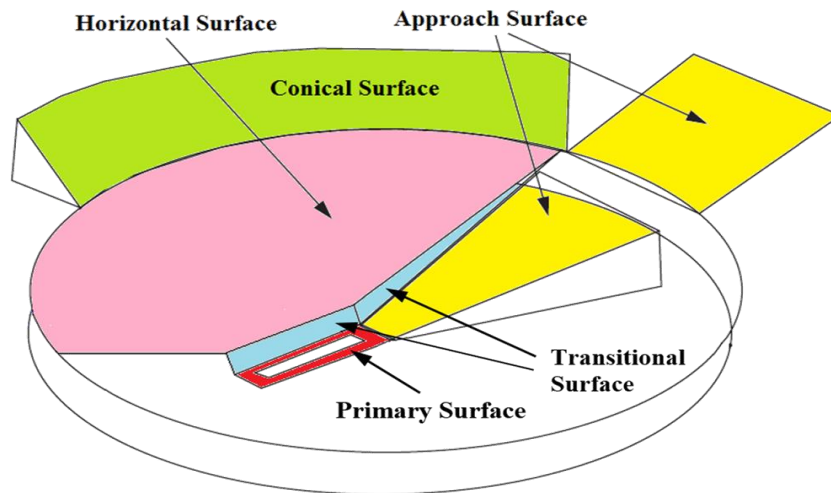
5. Obstruction. Any structure, either human-made or of natural growth, including a mobile object, which exceeds a limiting height set forth in this section.
6. Zoning Administrator. The City of Monroe's Director of Planning and Development.

Figure 1: Airport Zone Depiction/Definitions (Source: Federal Regulation 14 CFR Part 77)



Primary Surface	A surface longitudinally centered on a runway, which extends 200 feet beyond each end of that runway. At the Airport, the measurements of this surface are 7,400 feet by 1,000 feet.
Approach Surface	A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. At the Airport, the inner edge of the approach surface is 16,000 feet, and the horizontal distance 10,000 feet at a slope of 50 to 1, with an additional 40,000 feet at a slope of 40 to 1.
Horizontal Surface	A horizontal plane 150 feet above the established Airport elevation, the perimeter of which is constructed by swinging arcs of a specified radii from the center of each end of the primary surface of each runway of at the airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is defined by length of runway. At the Airport, the radius of the arcs is 10,000 ft.
Conical Surface	A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
Transitional Surface	Surfaces that extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

Figure 2: Airport Zone Depiction/Definitions (Source: Federal Regulation 14 CFR Part 77)



Primary Surface	A surface longitudinally centered on a runway, which extends 200 feet beyond each end of that runway. At the Airport, the measurements of this surface are 7,400 feet by 1,000 feet.
Approach Surface	A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. At the Airport, the inner edge of the approach surface is 16,000 feet, and the horizontal distance 10,000 feet at a slope of 50 to 1, with an additional 40,000 feet at a slope of 40 to 1.
Horizontal Surface	A horizontal plane 150 feet above the established Airport elevation, the perimeter of which is constructed by swinging arcs of a specified radii from the center of each end of the primary surface of each runway of at the airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is defined by length of runway. At the Airport, the radius of the arcs is 10,000 ft.
Conical Surface	A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
Transitional Surface	Surfaces that extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

- D. **Airport Zones.** In order to carry out the provisions of this section, all appropriate surfaces (and land underneath said surfaces) defined in Federal Regulation 14 CFR Part 77 are hereby incorporated by reference and applied to the Airport. Such surfaces are depicted in Figure 1.
- E. **Airport Zone Height Limitations.** No structure shall be erected, altered or maintained, and no trees shall be allowed to grow, in any zone created by this section, to a height which projects above the upper surface of any such zone. An obstruction located in more

than one zone is considered to be only in the zone with the more restrictive height limitation. Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree, to a height of up to 100 feet above the surface of the land.

- F. **Use Restrictions.** Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for pilots to distinguish between the Airport lights and others, result in glare in the eyes of pilots using the Airport, impair visibility in the vicinity of the Airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Airport.
- G. **Nonconformity.** The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any nonconformity, or otherwise interfere with the continuance of a nonconformity. Nothing contained in this section shall require any change in the construction, alteration or intended use of any nonconformity, the construction or alteration of which was begun prior to the effective date of this section and is diligently being pursued. No permit provided for in section I may be issued if it would allow the establishment or creation of an obstruction, or allow a nonconformity to become a greater hazard to air navigation than it was on the effective date of this section, or any amendments thereto, or than it is when the application for a permit is made. Whenever the Zoning Administrator determines that a nonconformity has been abandoned or is physically deteriorated or decayed, no permit provided for in section k may be issued if doing so would allow the nonconformity to exceed the applicable height limit or otherwise deviate from the regulations of this section. Notwithstanding this section, and if specified in a Federal Aviation Administration (FAA) Notice of Determination, the owner of any existing nonconformity shall install, operate and maintain markers or lights pursuant to the standards described in FAA Advisory Circular 70-7460-1L indicating to aircraft operators in the vicinity of the Airport the presence of an obstruction.
- H. **Permits .** Except as specifically provided in (1), (2), and (3) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in the AO district unless a permit therefore is first issued. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particularity to allow the City to determine whether the use, structure or tree would conform to the Federal Regulations referenced in this section and

include the proper documentation as determined by the City. No permit for a use inconsistent with the provisions of this section may be issued unless a variance has been approved in accordance with subsection I (variances) below.

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 100 feet of vertical height above the ground except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 100 feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach zones.
 3. In areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 100 feet above the ground, except when, such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits prescribed for such transition zones.
 4. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration of any structure, or growth of any tree in excess of any of the height limits established by this section.
- I. **Variances.** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in compliance with the regulations prescribed in this section may apply to the Board of Adjustment (BOA) for a variance from such regulations. The application for a variance shall be accompanied by a determination from the FAA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief, if granted, will not be contrary to the public interest, will not create hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this section. Additionally, no application for a variance to the requirements of this section may be considered by the BOA unless a copy of the application, along with the FAA Notice of Determination, has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond within 30 days after receipt, the BOA may act on its own to grant or deny said application.

- J. **Obstruction Marking and Lighting.** Any permit or variance granted pursuant to this section may, if such action is deemed advisable to effectuate the purpose of this section, and reasonable in light of the circumstances, be conditioned to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary to comply with the standards described in FAA Advisory Circular 70-7460-1L.
- K. **Enforcement.** It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed in this section. Applications for permits and variances shall be made to the Zoning Administrator upon a form published for that purpose. Applications required by this section to be submitted to the Zoning Administrator shall be promptly considered by the Zoning Administrator or the BOA.
- L. **Sanitary Landfill.** Various studies and observations have concluded that sanitary landfills typically attract wildlife, specifically birds, which can create potential hazards to aircraft operations near airports, particularly during takeoff and landing. In order to mitigate this hazard, the following regulations shall apply with regard to location of landfills:
1. No landfill shall be located within 10,000 feet from a runway of the Airport.
 2. Landfills located further than 10,000 feet, but within five miles of a runway of the Airport will be reviewed on a case-by-case basis by the Airport Manager, in coordination with the Zoning Administrator. If, in the opinion of the Airport Manager, the landfill poses a threat to safe aircraft operations, then the landfill shall be considered an incompatible land use, and shall not be allowed on the property where it is deemed to pose such a threat.
- M. **Conflicts.** In the event of conflict between any AO district regulation in this section and any other UDO regulation applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Section 7. Amend Section §157.7 “PERMISSIBLE USES AND STANDARDS” as follows:

§157.7 PERMISSIBLE USES AND STANDARDS

7.1. TABLES OF PERMISSIBLE USES (TRADITIONAL AND MIXED-USE)

Table 7.1, Table of Permissible Uses, lists principle uses and indicates where a principle use is permitted by right (P), special use permit (S), or prohibited (blank) in a particular zoning district. Uses may also have use-specific standards defined in Section 7.2 and are subject to any district standards defined in this UDO.

Table 7.1 Table of Permissible Uses

TABLE 7.1. - TABLE OF PERMISSIBLE USES																	
“P” = Permitted, “S” = Special Use Permit Required, X = Prohibited																	
	Traditional Districts											Mixed-Use Districts					
Use Type	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	DC-MX	DG-MX	CC-MX1	CC-MX2	RC-MX	MD-MX	REFEREN CE
Residential Uses																	
Single Family Detached	P	P	X	P	X	X	X	X	P	X	X	X	X	X	X	X	7.2.4.A
Townhouse/Attached Single Family	X	P	P	S	X	X	X	X	P	X	X	P	P	P	X	S	7.2.4.B
Duplex/Triplex/Quadplex	X	S	P	S	X	X	X	X	P	X	X	P	X	X	X	X	7.2.4.C
Multifamily	X	X	P	X	X	P	X	X	P	P	P	P	P	P	P	S	7.2.4.D
Upperstory Residential	X	X	S	X	X	X	X	X	P	X	P	P	P	P	P	P	7.2.4.E
Manufactured Home	S	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	7.2.4.F

Residential Care (ALF, ILF, CC)	X	X	P	P	P	P	X	X	P	P	X	X	P	P	X	P	7.2.4.G
Family Care Home	P	P	P	P	X	X	X	X	P	P	X	X	X	X	X	X	7.2.4.H
Board House/Rooming House	X	X	X	S	X	X	X	X	P	X	X	X	X	X	X	X	7.2.4.I
Student Housing	X	X	X	S	X	X	X	X	X	X	X	X	X	X	X	S	7.2.4.J
Group Homes – 24 Hour Service, Less Than 6 Persons (Not Within One-Half Mile Radius From Existing MH Residence)	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	7.2.4.K
Group Homes – 24 Hour Service, 6 Persons or More (Not Within One-Half Mile Radius From Existing MH Residence)	S	S	S	X	X	X	X	X	X	X	X	X	X	X	X	X	7.2.4.L
TABLE 7.1. - TABLE OF PERMISSIBLE USES																	
“P” = Permitted, “S” = Special Use Permit Required, “ ” (Blank Cell) = Prohibited																	
	Traditional Districts										Mixed-Use Districts						
Use Type	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	DC-MX	DG-MX	CC-MX1	CC-MX2	RC-MX	MD-MX	REFEREN CE
Public and Institutional Uses																	
Schools (Elementary/Middle)	P	P	P	P	P	P	X	X	P	P	X	P	P	P	P	P	7.2.5.A
Schools (High/Senior)	P	P	P	P	P	P	X	X	P	P	P	P	P	P	P	P	7.2.5.B
University, College, and Vocational School	S	S	P	X	X	P	P	X	X	P	S	P	P	P	P	P	7.2.5.C

Civic and Private Club, Minor (Less Than 15,000 SF or 150 Person Membership)	X	X	X	P	P	P	X	X	X	P	P	P	P	P	P	X	7.2.5.D
Civic and Private Club, Major (Greater Than 15,000 SF or 150 Person Membership)	X	X	X	S	S	S	X	X	X	P	X	P	P	P	P	X	7.2.5.E
Correctional Facility	S	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	7.2.5.F
Essential Services (Excluding Regional Utility Facilities)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	7.2.5.G
Regional Utility Facility	S	S	S	S	P	P	P	P	P	P	S	S	S	S	S	S	7.2.5.H
Open Space/Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	7.2.5.I
Religious Institutions	P	P	P	P	P	P	X	X	P	P	X	P	P	P	X	X	7.2.5.J
TABLE 7.1. - TABLE OF PERMISSIBLE USES																	
“P” = Permitted, “S” = Special Use Permit Required, “ ” (Blank Cell) = Prohibited																	
	Traditional Districts										Mixed-Use Districts						
Use Type	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	DC-MX	DG-MX	CC-MX1	CC-MX2	RC-MX	MD-MX	REFEREN CE
Commercial Uses																	
General Retail Sales, Less Than 10,000 SF	X	X	S	S	P	P	P	X	P	P	P	P	P	P	P	P	7.2.6.A
General Retail Sales, 10,000 SF to 25,000 SF	X	X	S	X	P	P	S	X	P	P	P	X	P	P	P	P	7.2.6.B
General Retail Sales, 25,000 SF to 100,000 SF	X	X	X	X	S	P	X	X	X	P	X	X	P	X	P	X	7.2.6.C

General Retail Sales, 100,000 SF or Greater	X	X	X	X	X	S	X	X	X	P	X	X	X	X	P	X	7.2.6.D
Personal Services	X	X	X	S	P	P	P	X	P	P	P	P	P	P	P	P	7.2.6.E
Lodging – Hotel and Motel	X	X	X	X	S	P	X	X	X	P	P	X	P	P	P	P	7.2.6.F
Lodging – Bed and Breakfast	S	S	S	P	X	X	X	X	X	X	P	P	X	X	X	X	7.2.6.G
Tattoo and Piercing Establishment	X	X	X	X	S	P	X	X	X	X	X	X	X	X	X	X	7.2.6.H
Fortune Telling	X	X	X	X	S	S	X	X	X	X	X	X	X	X	X	X	7.2.6.I
Indoor Recreation	X	X	X	X	S	P	S	X	X	P	P	S	P	P	P	X	7.2.6.J
Outdoor Recreation	X	X	X	X	X	S	S	X	X	P	X	X	X	X	X	X	7.2.6.K
Restaurant	X	X	X	S	P	P	X	X	P	P	P	P	P	P	P	P	7.2.6.L
Restaurant with Drive- Through	X	X	X	X	S	P	S	X	P	P	X	X	P	P	P	P	7.2.6.M
Bar/Tavern/Nightclub	X	X	X	X	S	S	S	X	X	P	P	S	S	S	P	S	7.2.6.N
Microbrewery/Winery/ Distillery	X	X	X	X	X	P	P	X	P	P	P	P	P	P	P	X	7.2.6.O
Car, Boat, Other Vehicle Sales and Rental	X	X	X	X	X	P	S	X	X	P	X	X	X	X	X	X	7.2.6.P
Minor Vehicle Service	X	X	X	X	S	P	P	X	X	P	X	X	P	P	X	X	7.2.6.Q
Major Vehicle Service	X	X	X	X	X	P	P	P	X	X	X	X	X	X	X	X	7.2.6.R
Convenience Store with Fuel Pumps	X	X	X	X	S	P	P	X	X	P	X	P	P	P	P	P	7.2.6.S
Car Wash	X	X	X	X	S	P	X	X	X	P	X	X	P	P	P	X	7.2.6.T
Funeral Home	X	X	X	P	P	P	X	X	X	P	P	P	P	P	X	X	7.2.6.U

Laundromat with Onsite Cleaning	X	X	X	S	P	P	P	X	X	P	X	P	P	P	P	X	7.2.6.V
Electronic Gaming Operations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	7.2.6.W
Day Care Center/Adult Care	S	S	S	S	P	P	X	X	X	P	X	X	P	P	X	P	7.2.6.X
Commercial Parking	X	X	X	S	P	P	P	X	X	P	P	P	P	P	P	P	7.2.6.Y
Commercial Parking Lot – Trucks, Trailers, Delivery Vehicles	X	X	X	X	X	S	P	P	X	P	X	X	X	X	X	X	7.2.6.Z
Event Center/Convention Center	X	X	X	X	X	P	X	X	X	P	X	S	S	S	S	X	7.2.6.AA

TABLE 7.1. - TABLE OF PERMISSIBLE USES

“P” = Permitted, “S” = Special Use Permit Required, “ ” (Blank Cell) = Prohibited

	Traditional Districts										Mixed-Use Districts						
Use Type	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	DC-MX	DG-MX	CC-MX1	CC-MX2	RC-MX	MD-MX	REFERENCE
Office/Medical Uses																	
Professional Office	X	X	X	P	P	P	P	X	P	P	P	P	P	P	P	P	7.2.7.A
Personal & Financial Services without Drive-Through	X	X	X	P	P	P	P	X	P	P	P	P	P	P	P	P	7.2.7.B
Personal & Financial Services with Drive-Through	X	X	X	P	P	P	P	X	X	P	P	P	P	P	P	P	7.2.7.C
Hospital	X	X	X	P	X	P	X	X	X	P	X	X	X	X	X	P	7.2.7.D
Medical/Dental Office	X	X	X	P	P	P	X	X	P	P	P	P	P	P	P	P	7.2.7.E
Rehabilitative Clinic	X	X	X	S	X	X	X	X	X	X	X	X	X	X	X	X	7.2.7.F

Animal Hospital/Veterinarian	X	X	X	P	S	P	X	X	X	P	P	P	P	P	P	P	7.2.7.G
TABLE 7.1. - TABLE OF PERMISSIBLE USES																	
“P” = Permitted, “S” = Special Use Permit Required, “ ” (Blank Cell) = Prohibited																	
	Traditional Districts										Mixed-Use Districts						
Use Type	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	DC-MX	DG-MX	CC-MX1	CC-MX2	RC-MX	MD-MX	REFEREN CE
Industrial Uses																	
Light Industrial & Manufacturing	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	7.2.8.A
Warehouse Distribution/Logistics	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	7.2.8.B
Wholesale Trade	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	7.2.8.C
Heavy Industrial	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	7.2.8.D
Recycling and Waste Related Services	X	X	X	X	X	X	S	P	X	X	X	X	X	X	X	X	7.2.8.E
Laundry or Dry Cleaning Plant	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	7.2.8.F
Mini-Warehouse/Self Storage	X	X	X	X	S	P	P	P	X	P	X	X	X	X	X	X	7.2.8.G
Warehouse & Storage	X	X	X	X	X	S	P	P	X	P	X	X	X	X	X	X	7.2.8.H
Outdoor Storage	X	X	X	X	X	S	P	P	X	X	X	X	X	X	X	X	7.2.8.I
Mining	S	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	7.2.8.J
Land Debris Storage	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	7.2.8.K

TABLE 7.1. - TABLE OF PERMISSIBLE USES																	
“P” = Permitted, “S” = Special Use Permit Required, “ ” (Blank Cell) = Prohibited																	
	Traditional Districts										Mixed-Use Districts						
Use Type	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	DC-MX	DG-MX	CC-MX1	CC-MX2	RC-MX	MD-MX	REFEREN CE
Other Uses																	
Animal Shelter/Kennel	S	X	X	X	X	S	P	X	X	X	X	X	X	X	X	X	7.2.9.A
Adult Oriented Business (Adult Establishment)	X	X	X	X	X	X	S	X	X	X	X	X	X	X	X	X	7.2.9.B
Agricultural Activities	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	7.2.9.C
Market & Produce Stands	S	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	7.2.9.D
Wireless Communication, Small Wireless Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 9
Wireless Communication, Limited Support Structure	P	P	P	P	P	P	P	P	P	P	X	X	P	P	P	P	Sec. 9
Wireless Communication, Minor Support Structure	S	S	S	S	S	P	P	P	X	P	X	X	P	P	P	p	Sec. 9
Wireless Communication, Major Support Structure	X	X	X	X	X	X	S	S	X	X	X	X	X	X	X	X	Sec. 9
Solar Farms	S	X	X	X	X	X	S	S	X	X	X	X	X	X	X	X	7.2.9.E
Airport	See Sec.6.5.																7.2.9.F
Rooftop Uses	X	X	X	X	X	S	X	X	X	X	S	S	X	X	X	P	7.2.9.G

7.2. PERMISSIBLE USE DEFINITIONS AND STANDARDS

7.2.1. PERMISSIBLE USE CATEGORIES

- A. **Grouping of Uses.** Uses have been grouped into residential, public, and institutional, commercial, office/medical, industrial, and other. To regulate use, categories of uses ("use categories") have been established. Use categories provide a systematic basis for assigning land uses to appropriate categories or zoning districts with other similar or compatible uses. Use categories classify land uses and activities based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the characteristics of customers or residents, how goods or services are sold or delivered, and certain site factors.

7.2.2. USE DETERMINATION

A. **Definitions.**

1. For the purpose of this Section, certain terms or words used in this Section shall be interpreted as follows:
 - a. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
 - b. The word "shall" is mandatory; the word "may" is permissive.
 - c. The words "used or occupied" include the words "intended, designed or arranged to be used or occupied."
 - d. The word "lot" includes the words "plot," "parcel" and "tract."
 - e. The word "structure" means anything constructed or erected, exceeding six (6) inches height, the use of which requires more or less a permanent location on land, or an addition to something having a permanent attachment to land.
 - f. The word "land" includes the words "water," "marsh" and "swamp."
2. Any word not specifically defined herein (also see Section 11 Definition of Terms) shall be interpreted as meaning its most commonly used definition.
 - a. The names of the use categories start with capital letters throughout this UDO.
 - b. The following use categories are defined in this division:
 - i. Residential
 - ii. Public and Institutional
 - iii. Commercial

- iv. Office/Medical
- v. Industrial
- vi. Other

7.2.3. CLASSIFICATION OF USES.

A. Considerations.

1. Uses are assigned to the category whose description most closely describes the nature of the primary use. The characteristics subsection of each use category describes the characteristics of each use category. Developments may have more than one (1) primary use. Developments may also have one (1) or more accessory uses. Developments with more than one (1) primary use are addressed in subsection (b) below. Accessory uses are addressed in subsection (c) below.
2. The following items are considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
 - a. The description of the activities in relationship to the characteristics of each use category;
 - b. The relative amount of site or floor space and equipment devoted to the activity;
 - c. Relative amounts of sales from each activity;
 - d. The customer type for each activity;
 - e. The relative number of employees in each activity;
 - f. Hours of operation;
 - g. Building and site arrangement;
 - h. Vehicles used with the activity;
 - i. The relative number of vehicle trips generated by the activity;
 - j. Signs;
 - k. How the use advertises itself; and
 - l. Whether the activity would be likely to be found independent of the other activities on the site.

B. Developments with Multiple Primary Uses. When all the primary uses of a development fall within one (1) use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a cafe would be classified in the retail sales and service category because all of the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

- C. **Accessory Uses.** Accessory uses are allowed by right in conjunction with the primary use unless stated otherwise in the regulations. Unless otherwise stated, accessory uses are subject to the same regulations as the primary use.
- D. **Examples.** Examples are listed for each definition. Examples are intended to provide a base for consideration of a similar use (if a similar use is not listed).
- E. **Unlisted Uses.** Uses Not Included are listed to exclude uses which may be commonly confused with another use. For uses not listed in Table 7.1, Table of Permissible Uses, not listed as a part of a use category or use type, and not listed as a prohibited use, the Director shall determine which use category or use type to which the use belongs in accordance with the following.
- a. The Director shall determine whether an unlisted use is similar to a use identified in Table 7.1, Table of Permissible Uses, based on consistency with the City's adopted policy guidance and the following standards:
 - i. The function, product, or physical characteristics of the use;
 - ii. The impact on adjacent lands created by the use;
 - iii. The type, size, and nature of buildings and structures associated with the use;
 - iv. The type of sales (retail, wholesale), and the size and type of items sold and displayed on the premises;
 - v. The types of items stored (such as vehicles, inventory, merchandise, chemicals, construction materials, scrap and junk, and raw materials including liquids and powders);
 - vi. The volume and type of vehicle traffic generated by the use, and the parking demands of the use;
 - vii. Any processing associated with the use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs inside or outside a building;
 - viii. Any dangerous, hazardous, toxic, or explosive materials associated with the use;
 - ix. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes; and
 - x. Any prior determinations made by the Director or decisions made by City Council or appointed City boards.

- b. The Director's decision and explanation shall be made in writing, shall state the determination is final and subject to appeal as provided in Section 3 Administration, and shall be delivered by personal service, electronic mail, or by first class mail to the applicable parties. A written determination shall be binding on subsequent decisions by the Director or other administrative officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the determination is modified in accordance with this section, or the text of this Ordinance is amended. The Director shall maintain a record of written determinations that shall be available in the Planning and Development Department for public inspection, on reasonable request, during normal business hours.
 - c. After the Director determines the use category or use type in which the unlisted use is best classified, then the unlisted use shall be subject to all applicable requirements of that use category or use type. The Director shall also determine whether the unlisted use is likely to be common or recur frequently, and whether its omission is likely to lead to uncertainty and confusion. On determining that the unlisted use is likely to be common and would lead to confusion if unlisted, the Director shall initiate an application for a text amendment. Until final action is taken on the text amendment, the Director's decision shall be binding. If the Director determines that the unlisted use is of an unusual or transitory nature, and unlikely to recur frequently, the determination shall be binding without further action or amendment of this Ordinance.
 - d. An appeal of the Director's determination with regard to an unlisted use may be made in accordance with Section 3.4.11: Appeals.
- F. **Use Standards.** Use standards for a particular use may be found in the information in the following sections.

7.2.4. RESIDENTIAL USES

A. Single Family Detached

- 1. **Characteristics.** A building containing only one (1) dwelling unit, to be occupied by one (1) family. For regulatory purposes, the term is not to be construed as including mobile homes, recreational vehicles, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.
- 2. **Accessory Uses.** Accessory uses commonly found are recreational facilities, parking of motor vehicles for the occupants, piers, and docks, and accessory

structures such as a garage or shed. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.

3. Examples. Examples include single family homes and modular homes on a variety of lot sizes and types.
4. Uses Not Included.
 - a. Lodging where tenancy is arranged for one (1) week or less is considered a form of transient lodging (see commercial categories).
5. Use Standards
 - a. All accessory and uses shall be clearly incidental to permitted principal use. All accessory buildings and pools shall be located in a side or rear yard.

B. Townhouse/Attached Single Family

1. Characteristics. A building that may be attached or semi attached, consisting of dwelling units, each dwelling unit typically owned by separate ownership. For regulatory purposes, the term is not to be construed as including mobile homes, recreational vehicles, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.
2. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of motor vehicles for the occupants, piers and docks, and accessory structures such as a garage or shed. Home occupations may also be permitted as an accessory use including family adult care, up to six (6) residents.
3. Examples. Examples include townhouses, villas, or attached single family.
4. Uses Not Included.
 - a. Lodging where tenancy is arranged for one (1) week or less is considered a form of transient lodging (see commercial categories).
5. Use Standards.
 - a. All accessory and uses shall be clearly incidental to permitted principal use. All accessory buildings and pools shall be located in a side or rear yard.

C. Duplex/Triplex/Quadplex

1. Characteristics. A building containing up to four dwelling units, usually under single ownership, consolidated into a single structure. A duplex/triplex/quadplex is typically on a single lot and contains common walls. For regulatory purposes, the term is not to be construed as including mobile homes, recreational vehicles,

travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.

2. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of motor vehicles for the occupants, piers and docks, and accessory structures such as a garage or shed.
3. Examples. Examples include multiple family homes on a variety of lot sizes and types, such as a duplexes, triplexes, and quadplexes.
4. Uses Not Included.
 - a. Lodging where tenancy is arranged for one (1) week or less are considered to be a form of transient lodging (see commercial categories).
5. Use Standards
 - a. Development consisting of only duplex(es) are not permitted on lots greater than three (3) acres.
 - b. Lot width must be 1.5x the required minimum width of the base zoning district requirement for any duplex/triplex/quadplex.
 - c. Lot size must be 1.5x the required minimum lot size of the base zoning district requirement for any duplex/triplex/quadplex.
 - d. All accessory uses shall be clearly incidental to permitted principal use. All accessory buildings and pools shall be located in a side or rear yard.
 - e. Duplexes on corner lots shall be designed in a way that each unit fronts on a different street.
 - f. Each unit in the duplex shall have a separate entrance and separate drive.
 - g. Duplexes in the South Monroe Historic District shall only be allowed on corner lots.

D. Multifamily

1. Characteristics. Multifamily dwelling units are characterized by a building that contains more than four dwelling units. This definition includes condominiums or multifamily apartments. Tenancy is arranged for periods longer than one (1) week. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the commercial categories). Condominiums, apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as multifamily dwellings.
2. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of motor vehicles for the occupants and guests, piers and docks, and accessory structures such as a garage or shed.

3. Examples. Uses include living in apartments, condominiums, retirement center, and apartments.
4. Uses Not Included.
 - a. Lodging where tenancy is arranged for one (1) week or less are considered to be a form of transient lodging (see the commercial categories).
5. Use Standards.
 - a. All multi-family developments shall be required to provide bulk waste containers such as dumpsters or trash compactors.
 - b. All multi-family developments with fifty (50) or more units shall be required to provide a bulk trash compactor. All developments shall provide recycling service and containers.

E. Upperstory Residential

1. Characteristics. Upperstory residential units are characterized by a building that contains a separate use on the bottom floor, and dwelling units on the floors above. This definition includes condominiums and multifamily apartments that feature a separate use on the bottom floor. Tenancy is arranged for periods longer than one (1) week. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered to be a form of transient lodging (see the commercial categories).
2. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of autos for the occupants, piers and docks. Home occupations may also be permitted as an accessory use including family adult care, up to 6 residents. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
3. Examples. Uses include mixed-use buildings featuring a separate use on the bottom floor, with residential above. May include apartments and condominiums.
4. Uses Not Included.
 - a. Lodging where tenancy is arranged for one (1) week or less are considered to be a form of transient lodging (see the commercial categories).

F. Manufactured Home

1. Characteristics. Manufactured homes are built on an integral chassis, with or without permanent foundation, and are used as a dwelling unit. Manufactured homes are subject to any State standards for safety and occupancy.
2. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of motor vehicles for the occupants, piers and docks, and accessory structures such as a garage or shed. Home occupations may also be permitted as

an accessory use including family adult care, up to six (6) residents. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.

3. Examples. Examples include any type of park model or travel trailer designed as a dwelling unit, built on an integral chassis, with or without permanent foundation. This term includes mobile homes, park trailers, travel trailers and similar transportable structures intended to be improved property.

G. Residential Care (ALF, ILF, CCF)

1. Characteristics. ALF (Assisted Living Facility), ILF (Independent Living Facilities), CCF (Convalescent Care Facilities) provide residential facilities with on-site 24-hour medical care for seniors. This use category describes building or buildings, section or distinct part of a building, private 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, and one (1) or more personal services for a period exceeding 24 hours to one (1) or more adults who are not relatives of the owner or administrator. This includes nursing homes.
2. Accessory Uses. Accessory uses commonly found are recreational activities, cafeteria, café, dining hall, hobbies, parking of the occupants' vehicles, facilities for staff.
3. Examples. Uses include living in nursing homes, skilled nursing facilities, assisted living facilities, convalescent care facilities, and other senior living facilities.
4. Uses Not Included.
 - a. Lodging where tenancy is arranged for one (1) week or less are considered to be a form of transient lodging (see commercial categories).
5. Use Standards.
 - a. Residential care facilities are permitted a number of rooming units equal to two (2) times the density of the applicable district. For example, if ten (10) units per acre are allowed, the residential care facility may have twenty (20) rooming units.
 - b. Structures shall demonstrate a pedestrian circulation plan, including internal walkways, and shall include provisions for alternative transportation options for residents of the facility.
 - c. Residential care facilities shall be designed and used to serve its residents and their guests only.

H. Family Care Home

1. **Characteristics.** As defined in G.S. 131D-2.1(9) and G.S. 160D-907, a family care home is an adult care home having two (2) to six (6) residents with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for persons with disabilities. A person with a disability is 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. In accordance with G.S. 131D-2.1(9), the structure of a family care home may be no more than two (2) stories high, and none of the aged or physically disabled persons being served there may be housed in the upper story without provision for two (2) direct exterior ground-level accesses to the upper story. Family care homes may not be within one-half (1/2) mile radius from another existing family care home.
2. **Accessory Uses.** Accessory uses commonly found are recreational activities, hobbies, and parking of the occupants' vehicles.
3. **Examples.** Uses include a dwelling unit designed to provide room, board, and care for six or fewer persons in a family environment.
4. **Uses Not Included.** Halfway houses or facilities designed to care for those who may be a harm to themselves or others (see Social Services).

I. Board House/Rooming House

1. **Characteristics.** A facility with lodging for one (1) or more persons in a group that does not constitute a single housekeeping unit.
2. **Accessory Uses.** Accessory uses commonly found are recreational activities, hobbies, and parking of the occupants' vehicles.
3. **Examples.** Uses include a boarding house, rooming house, fraternity or sorority.
4. **Uses Not Included.**
 - a. Rehabilitation of adults or juvenile offenders sentenced by a court (see correctional facility).
 - b. Short term rentals, including Airbnb, VRBO, etc.
5. **Use Standards.**
 - a. Total number of individuals occupying a board house/rooming house shall not exceed six (6).
 - b. No exterior advertising of the board house/rooming house except a one (1) unlit sign not to exceed two (2) square feet in area.

J. Student Housing

1. Characteristics. A multifamily facility intended for the exclusive use of students or employees of a school or medical campus.
2. Accessory Uses. Accessory uses commonly found are private recreational facilities and parking of the occupants' vehicles.
3. Examples. Uses include a dormitory or exclusive-use multifamily apartments.

K. Group Homes – 24 Hour Service, Less Than 6 Persons

1. Characteristics. A mental health facility providing twenty-four (24) hour services for less than six (6) unrelated persons who are at risk, including battered individuals, pregnant women and their children, runaway children, temporarily or permanently disabled mentally, emotionally or physically persons, persons recovering from drug or alcohol abuse and all other persons who possess a disability that are protected by the provisions of either the Americans with Disabilities Act or State law, along with family members and support and supervisory personnel. The use also includes facilities licensed under Chapter 122C of the North Carolina General Statutes that provide residential services.
2. Accessory Uses. Accessory uses commonly found with residential uses including open space, playgrounds, outdoor areas, parking of occupant's vehicles.
3. Use Standards.
 - a. A resident manager must permanently reside on the premise.
 - b. The State licensed group home must have all appropriated licensure by federal or State government.

L. Group Homes – 24 Hour Service, 6 Persons or More

1. Characteristics. A mental health facility providing twenty-four (24) hour services for six (6) or more unrelated persons who are at risk, including battered individuals, pregnant women and their children, runaway children, temporarily or permanently disabled mentally, emotionally or physically persons, persons recovering from drug or alcohol abuse and all other persons who possess a disability that are protected by the provisions of either the Americans with Disabilities Act or State law, along with family members and support and supervisory personnel. This use also includes facilities licensed under Chapter 122C of the North Carolina General Statutes that provide residential services.
2. Accessory Uses. Accessory uses commonly found with residential uses including open space, playgrounds, outdoor areas, parking of occupant's vehicles.
3. Use Standards.
 - a. A resident manager must permanently reside on the premise.

- b. The State licensed group home must have all appropriated licensure by federal or State government.

7.2.5. PUBLIC AND INSTITUTIONAL USES

A. Schools (Elementary/Middle)

1. Characteristics. This category includes public and private schools at the primary, kindergarten, elementary, middle, or junior high level, that provide state mandated basic education. Students are not expected to be of driving age.
2. Accessory Uses. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare.
3. Examples. Examples include public and private daytime schools, boarding schools and military academies.
4. Uses Not Included.
 - a. Preschools are classified as daycare uses.
5. Use Standards.
 - a. Must meet the curricular teaching certification of instruction approved by the State Board of Education.
 - b. All mobile classrooms shall be located in rear yards. The Director may approve the placement in side or front yards if placement in the rear cannot be accommodated.

B. Schools (High/Senior)

1. Characteristics. This category includes public and private schools at high school or senior level, that provide state mandated basic education. Some students are expected to be of driving age and use their own vehicle to come to and from the school.
2. Accessory Uses. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare.
3. Examples. Examples include public and private daytime schools, high schools, boarding schools and military academies.
5. Use Standards.
 - a. Must meet the curricular teaching certification of instruction approved by the State Board of Education.
 - b. All mobile classrooms shall be located in rear yards. The Director may approve the placement inside or front yards if placement in the rear cannot be accommodated.

C. University, College, and Vocational Schools

1. Characteristics. Universities, colleges, or vocational schools are higher learning establishments that provide post public school (including associate, bachelor, graduate, doctoral), vocational, and technical degrees and skills.
2. Accessory Uses. Accessory uses may include associated offices, parking, cafeteria, facilities such as a cafeteria, fitness facility, on and off campus dormitories owned and operated by the school, and on campus.
3. Examples. Examples include a trade school, secondary education, career center, vocational college, college, university, satellite campus or satellite branch of a university, college, or vocational school.
4. Use Standards.
 - a. All activities associated with a vocational school (or trade school) that cause excess noise or nuisance shall be within a completely enclosed building.
 - b. University, college, or vocational schools may occur in existing buildings suitable for commercial activity, such as a shopping center.

D. Civic and Private Clubs, Minor - Less Than 15,000 SF or 150 Person Membership

1. Characteristics. Smaller scale civic uses, including public or nonprofit nature generally providing a local service to people of the community. Also includes private club uses including facilities used by a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and constitution and by-laws. Facilities may contain one (1) or more buildings and structures operated only for the benefit of its members and their guests.
2. Accessory Uses. Accessory uses may include offices, meeting areas, food preparation areas, parking, and cafes.
3. Examples. Libraries, museums, non-profit or public community centers, public amenity centers, and private clubs such as fraternal organizations and orders.
4. Uses Not Included.
 - a. Commercial museums, classified as general retail.
 - b. Parks, classified as open space/parks.
 - c. Event centers or convention centers catering to outside groups or audiences.
 - d. Health and fitness facilities (i.e. commercial gym, see indoor recreation).

E. Civic and Private Clubs, Major – Greater Than 15,000 SF or 150 Person Membership

1. Characteristics. Larger scale civic uses, including public or nonprofit nature generally providing a local service to people of the community. Also includes private club uses including facilities used by a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and constitution and by-laws. Facilities may contain one (1) or more buildings and structures operated only for the benefit of its members and their guests.
2. Accessory Uses. Accessory uses may include offices, meeting areas, food preparation areas, parking, and cafes.
3. Examples. Libraries, museums, non-profit or public community centers, public amenity centers, and private clubs such as fraternal organizations and orders.
4. Uses Not Included.
 - a. Commercial museums, classified as general retail.
 - b. Parks, classified as open space/parks.
 - c. Event centers or convention centers catering to outside groups or audiences.
 - d. Health and fitness facilities (i.e. commercial gym, see indoor recreation).

F. Correctional Facility

1. Characteristics. A private or government establishment primarily engaged in managing and operating correctional institutions. This establishment is designed for the confinement, correction, and rehabilitation of adult or juvenile offenders sentenced by a court.
2. Accessory Uses. Accessory uses include offices, meeting rooms, cafeteria facilities designed for the use of workers or inmates.
3. Examples. Examples may include a correctional institution, penitentiary, detention center, prison, and a jail.

G. Essential Services and Public Utilities (Excluding Regional Utility Services)

1. Characteristics. Public or private infrastructure serving a limited area possibly having limited on-site personnel. Basic utilities are infrastructure services that need to be located in or near the area where the service is provided. Services may be public or privately provided. All public safety facilities (i.e. fire and police stations) are essential services.

2. Accessory Uses. Accessory uses may include parking; control, monitoring, data, or transmission equipment; and holding cells within a police station.
3. Examples. Examples include water and sewer pump stations; electrical substations; telephone exchanges; bus stops or turn arounds, post office, public safety facilities including fire and police stations, and emergency communication broadcast facilities.
4. Uses Not Included.
 - a. Utility offices where employees and customers are generally present are classified as offices.
 - b. Bus and light rail barns are classified as regional utility facility.

H. Regional Utility Facility

1. Characteristics. Public or private infrastructure serving a regional area. Regional utility uses may have regular employees at the site. Services may be public or privately provided. Because of the intensity of use, these uses must have a special use permit.
2. Accessory Uses. Accessory uses may include parking; control, monitoring, data, or transmission equipment; and holding cells within a police station.
3. Examples. Examples include water towers and reservoirs; regional stormwater retention and detention facilities, transit centers, park-and-ride facilities for mass transit, other intense regional uses which should go through the special use permit process in residential districts to help mitigate any incompatibilities.

I. Open Space/Parks

1. Characteristics. Open space and parks are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
2. Accessory Uses. Accessory uses may include clubhouses, maintenance facilities, concessions, caretaker's quarters, covered pavilions and parking.
3. Examples. Examples include parks, public squares, plazas, recreational trails, botanical gardens, boat launching areas, and nature preserves.

K. Religious Institutions

1. Characteristics. Religious institutions are intended to primarily provide meeting areas for religious activities.
2. Accessory Uses. Accessory uses include Sunday school facilities, parking, kitchens/cafeterias, recreation areas, offices, meeting rooms, and caretaker's housing.
3. Examples. Examples include churches, temples, synagogues, and mosques.

7.2.6. COMMERCIAL USES

A. General Retail Sales, Less Than 10,000 Square Feet

1. Characteristics. General retail and services establishments are involved in the sale, lease or rent of new or used products and services at the neighborhood level. Generally, general retail less than 10,000 square feet is localized retail meant to serve the needs of an immediate area.
2. Accessory Uses. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.
3. Examples. Establishments selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos; food sales, photographic studios; and photocopy and blueprint services.
4. Uses Not Included.
 - a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as light industrial and manufacturing.
 - b. Sales of landscape materials, including bark chips and compost, is classified as light industrial and manufacturing.
 - c. Sales, rental, or leasing of heavy trucks and equipment is classified as light industrial and manufacturing.

B. General Retail Sales, 10,000 to 25,000 Square Feet

1. Characteristics. General retail and services establishments are involved in the sale, lease or rent of new or used products and services at the neighborhood level. Generally, general retail less than 25,000 square feet is neighborhood level retail meant to serve the needs of a neighborhood area.
2. Accessory Uses. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.
3. Examples. Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos; food sales, photographic studios; photocopy and blueprint services

4. Uses Not Included.
 - a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as light industrial and manufacturing.
 - b. Sales of landscape materials, including bark chips and compost, is classified as light industrial and manufacturing.
 - c. Sales, rental, or leasing of heavy trucks and equipment is classified as light industrial and manufacturing.

C. General Retail Sales, 25,000 to 100,000 Square Feet

1. Characteristics. General retail and services establishments are involved in the sale, lease or rent of new or used products and services at the neighborhood level. Generally, general retail of 25,001 to 100,000 feet is community level retail meant to serve the needs of several neighborhoods.
2. Accessory Uses. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.
3. Examples. Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos; food sales, photographic studios, and photocopy and blueprint services.
4. Uses Not Included.
 - a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as light industrial and manufacturing.
 - b. Sales of landscape materials, including bark chips and compost, is classified as light industrial and manufacturing.
 - c. Sales, rental, or leasing of heavy trucks and equipment is classified as light industrial and manufacturing.

D. General Retail Sales, 100,000 or Greater Square Feet

1. Characteristics. General retail and services establishments are involved in the sale, lease or rent of new or used products and services at the neighborhood level. Generally, retail of this magnitude features regional commercial retail options.
2. Accessory Uses. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.
3. Examples. Large retail stores, shopping malls, and shopping plazas.

4. Uses Not Included.
 - a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as light industrial and manufacturing.
 - b. Sales of landscape materials, including bark chips and compost, is classified as light industrial and manufacturing.
 - c. Sales, rental, or leasing of heavy trucks and equipment is classified as light industrial and manufacturing.

E. Personal Services

1. Characteristics. Establishments that cater to personal services for a community. May also provide personal services or entertainment or provide product repair or services for consumer and business goods.
2. Accessory Uses. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.
3. Examples. Examples include barbers, hair salons, nail salons, tanning facilities, day spa, personal care services, animal grooming, product repair or services for consumer and business goods (i.e. computer repair shop, watch repair).

F. Lodging - Hotel and Motel

1. Characteristics. Transient accommodation units arranged for short term stays of less than thirty (30) days for rent or lease. This does not include patient transient accommodations, shelters for the homeless or short-term rentals.
2. Accessory Uses. Ancillary indoor storage, associated office, bar or tavern, food preparation and dining facility, laundry facility, meeting facility, off-street parking, restaurant, swimming pool, other recreational facility.
3. Examples. Examples include hotels and motels.
4. Uses Not Included.
 - a. Short term rentals.

G. Lodging - Bed and Breakfast

1. Characteristics. A transient accommodation that is a house (or portion of a house) where lodging rooms and meals are provided on a daily or weekly basis.
2. Accessory Uses. Ancillary indoor storage, associated office, food preparation and dining facility, off-street parking, restaurant, swimming pool, other recreational facility.
3. Uses Not Included.
 - a. Short term rentals.

H. Tattoo and Piercing Establishment

1. Characteristics. Any establishment in which tattooing or piercing is carried out.
2. Accessory Uses. Accessory uses may include ancillary indoor storage, associated office, limited retail sales of items relating to tattoos or piercings.

I. Fortune Telling

1. Characteristics. Any establishment which performs the act of predicting a person's future by using palmistry, a crystal ball, or similar methods.
2. Accessory Uses. Accessory uses may include ancillary indoor storage and associated office space.

J. Indoor Recreation

1. Characteristics. Commercial uses providing daily or regularly scheduled recreation-oriented activities in an indoor setting.
2. Accessory Uses. Accessory uses include ancillary indoor storage, associated office, concession, dining area or cafeteria, pro-shop and limited sales of goods related to on-site activities.
3. Examples. Examples include indoor entertainment activity such as a pool hall, bowling alley, health and fitness facilities, indoor sports facility, gymnastic facility, karate, indoor shooting range, dance studio, movie theater or indoor theater.

K. Outdoor Recreation

1. Characteristics. Uses which provide recreation-oriented activities predominately outdoors. May vary in size and feature generally commercial uses.
2. Accessory Uses. Accessory uses include ancillary indoor storage, associated office, concession, dining area or cafeteria, pro-shop and limited sales of goods related to on-site activities.
3. Examples. Examples include drive-in theater, campground, extreme sports facility such as paintball or BMX, shooting range, stadium, arena, and golf course.
4. Use Standards.
 - a. If the outdoor entertainment involves any projectiles, berms or backstops are required at the perimeter boundary of the activity to ensure safety to off-site areas.
 - b. No associated outdoor features shall be located between the front façade of the building and the street fronting the lot.
 - c. The use requested to be conducted shall not have adverse effects without mitigation techniques including (but not limited to) stormwater, dust, odor, smoke, vibration, lighting, or noise.

L. Restaurant

1. Characteristics. Establishments that prepare and sell food for on-premises consumption or off-premises consumption. Includes a customer service area consisting of tables, chairs, or customer counters.
2. Accessory Uses. Ancillary indoor storage, associated office, deck, patio for outdoor seating or dining and entertainment, parking, valet parking facility, bar seating, and limited catering.
3. Examples. Examples include sit down restaurants such as a diner, café, or fine dining restaurants.
4. Uses Not Included.
 - a. Drive-throughs are classified in Restaurant with Drive-Through.

M. Restaurant with Drive-Through

1. Characteristics. Establishments that prepare and sell food for on-premises consumption or off-premises consumption including a drive-through. Includes a customer service area consisting of tables, chairs, or customer counters.
2. Accessory Uses. Ancillary indoor storage, associated office, deck, patio for outdoor seating or dining, parking, valet parking facility, bar seating, limited catering.
3. Examples. Examples include fast food restaurants and any restaurant featuring a drive-through lane.
4. Use Standards.
 - a. Drive-through windows, speaker boxes, and ordering stations shall not be adjacent to any residential use or district.
 - b. Outdoor speakers associated with a drive-through shall be at least fifty (50) feet from any property line.
 - c. Menu boards shall be a maximum of thirty-two (32) square feet.
 - d. Drive-throughs shall comply with the standards of Section 8.4.5: Stacking Requirements.
 - e. Streetwalls are required at the boundaries of drive aisles along drive-through lanes. Streetwalls shall meet the requirements of Section 8.7.4.6: Pedestrian Considerations.

N. Bar/Tavern/Nightclub

1. Characteristics. Any business or commercial establishment which is devoted primarily to the retailing and on-premises consumption of alcoholic beverages (not made on-site) and which is licensed by the state to dispense or sell alcoholic beverages. May be subject to locational requirements.

2. Accessory Uses. Selling of food, ancillary indoor storage, associated office, deck, patio for outdoor seating or dining and entertainment, parking, valet parking facility.
3. Examples. Bars, taverns, cocktail lounges.

O. Microbrewery/Winery/Distillery

1. Characteristics. Any business or commercial establishment which is devoted primarily to the production of beer, malt beverages, wine or spirits for distribution, retail, or wholesale. May be subject to locational requirements.
2. Accessory Uses. Tasting room, selling of food, ancillary indoor storage, associated office, deck, patio for outdoor seating or dining and entertainment, parking, valet parking facility.
3. Examples. Bars, taverns, cocktail lounges.

P. Car, Boat, Other Vehicle Sales & Rentals

1. Characteristics. Establishments that are involved with the sale or lease of motor vehicles (including but not limited to cars and boats), renting of motor vehicles, and display of these motor vehicles.
2. Accessory Uses. Accessory uses may include ancillary indoor storage, associated office, showroom, vehicle fueling (for vehicles for sale or lease, not open to the general public), car wash (for vehicles for sale or lease, not open to the general public), and limited retail sales of items associated with motor vehicles.
3. Examples. Examples include but are not limited to car dealerships, boat dealerships, motor vehicle dealerships dealing in recreational vehicles, car rental establishments, moving vehicle rental establishments.
4. Use Standards.
 - a. Minimum lot size for car, boat, other vehicle sales and rental establishments shall be two (2) acres.
 - b. Vehicle display areas shall not be raised above general topography of the site.
 - c. Vehicle display areas with frontage along a street right-of-way shall include an additional ten (10) foot landscaped buffer. Vehicles shall not be displayed in any required buffer.

Q. Minor Vehicle Service & Vehicle Part Sales

1. Characteristics. Minor vehicle service establishments are involved with the body detailing, mechanical repairs, or the painting of automotive vehicles. These repairs should be minor in nature and any services rendered on site should be minor in nature as well.

2. Accessory Uses. Accessory uses may include limited sale of parts or vehicle accessories, towing, associated office, parking, repackaging of goods for on-site sale or use.
3. Examples. Examples of services to be rendered include quick service such as (but not limited to) lubrication, battery sales and installation, auto detailing, minor scratch and dent repair, tire alignment, and fluid replacement.
4. Use Standards.
 - a. No stockpiling of parts or salvaging of vehicle parts.
 - b. If located in the GB district or abutting a residential use, a landscape buffer with buffer intensity of 2 shall be provided.
 - c. No storage of impounded vehicles in front yard.
 - d. All storage of vehicles shall be fenced and prevented from view.
 - e. A minimum lot size of 20,000 square feet is required.

R. Major Vehicle Service

1. Characteristics. Facility dealing in more than minor vehicle service as defined. Major vehicle service includes an auto body shop, repair of motor vehicles components such as engines and transmission.
2. Accessory Uses. Accessory uses may include (but are not limited to) associated office, ancillary indoor storage, towing, outdoor storage of vehicles.
3. Examples. Examples include auto collision repair shops and paint shops.
4. Use Standards.
 - a. If located in the GB district or abutting a residential use, a landscape buffer with buffer intensity of 2 shall be provided.
 - b. No stockpiling of parts or salvaging of vehicle parts.
 - c. No storage of impounded vehicles.
 - d. All storage of vehicles shall be fenced and prevented from view.
 - e. A minimum lot size of 20,000 square feet is required.

S. Convenience Store with Fuel Pumps

1. Characteristics. Convenience stores with fueling stations are involved in the retail sale of fuel for motor vehicles, and convenience items including but not limited to food, beverages, tobacco products, and other similar products as its primary sales.
2. Accessory Uses. Accessory uses may include offices, storage or repackaging of goods for on-site sale, parking, and car wash.
3. Examples. Motor vehicle fuel stations with one (1) or more fuel pump selling fuel for motor vehicles and selling items which generally serve the day-to-day retail needs of travelers (e.g. gas station).

4. Uses Not Included.
 - a. General retail stores as defined above.
 - b. Sales of landscape materials, including bark chips and compost, is classified as light industrial.
 - c. Sales, rental, or leasing of heavy trucks and equipment is classified as light industrial.
5. Use Standards.
 - a. All car washing, waxing, machine powered drying shall be in an enclosed building. Hand washing and drying may be conducted outside of an enclosed building.

T. Car Wash

1. Characteristics. Car washes are involved with a commercial activity used primarily for the washing of motor vehicles, providing car washing and car cleaning services, either full or self- service. A car wash is a free-standing use and does not include fueling stations.
2. Accessory Uses. Accessory uses may include offices, parking, retail sales of items associated with the cleaning of motor vehicles.
3. Examples. Car Wash examples include full service, self-service facilities which may or may not include an automatic car wash.
4. Uses Not Included.
 - a. Vehicle service or motor vehicle repair is classified as Car, Boat, Other Vehicle Sales and Rentals (with accessory service).
5. Use Standards.
 - a. All washing, waxing, machine powered drying shall be in an enclosed building. Hand washing and drying may be conducted outside of an enclosed building.

U. Funeral Home

1. Characteristics. A facility used for the preparation of the deceased and the display of the deceased, connected to human funeral services. The facility may include space and facilities for embalming and preparation of the dead for burial, performance of autopsies, the storage of caskets and funeral supplies.
2. Accessory Uses. Accessory uses may include ancillary indoor storage, associated office, parking, storage of funeral vehicles, crematorium meeting all related laws and regulations.

V. Laundromat with Onsite Cleaning

1. Characteristics. Laundromat with onsite cleaning establishments offer the renting of equipment, on-site, for the cleaning and washing of laundry to individual customers. May also provide limited dry-cleaning. Laundromat with onsite cleaning is intended to offer small scale facilities and not a wholesale or industrial level facility for mass cleaning of laundry.
2. Accessory Uses. Accessory uses may include ancillary indoor storage, associated office, parking.
3. Uses Not Included
 - a. Wholesale laundry cleaning facilities (see Laundry or Dry-Cleaning Plant under industrial uses).

W. Electronic Gaming Operations

1. Characteristics. Electronic gaming operations shall occur in an electronic gaming operation establishment and shall be a principal, not accessory, use.
2. Standards.
 - a. Shall not be located within four-hundred (400) feet (determined by straight line and not street distance) from any other electronic gaming operation as measured by horizontal distance from the closest building exterior walls of each.
 - b. No electronic gaming operation establishment shall be located within four-hundred (400) feet (determined by straight line and not street distance) of the closest boundary line of any residential zoning district, or of any point on the closest property line of school, residence, public park, daycare or religious use as measured by a horizontal distance from closest point on the closest building exterior wall of the electronic gaming operation.
 - c. No electronic gaming operations establishment shall exceed 3,000 square feet in size.
 - d. No electronic machines and devices shall be used for sweepstakes games as defined in G.S. 14-306.4.
 - e. All local, state, and federal laws shall be met.
 - f. All electronic gaming operations must be approved by City Council.

X. Daycare Center/Adult Care

1. Characteristics. An establishment for the daycare of children or adults in a commercial use setting. May not be twenty-four (24) hour care (see Family Care Home). Child daycare centers shall comply with the standards in Article 7, Chapter 110, of the North Carolina General Statutes. All requirements, licenses and permits from the State shall be met.

2. Accessory Uses. Accessory uses may include ancillary indoor storage, associated office, parking, cafeteria.
3. Use Standards.
 - a. Areas dedicated for drop off and pick up must be included for any site plan or permit request for a daycare center/adult care.

Y. Commercial Parking Lots & Structures

1. Characteristics. Parking area or structure which is available to the public, but may also be used to accommodate employees, customers, and clients. No extended parking beyond overnight parking is permitted unless associated with transportation facilities such as an airport, rail, or bus terminal.
2. Accessory Uses. Valet parking.
3. Examples. Examples include a commercial parking lot and a parking garage.
4. Uses Not Included.
 - a. Outdoor storage of vehicles, boats, other vehicles, machinery, or equipment (see outdoor storage).
 - b. Trucks, trailers, delivery vehicle parking.
5. Use Standards.
 - a. In an effort to promote mixed-use, a parking structure (such as a parking garage) may feature additional accessory uses such as first floor retail, or rooftop amenities such as a restaurant, if the underlying zone district allows for the accessory use as a permitted right.

Z. Commercial Parking Lot – Trucks, Trailers, Delivery Vehicles

1. Characteristics. Parking area dedicated for the parking of vehicles (trucks, trailers, delivery vehicles, etc.) associated with deliveries and logistics. Parking may be provided for overnight and weekends.
2. Examples. Examples include parking lots dedicated for delivery vehicles for e-commerce facilities, interstate travel, etc.

AA. Event Center/Convention Center

1. Characteristics. Venues or facilities used by a group of people for temporary events such as conferences, sports, weddings, event halls, concerts, or similar events.
2. Accessory Uses. Accessory uses include offices; meeting rooms; indoor restaurant; bar; lounge; cabanas; boat docks; parking; indoor or outdoor recreation such as: swimming pools, tennis courts, fitness center, sauna, and other similar facilities.

3. Examples. Examples may include a convention center, coordinate wedding and banquet halls, sports stadium, or concert hall.
4. Uses Not Included.
 - a. Any fraternal organization, community centers and private clubs (see civic and private club);
 - b. Halls or rooms available to rent from public safety facilities including fire and police stations.
5. Use Standards.
 - a. Landscape buffer with a buffer intensity of 3 shall be established along any side of the property abutting any residential use or public right-of-way.

7.2.7. OFFICE AND MEDICAL USES

A. Professional Office.

1. Characteristics. A building, or portion of a building, wherein activities are performed involving predominately administrative, record keeping, professional, and/or clerical operations and, where in the case of professions such as dentists, physicians, lawyers or engineers, the facility where such professional services are rendered.
2. Accessory Uses. Accessory uses may include cafeterias, day care facilities, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
3. Examples. Examples include professional services such as lawyers, government offices, social service facilities, accountants, engineers, or architects; real estate agents; travel agencies, employment agencies, data processing; sales offices; and TV and radio studios.
4. Uses Not Included.
 - a. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity.
 - b. Contractors and others who perform services off-site are included in the office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

B. Financial Services without Drive-Through

1. Characteristics. Office uses are characterized by activities conducted in an office setting and generally focusing on personal or financial services. No drive-through.

2. Accessory Uses. Accessory uses may include cafeterias, day care facilities, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
3. Examples. Bank, financial institution, credit union.

C. Financial Services with Drive-Through

1. Characteristics. Office uses are characterized by activities conducted in an office setting and generally focusing on personal or financial services. Drive-throughs are permitted.
2. Accessory Uses. Accessory uses may include cafeterias, day care facilities, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
3. Examples. Bank, financial institution, credit union featuring a drive-through.
4. Use Standards.
 - a. Drive-through windows, speaker boxes, and ordering stations shall not be adjacent to any residential use or district.
 - b. Drive-throughs shall be designed to incorporate similar architectural features and building elements as the principal building.
 - c. A bypass lane is required to ensure free flow of traffic.
 - d. A minimum two (2) stacking spaces shall be provided for drive through windows.
 - e. Drive-through shall be designed so as not to obstruct the movement of pedestrians along sidewalks or between the building entrance and customer parking spaces.

D. Hospital

1. Characteristics. An establishment which primarily engages in providing medical treatment, including (but not limited to) diagnostic services, surgical services, as well as continuous nursing services. The facility may feature emergency room care and ambulatory care.
2. Accessory Uses. Accessory uses may include cafeterias, day care facilities, health facilities, parking, pharmacy, or other amenities primarily for the use of employees.
3. Examples. Examples may include a hospital, freestanding emergency room with ambulatory care, detoxification centers.
4. Uses Not Included.

- a. Medical office, private doctor office, dental office, urgent care (immediate care) facility without ambulatory care (classified as Medical/Dental Office).
- 5. Use Standards.
 - a. Drive up lanes for ambulances shall not be located within one-hundred (100) feet of a residential use.
 - b. Landscape buffer of buffer intensity 3 must be provided when abutting a residential use.
 - c. Emergency vehicle entrance shall not be located across the street from a residential use or residential zoning district.

E. Medical/Dental Office.

- 1. Characteristics. A facility engaged in the examination, diagnosis and treatment of medical chiropractic, ophthalmologic, dental, and pediatric or other health care patients; includes administrative and clerical operations of the practice; does not include overnight facilities for patients.
- 2. Accessory Uses. Accessory uses may include cafeterias, day care facilities, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- 3. Examples. Examples include medical and dental clinics, medical and dental labs, urgent care facilities without ambulatory care, outpatient facilities without ambulatory care; and blood-collection facilities.

F. Rehabilitative Clinic

- 1. Characteristics. A facility engaged in the care and treatment for psychiatric, alcohol and/or drug problems where patients are residents and require more than an overnight stay.
- 2. Accessory Uses. Accessory uses may include associated office, parking, cafeterias, health facilities, staff residences located on site for continuous care.
- 3. Uses Not Included.
 - a. Residential care facilities including assisted living facilities (see residential use).
- 4. Use Standards.
 - a. No structure shall be closer than fifty (50) feet to any residential district.

G. Animal Hospital/Veterinarian

- 1. Characteristics. A facility where animals are provided medical care. Animals may be boarded or stay overnight within a completely enclosed building.

2. Accessory Uses. Accessory uses may include parking, limited retail sales of animal goods, limited sale of medicine and prescriptions for animal use, associated office, ancillary indoor storage.
3. Examples. Vet clinic, private veterinarian practice, animal hospital.
4. Uses Not Included.
 - a. Animal boarding is classified as Animal Shelter/Kennel.
5. Use Standards.
 - a. All outdoor areas for animals must be fenced.
 - b. Outdoor activity is permitted only during the day.

7.2.8. INDUSTRIAL USES

A. Light Industrial & Manufacturing

1. Characteristics. Any business or establishment which deals in light industrial uses including light manufacturing (such as clothing, assembly, repair), research and development, self-service storage, and wholesale trade.
2. Accessory Uses. Accessory uses may include (but are not limited to) associated showroom, ancillary indoor storage, associated office, cafeteria, parking, on-site repair facility, residential unit for security purposes, outdoor storage associated with primary use.
3. Examples. Landscaping contractor, clothing manufacturing, publishing firm, woodworking shop, 3-D printing, warehouses, bottling, lawn or tree service, commercial packing for fruits and vegetables, trailer storage or freight facility, warehousing, sale or rental of machinery and heavy equipment.
4. Uses Not Included
 - a. Heavy industrial or noxious uses such as concrete manufacturing.
5. Use Standards.
 - a. Storage shall be in an enclosed building or a screened/fenced space, a minimum six (6) feet screen or fence is required.

B. Warehouse Distribution; Logistics

1. Characteristics. A firm or facility involved in the storage and/or movement of items for other firms. Typically storing and preparing transit goods, wares, merchandise, and/or commodities, whether for the owner or for others, generally delivered to other firms or the final customer.
2. Accessory Uses. Accessory uses may include (but are not limited to) associated office, outdoor storage associated with primary use, parking.

3. Examples. Bulk storage, freight storage, outdoor storage yard, transfer and storage businesses, and commercial packing for food items.
4. Uses Not Included.
 - a. Warehouse storage, classified as Warehouse Storage – Indoor Only.
 - b. Self-storage or mini-warehouses, classified as Self Storage/Mini-Warehouse.
5. Use Standards.
 - a. Outdoor storage yards shall comply with the standards of Section 8.3.9.D. Outdoor storage yards are not intended to include junkyards or scrap or salvage operations.
 - b. Loading and unloading shall not be conducted in areas that abut a residential use or district.
 - c. Outdoor storage may not exceed the maximum fence height of eight (8) feet.

C. Wholesale Trade

1. Characteristics. Firms involved in the sale or rent of products to industrial or commercial businesses only. Not intended for private customers. Uses emphasize on-site sales or order taking. Firm may or may not be open to the general public. Sales to private customers and general public are not permitted.
2. Accessory Uses. Accessory uses may include (but are not limited to) accessory medical clinic, ancillary indoor storage, associated office, cafeteria, day care for employee use, parking, repackaging of goods, showroom, warehouse, residential unit for security purposes.
3. Examples. Sale of machinery, janitorial supplies, restaurant equipment supplies.
4. Use Standards.
 - a. Outdoor storage yards shall comply with the standards of Section 8.3.9.D. Outdoor storage yards are not intended to include junkyards or scrap or salvage operations.

D. Heavy Industrial Uses.

1. Characteristics. Any business or establishment that involves dangerous, noxious, offensive uses. Uses may involve smoke, odor, release of unsafe particle matter, excessive noise or vibration, or threats to safety and general well-being of the public.
2. Accessory Uses. Accessory uses may include (but are not limited to) associated showroom, ancillary indoor storage, associated office, cafeteria, parking, on-site

repair facility, residential unit for security purposes, outdoor storage associated with primary use.

3. Examples. Salvage yards, junkyards, automobile graveyards, crematorium, slaughterhouse, concrete plant, outdoor storage as a primary use, commercial feed lot, lumberyard, primary metal manufacturing, towing yard for vehicles, pulp mill, rubber manufacturing, paper manufacturing or production.
4. Use Standards.
 - a. Buffers and protective yards must be provided.
 - b. All buildings shall be setback a minimum of fifty (50) feet from property line.
 - c. Outdoor storage yards shall comply with the standards of Section 8.3.9.D. Outdoor storage yards are not intended to include junkyards or scrap or salvage operations.
 - d. Building facades that are oriented toward an arterial or collector street shall provide architectural details to eliminate large blank wall areas.

E. Recycling and Waste Related Services

1. Characteristics. Any facility which deals in the recycling, disposal, or elimination of used materials or waste.
2. Accessory Uses may include (but are not limited to) associated office, outdoor storage associated with primary use, parking.
3. Examples. Landfill, recyclable material storage, recycling facility, solid or liquid waste transfer or composting.
4. Use Standards.
 - a. All buildings shall be setback a minimum of fifty (50) from property line.
 - b. Outdoor storage yards shall not be located closer than twenty-five (25) feet to any public street or property line.
 - c. Outdoor storage yards shall comply with the standards of Section 8.3.9.D.
 - d. Outdoor storage yards are not intended to include junkyards or scrap or salvage operations.

F. Laundry or Dry Cleaning Plant

1. Characteristics. Larger, industrial scale laundry cleaning establishment for the wholesale cleaning and washing of laundry to wholesale customers. A laundry or dry cleaning plant is intended to offer a wholesale or industrial level facility for mass cleaning of laundry.
2. Accessory Uses. Accessory uses may include ancillary indoor storage, associated office, parking.

3. Uses Not Included

- a. Laundromat with onsite cleaning (see commercial uses).

G. Mini-Warehouse/Self-Storage

1. Characteristics. A structure or premises where the principal use is storage space (storage units) which may be rented to private tenants, for personal property, usually on a short-term basis.
2. Accessory Uses. Accessory uses may include associated office and parking.
3. Use Standards.
 - a. All storage of items shall be within a fully enclosed building.

H. Warehouse Storage

1. Characteristics. A structure or premises where the principal use is the indoor storage of merchandise, products, goods, or materials in bulk, for a fee or charge.
2. Accessory Uses. Accessory uses may include associated office, parking, accessory outdoor storage associated with primary use, and accessory wholesale sales.
3. Uses Not Included.
 - a. No uses identified and classified under Heavy Industrial are permitted as indoor storage.

I. Outdoor Storage

1. Characteristics. A lot designated for the extended outdoor storage of cars, boats, other vehicles. This use is not to be confused with commercial parking, which excludes outdoor storage. Outdoor storage is for the extended storage of cars, boats, and other vehicles, machinery, and equipment or material.
2. Accessory Uses. Accessory uses may include associated office and parking.
3. Use Standards.
 - a. All outdoor storage shall be consistent with the standards defined in Section 8.3.9.D.

J. Mining

1. Characteristics. Uses that extract minerals, solids, liquids from the land.
2. Accessory Uses. Accessory uses may include (but are not limited to) associated showroom, ancillary indoor storage, associated office, cafeteria, parking, on-site repair facility, residential unit for security purposes, outdoor storage associated with primary use.
3. Examples. Mining, dredging or gas extraction, stockpiling of sand or gravel or stone.
4. Use Standards.

- a. Buffers and protective yards must be provided.
- b. Upon completion of any deposit of any material in any area, the area of deposit shall be covered with grass or other ground cover.

K. Land Debris Storage.

1. Characteristics. A non-temporary holding or disposal site for stumps, limbs, leaves, concrete, brick, or uncontaminated earth commonly associated with land development activities, construction, grading, or paving of land.
2. Accessory Uses. Accessory uses may include associated office, parking.
3. Use Standards.
 - a. All outdoor storage shall be consistent with the standards defined in Section 8.3.9.D.

7.2.9. OTHER USES

A. Animal Shelter/Kennel

1. Characteristics. The use of land for the purpose of boarding animals. May include a pet resort which provides day care for pets in addition to grooming and training.
2. Accessory Uses. Outdoor play areas for animals, office, indoor storage, limited retail sales of pet associated items.
3. Examples. Animal kennel or boarding facility, animal shelter.

B. Adult Oriented Businesses (Adult Establishment)

1. Characteristics. Any establishment featuring an activity that excludes juveniles and caters exclusively to adult oriented uses such as adult books, adult films, or adult novelty items. Includes any business or use contained in G.S. 14-202-10(b), excluding masseurs.
2. Accessory Uses. Accessory uses may include ancillary indoor storage, associated office.
3. Use Standards.
 - a. Adult oriented businesses shall conform with standards defined in Section 8.6 of this UDO.

C. Agricultural Activities

1. Characteristics. Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.

2. Accessory Uses. Accessory uses include housing for ranch or farm labor, scenic and sightseeing tours, sales of agricultural products, u-pick facilities, farm tours, hayrides, pony rides, on-site agriculturally related artistry, community agriculture.
3. Examples. Examples include animal raising, crop production, fish farm, bona fide farm, and stables.
4. Uses Not Included. Slaughterhouse, classified under heavy industrial.
5. Use Standards.
 - a. Sales shall be limited to one-hundred (100) square feet of gross floor area per acre of land.
 - b. Sales shall not occur on sites less than two (2) acres in size.
 - c. Structures intended for animal use or animal raising shall be at least one-hundred (100) feet from all property lines.

D. Market and Produce Stands

1. Characteristics. A stand alone, permanent market or stand intended for commercial purchasing of agricultural goods.
2. Examples. Examples include an open-air market, produce stand.
3. Uses Not Included.
 - a. A temporary farmers market, which may be approved through a temporary use permit.
4. Use Standards.
 - a. Sales shall be limited to five-hundred (500) square feet of gross floor area per acre of land.
 - b. Sales shall not occur on sites less than five (5) acres in size.

E. Solar Farms.

1. Characteristics. An area of land designated for the purpose of deploying solar power generating panels and devices to create electric energy.
2. Accessory Uses. Associated office, parking, outdoor storage of related equipment.
3. Uses Not Included.
 - a. Personal solar energy systems for private residential dwelling unit use.
4. Use Standards.
 - a. If existing in or abutting any residential district, solar farms shall require a buffer intensity of 5.
 - b. An additional one-hundred (100) conservation buffer should be provided and maintained.
 - c. In the industrial districts, solar farms shall require a buffer intensity of 3.

F. Airport

1. **Characteristics.** Facility which is used for aviation travel, regulated by the FAA. Within the City of Monroe, the Monroe Regional Airport is implemented through the Airport Overlay District.
2. **Use Standards.** Use standards are implemented through the Airport Overlay District.

G. Rooftop Uses.

1. **Characteristics.** Rooftop uses may be a range of activities or uses on the roof of structures.
2. **Accessory Uses.** Rooftop uses are an accessory use to the primary use of the building.
3. **Examples.** Examples may include rooftop patio space, restaurants, viewing areas.

7.3. TEMPORARY USES

- A. **Purpose.** This Section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. These temporary uses shall not involve the construction of any permanent building or structure, such as grand opening events, tent sales, outdoor vehicle shows, special events, and food trucks and street vendors.
- B. **Applicability.** The standards in this Section are intended to allow for the short-term placement of activities, many of which would not be allowed on a permanent basis. The activities listed in this section require the issuance of a temporary use permit.
- C. **General Standards for Temporary Uses and Structures.** All temporary uses and structures shall comply with the following standards, unless otherwise specified in this UDO.
 1. Temporary uses shall be in compliance with all applicable provisions of this UDO.
 2. Duration of temporary use shall be less than sixty (60) days, unless otherwise specified below, and a period of at least thirty (30) days shall intervene between the termination of one (1) period and the issuance of another temporary use permit for the same location.
 3. Any temporary use that shall exist beyond sixty (60) days, or special event exceeding twenty (20) days and three (3) consecutive weekends total, shall require the issuance of a Special Use Permit by the Board of Adjustment in accordance with Section 3.4.9: Special Use Permits.

4. Temporary uses shall not violate the applicable conditions of approval that apply to a site or use on the site.
5. Temporary uses shall feature hours of operation compatible with adjacent uses, shall not generate noise which may disrupt adjacent land uses, shall remove any litter generated at no expense to the City, and shall have parking accommodations arranged so not to disrupt the normal flow of traffic.
6. Written permission of the property owner shall be required for any temporary use permit.
7. The temporary use shall have all appropriate permits and licenses from the City and other agencies.
8. No temporary use permit shall block fire lanes or pedestrian or vehicular access.
9. Adequate parking shall be provided.
10. Temporary uses shall not be located in required parking, landscaping, or vegetated areas.
11. Evidence that adequate provisions for trash disposal and sanitary facilities shall be provided.
12. The site of the temporary use shall be cleared of all debris at the end of the use.
13. There shall be adequate on-site restrooms facilities (as appropriate) for the temporary use.
14. All structures shall be cleared from the site within five (5) days after the use is terminated.
15. The Director may require the applicant post a bond to ensure compliance.
16. If the temporary use permit requires additional services or equipment on behalf of the City, the applicant shall be required to pay the City for the cost of these services or equipment.

D. Standards for Specific Temporary Uses.

1. **Produce Stands.**
 - a. The produce stand operator must obtain a permit from the Zoning Administrator, which describes the type of sales involved, the location, and the duration of the sales operation;
 - b. Fresh produce stands are permitted in the RLD, RMD, and GB districts;
 - c. The owner of the property, if not the same as the outdoor seasonal fresh produce stand operator/owner, shall give written permission to the operator/owner;
 - d. Fresh produce stands may operate at a site for up to one-hundred-eighty (180) days but only between May 1 and October 31;

- e. Attached signage is permitted at one (1) square foot per linear foot of the structure up to fifteen (15) square feet per street frontage;
 - f. The use, including all sale items, parking, and maneuvering shall observe a setback of twenty (20) feet and shall not be located in the sight distance triangle;
 - g. There shall be only one (1) produce stand or periodic retail sales event (either off-premise or on-premise) or produce sales event held at any one (1) time on a lot;
 - h. The produce stand operator is responsible for the removal of all trash and spoiled product on a daily basis;
 - i. Sufficient on-site parking shall be provided on gravel or paved surface area;
 - j. A sketch plan shall be required of the site showing all structures to be used, access, parking, signage, and setbacks;
 - k. No additional lighting shall be permitted;
 - l. Fresh produce stands shall not be permitted in infill neighborhoods; and
 - m. The entire produce stand including display areas shall be 1,500 square feet or less.
2. **Temporary Dwellings and Structures.** A temporary dwelling is permitted on a lot in a residential, business, industrial, or conditional district. A temporary dwelling may either be a dwelling that meets all applicable North Carolina Building Code requirements or a recreational vehicle, subject to the following standards:
- a. **Temporary Construction Dwelling**
 - i. One (1) temporary dwelling may be used to house occupants of the principal dwelling under construction or subject to repair or casualty damage.
 - ii. Temporary dwellings may be used on a construction site and occupied by persons having construction or security responsibilities over such construction site.
 - iii. Temporary dwellings shall be located on the same lot as the structure under construction.
 - iv. The temporary use permit shall not be issued until a site plan approved or a building permit is issued for a principal structure.

- v. A temporary dwelling shall be removed within 30 days of issuance of a certificate of occupancy for the structure or removed immediately if the building permit expires or is revoked.
- vi. A temporary dwelling shall be limited in duration to a maximum of one (1) year and may be renewed up to an additional six (6) months for a valid reason submitted and approved by the Director.

b. Temporary Residential Development Sales Office or Model Home.

- i. The use of the office shall be for the initial sale or lease of properties or buildings within the residential development being sold or leased.
- ii. There shall be no signage for residential development sales office or model home on the premises in a residential zoning district, except for one (1) unlit ground announcement sign not to exceed six (6) square feet in area, and three-and-one-half (3.5) feet in height that is located on the sales office or model home lot.
- iii. For a developing residential subdivision, any phase containing a residential development sales office or model home shall contain a minimum of five (5) acres and be intended for a minimum of ten (10) residential properties.
- iv. The temporary residential development sales office or model home shall be converted into a dwelling or remove within thirty (30) days after all units are sold or leased.
- v. No sales office or model home shall be used for any other retail purpose.

3. Portable On-Site Storage/Temporary Dumpster on Residential Property.

- a. **Portable On-Site Storage.** A portable on-site storage unit is any container designed for the storage of personal property and for transport by commercial vehicle that is typically rented to owners or occupants of property for their temporary use. A portable on-site storage unit is not a building or structure and shall not use as an accessory structure on a permanent basis in a residential district.

- i. Associated with a Building Permit. A portable on-site storage unit can be located on a residential property without a temporary use permit while the property is the job address listed on an active building permit issued by the Planning and Development Department.
 - ii. No Associated Building Permit. A portable on-site storage unit shall require a temporary use permit, according to Section 3.4.19: Temporary Use Permit, if it is located on a residential property for more than thirty (30) days.
 - 1) No more than one (1) portable on-site storage unit shall be located on a single lot or parcel of land.
 - 2) A portable on-site storage unit may be located in a driveway, a designated parking area or behind a dwelling.
- b. **Temporary Dumpster.** A temporary dumpster is for the sole purpose of collecting and removing refuse generated from the same property of the dumpster location.
 - i. Associated with a Building Permit. A temporary dumpster can be located anywhere on a residential property without a temporary use permit while the property is the job address listed on an active building permit issued by the Planning and Development Department.
 - ii. No Building Permit. A temporary dumpster shall require a temporary use permit according to Section 3.4.11: Appeals, if it is located on a residential property for more than ninety (90) days. Only one (1) dumpster shall be allowed per residence.

4. **Outdoor Sales.**

- a. **Seasonal Sales.** Outdoor seasonal sales are permitted on a lot in business, mixed-use, planned commerce development and conditional districts approved for commercial uses, subject to the following standards:
 - i. Seasonal sales shall be limited to seasonal agricultural products such as Christmas trees, pumpkins, and living plants.

- ii. Outdoor seasonal sales shall be limited in duration to a maximum of sixty (60) continuous days from the date the temporary use permit is issued.
 - iii. All products, equipment and related materials shall be removed from the site within five (5) days following the sale.
 - b. **Residential.** Garage or yard sales in residential districts shall not require a temporary use permit provided they comply with the following requirements:
 - i. No sales activities occur except in daylight hours and shall not exceed three (3) consecutive days.
 - ii. No display or storage of goods occurs outside except on the day of the sale.
 - iii. Yard sales shall be limited to three (3) days per quarter whether consecutive or not.
 - c. **Non-Residential.** Temporary non-residential sales shall be permitted on a lot in business, mixed-use, planned commerce development and conditional districts approved for commercial uses.
 - i. The sale of merchandise, products, or material must be a permitted principal use in the zoning district where the sales are temporarily located.
 - ii. Shall be located outside of street rights-of-way, required site distance triangles, required landscape areas, vehicular circulation areas, or pedestrian areas.
 - iii. The maximum period of operation for temporary non-residential sales shall be from 8:00 am to 10:00 pm.
 - iv. Permitted temporary non-residential sales shall be limited in duration to a maximum of sixty (60) continuous days of the date the temporary use permit is issued.
 - v. All merchandise and related materials shall be removed from the site following the sale.
5. **Food Trucks.** Food trucks are defined as a licensed, motorized vehicle or mobile food unit licensed by the NC State Division of Motor Vehicles, designed, and

equipped to serve food and beverages. Food trucks are permitted on lots in business, mixed-use, industrial, planned commerce development or conditional district that maintains commercial or industrial uses subject to the following standards.

- a. To locate on a property in one (1) of the above zoning districts, the property must have a primary use. An example of a primary use would be a building with an active use or an improved stand-alone parking lot. An unimproved grass or dirt lot is not a primary use.
- b. Must be located on private property with written permission from the property owner.
- c. Allowed at permitted special events and on active construction sites.
- d. Not allowed fifty (50) feet from the main entrance of any restaurant or outdoor dining area.
- e. Not allowed less than five (5) feet from driveways, sidewalks, utility boxes, handicap ramps, building entrances or exits, or emergency call boxes.
- f. Not allowed within fifteen (15) feet from any fire hydrant.
- g. The minimum distance requirements are measured in a straight line from the closest point of the proposed food truck location to the closest point of the buffered object, or in the case of a restaurant, measured from the closest point of the restaurant's main entrance.
- h. Food truck vendors are responsible for the proper disposal of waste and trash associated with the operation. Vendors shall remove all waste and trash from their location at the end of each day or as needed to maintain the health and safety to the public. The vendor shall keep all areas within ten (10) feet of the truck clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed into the tree pits, storm drains or onto the sidewalks, streets or other public place. Under no circumstances shall grease be released into or disposed of in the City's sanitary sewer system.
- i. There shall be no audio amplifier or similar device to attract the attention of the public.

- j. Advertising consisting of business name, logo, and items available for sale may be displayed onto the food truck. No other form of advertising is permitted.
 - k. Obtain all required permits from Union County Environmental Health.
- E. **Special Events.** A special event includes, but is not limited to arts and craft shows, cultural events, musical events, concerts and stage shows, celebrations, festivals, fairs, carnivals, circuses, or outdoor civic, religious or non-profit events.
 - 1. No premise shall be the site of a special event exceeding a collective total of twenty (20) days or, three (3) individual weekends, or both, within any one (1) calendar year. In this context, a weekend shall constitute three (3) consecutive days.
 - a. A special event sponsored by the City, a county or the State shall be allowed to extend beyond the collective total of twenty (20) days or, three (3) individual weekends, or both within one (1) calendar year.
 - 2. A special event not exceeding the collective total of days and weekends shall receive a temporary use permit. Special events exceeding the collective total of days and weekends shall receive a Special Use Permit from the Board of Adjustment in accordance with Section 3.4.9: Special Use Permit.

7.4. HOME OCCUPATION

- A. **Purpose and Intent.** The purpose of this Section is to allow the establishment of home occupations, provided that such home occupations are compatible with and do not negatively affect adjacent residential properties and uses. Furthermore, this section intends to:
 - 1. Permit and regulate the conduct of home occupations as an accessory and secondary use to a dwelling unit;
 - 2. Adequately protect existing residential neighborhoods from dust, odors, noise, traffic and/or other potentially adverse effects of home occupations; and
 - 3. Allow the residents of the community to use their homes as a work place and a source of livelihood, under certain specified standards, conditions, and criteria. Home occupations shall not involve the construction of any additional permanent building or structure.

- B. **Applicability.** The standards shall apply to an occupation carried on by the resident of a permitted dwelling unit, where the occupation is secondary to the use of the dwelling unit as a residence.
- C. **Standards.** Home Occupations are authorized if they comply with the following standards:
1. The home occupation shall be clearly incidental and subordinate to a dwelling's use for residential purposes by its occupants.
 2. A home occupation shall not be established prior to residential occupancy of the site by the operator of the home occupation.
 3. Home occupation shall not occupy more than twenty-five percent (25%) of the gross floor area of the dwelling unit.
 4. The person operating the home occupation shall reside in the dwelling unit.
 5. Home occupations shall not require internal or external structural alterations of the principal residence which may change the outside appearance of the principal residence or change the residential character of the property.
 6. Home occupations shall be limited to professional or business offices or studios.
 7. No more than two (2) customers, clients, or patrons shall come to the dwelling at any one (1) time nor more than five (5) in any one day.
 8. All home occupations shall be conducted within the principal structure. Activities and storage associated with a home occupation shall not take place in an accessory building, such as a detached garage.
 9. The home occupation shall not change the exterior appearance of the dwelling.
 10. No storage or warehousing of material, supplies, or equipment is allowed outdoors on the residence.
 11. Home occupations shall feature no exterior display or signage, no exterior storage of vehicles, equipment, including unlicensed equipment or materials, and not open lot storage.
 12. Home occupations shall be engaged in only by the resident on the premises.
 13. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, or odors.
 14. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than a required front yard.
 15. A maximum of one (1) commercial vehicle with up to one (1) attached trailer for a home occupation may be parked or stored at the residence.

D. **Permitted Uses.** The following are examples, but not an exclusive list, of uses permitted as home occupations:

1. Personal offices
2. Beauty/barber parlors
3. Dressmaking, millinery, sewing or tailoring
4. Photography study (limited to one (1) client at a time)
5. Cake making or decorating
6. Artist or craftwork such as pottery, sculpting, or jewelry-making, with no sales permitted on the premises.
7. E-Commerce, computer internet usage for commerce, service, or consulting with no sales.
8. Teaching or tutoring, including musical instruments or dance, when limited to no more than five (5) pupils at a time. Any more than five (5) pupils requires a special use permit.
9. Day care limited to no more than five (5) children/adults.
10. Yoga instruction/massage therapy (limited to no more than one (1) client at a time); must provide license for massage therapy.
11. Other similar uses that keep the residential character of an area, as determined by the Director.

E. **Prohibited Uses.** The following uses shall be prohibited as home occupations:

1. On-site retail
2. Repair, service, and painting to include vehicles, lawn equipment and appliances
3. Catering or commercial bakeries
4. Tool, equipment or vehicle sales or rental
5. Veterinary clinic/hospitals, kennel or stable
6. Physicians, dentist, and chiropractors
7. Funeral parlor and undertaking
8. Food vendors, caterers, or restaurants
9. Other uses with similar impacts to the residential character of an area, as determined by the Director.

7.5. ACCESSORY USES AND ACCESSORY STRUCTURES

A. **General Accessory Use Standards.** Accessory uses and accessory structures shall comply with the following standards:

1. An accessory use or structure shall only be allowed when a principal use exists.

2. Accessory uses and structures shall:
 - a. Be accessory and clearly incidental and subordinate to permitted uses and structures;
 - b. Be located on the same lot as the permitted uses or structures, or on a contiguous lot in the same ownership;
 - c. Not involve operations or structures inconsistent with the character of the primary use or principal structure served; and
 - d. Not likely attract visitors in larger numbers than would normally be expected.
3. Accessory uses shall be consistent with all standards in the district for the principal use.
4. Accessory buildings or structures are not permitted in any recorded easement.
5. Accessory structures shall comply with maximum building coverage requirements.
6. Accessory structures shall have a similar or compatible appearance (i.e. materials, color, textures, and similar design features) to the principal structure.
7. Accessory structures are limited to a maximum thirty-five (35) feet in height or the height of the primary structure, whichever is lesser.
8. An accessory building sharing one (1) or more common walls with the principal building shall be considered part of the principal building for purposes of this ordinance and must meet all yard requirements applied to the principal building.
9. No accessory building (except a garage or carport) or recreational structure or use may extend in front of the rear line of a single or double unit dwelling.

Section 8. **Amend Section §157.8 “SUPPLEMENTAL REGULATIONS” as follows:**

§157.8 **SUPPLEMENTAL REGULATIONS**

8.1. SUBDIVISION REGULATIONS

8.1.1. GENERAL APPLICABILITY

- A. **Purpose and Intent.** In compliance with G.S. 160D, Article 8 of the General Statutes “Subdivision Regulation,” the purpose of this Section is to promote functional, safe and aesthetically pleasing subdivision and development of property. This section shall address subdivision types, the approval process for subdivisions and plats, and required standards for subdivision design. This Section shall:
1. Provide for the orderly growth and development of the City;
 2. Ensure required infrastructure is adequate to serve areas with new development;
 3. Facilitate the further re-subdivision of larger tracts into smaller parcels of lands and individual lots, where appropriate;
 4. Ensure adequate services are available to any new development;
 5. Ensure recreational opportunities are available to any new development;
 6. Provide for the conservation, protection and preservation of natural resources and historical areas
 7. Ensure necessary easements are created and provisions are made to allow for maintenance of infrastructure; and
 8. Ensure that offers of dedication of infrastructure are properly made and accepted.
- B. **Applicability.** For the purpose of this Section, and consistent with N.C.G.S. § 160D-802, "subdivision regulations" shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions, in any zoning district, when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.
1. **Exemptions.** The following shall not be included within this definition nor be subject to the regulations authorized by this section:
 - a. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the UDO.
 - b. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.

- c. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- d. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Article.
- e. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

C. **Plat Recordation.** A plat for recordation for the division of a tract or parcel of land in single ownership is required only if all of the following criteria are met:

- 1. The tract or parcel to be divided is not exempted by this Section;
- 2. No part of the tract or parcel to be divided has been divided within ten (10) years of the proposed division;
- 3. The entire area of the tract or parcel to be divided is greater than five (5) acres;
- 4. After subdivision of land, no more than three (3) lots result from the division;
- 5. After land division, all subsequent lots comply with all the following:
 - a. All lot dimension size requirements of the applicable land-use regulations, if any;
 - b. The use of the lots is in conformity with the applicable regulations of this UDO, if any; and
 - c. A permanent means of ingress and egress is recorded for each lot.

D. **Subdivision Approval.** Subdivisions shall not receive final plat approval unless:

- 1. Design and layout of any proposed subdivision meets the requirement of this Section and the UDO.
- 2. The proposed subdivision meets the *Development Review and Procedure Checklist for Subdivisions* as specific in the *Standard Specifications and Detail Manual*.
- 3. An attorney certifies that proper legal provisions have been made regarding:
 - a. Establishment of a homeowner or property owner association in conformance with Section 8.1.7.Q: Owner Associations;
 - b. Declaration of covenants and restrictions for common areas and open space; and
 - c. Provisions for perpetual ownership and maintenance of commonly owned utilities, improvements, streets and lands.

- E. **Standards** All development shall comply with the City's *Standard Specifications and Detail Manual*, this UDO, the City's approved Land Use and Transportation Plan, Forward Monroe, and other approved City documents.
- F. **Fees.** In compliance with N.C.G.S. § 160D-805, the City shall provide notice to interest parties of the imposition of or increase in fees or charges applicable solely to the construction of development subject to this Article at least seven (7) days prior to the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration.
- G. **Effect.** In compliance with N.C.G.S. § 160D-806, the approval of a plat shall not be deemed to constitute or effect the acceptance by the City or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.
- H. **Appeals.** Appeals of subdivision decisions may be made to superior court pursuant to N.C.G.S. § 160D-1403(b). See also Section 3.4.11.
- I. **Phasing.** Lots may be recorded and public improvements may be constructed in phases.
 - 1. Phasing shall require the submittal of a phasing plan to ensure conformance with an approved subdivision plan.
 - 2. Phasing plans shall indicate the timing of construction of public improvements so that lots in each phase is proportional to the required improvements necessary to serve that phase.
 - 3. Rights-of-ways and easements shall be established in each phase to ensure that all have public street access and access to required public utilities.
 - 4. Density, setback, buffers, open space, and parking requirements shall be met for each phase.
 - 5. Phasing plans may be modified with the approval of the Director.

8.1.2. SUBDIVISION TYPES

- A. **Subdivision Types.** Subdivisions shall be designated as either Major or Minor, as defined in 8.1.2.A and 8.1.2.B below.
- B. **Subdivision, Major.** Any subdivision other than a minor subdivision, involving any of the following:
 - 1. The creation of more than a total of four lots;
 - 2. The creation of any new public streets;
 - 3. The extension of a public water or sewer system; or
 - 4. The installation of drainage improvements through one or more lots to serve one or more lots.
- C. **Subdivision, Minor.** Any subdivision that does not qualify as a major subdivision.

- D. **Conservation Subdivision.** Subdivisions may also qualify to be designed as conservation subdivisions. Conservation subdivisions shall comply with the standards of this Section and Section 8.1.9: Conservation Subdivision.

8.1.3. REQUIRED ENDORSEMENTS, CERTIFICATIONS, NOTES

- A. All subdivision final plats shall contain endorsements as required by G.S. 47-30 and the below, where applicable:
1. Certificate of Director Approval
 2. Certificate of Ownership and Dedication.
 3. Notary Certificate of Surveyor Statement.
 4. Certificate of Survey and Accuracy.
 5. NCDOT Construction Standards Certification.
 6. On-site Water and/or Sewer Note
 7. Special Flood Hazard Area Note.
 8. Statement required for all plats:

All zoning information on this plat is shown for illustrative purposes only.

Dimensional requirements for all lots in this subdivision should be obtained from the City of Monroe Planning and Development Director.

8.1.4. DEDICATION

- A. Approval of a plat does not constitute acceptance by the City of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. However, the City may accept any such offer of dedication by resolution of the Council or by actually exercising control over and maintaining such facilities.

8.1.5. PERFORMANCE GUARANTEES AND BONDS

- A. **Generally.** In-lieu of the completion, installation and dedicated of required public improvements and facilities, and private site improvements prior to approval of a final plat of issuance of a certificate of occupancy, a developer may submit:
1. An itemized estimate of costs for required improvements, signed and dated, for which the developer is responsible. A date of which the improvements are to be completed is also required; and
 2. A financial guarantee for the installation of the required improvements in accordance with this Section.
- B. **Eligible Facilities for Performance Guarantees.** The following facilities may be eligible for performance guarantees:

1. Sidewalks (see Section 8.1.7.K: Sidewalks)
 2. Required landscaping
 3. Private stormwater facilities (see Section 8.1.7.L: Stormwater)
 4. Street Improvements (see Section 8.1.7.G: Streets)
 5. Potable Water Facilities (see Section 8.1.7.M: Potable Water)
 6. Sanitary Sewer Facilities (see Section 8.1.7.N: Sanitary Sewer)
- C. **Ineligible Facilities for Performance Guarantees.** The following facilities are not eligible for performances guarantees:
1. Required public stormwater facilities
 2. Street signs, signals and street lights
- D. **Performance Guarantee Applicability.** In compliance with N.C.G.S. § 160D-804, this section requires performance guarantees to assure successful completion of required improvements at the time the plat is recorded. Performance guarantee shall be required:
1. To ensure that public infrastructure improvements required as part of a preliminary plat, site plan or developer agreement, but not approved as complete before approval of a final plat or certificate of occupancy, are completed; and
 2. To ensure that private site improvements that are required as part of a preliminary plat, site plan or developer agreement (such as landscaping or stormwater), but not installed before approval of a certificate of occupancy, are completed.
- E. **Performance Guarantee Standards.** The guarantee shall comply with the following:
1. The term of the performance guarantee shall be required to reflect the time limit for completion of installing requirement improvements that are required in a preliminary or final plat, site plan or developer agreement. The term shall not exceed 18 months. If an extension of the term is requested, the applicant shall provide an explanation to the Director, certified by an engineer, as to why an extension is required.
 2. An accepted performance guarantee shall be in the form of one of the following items:
 - a. **Bond.** A surety bond issued by any company authorized to do business in North Carolina. The bond shall be made payable to the City.
 - b. **Cash, Cashier Check, or Letter of Credit.** The applicant shall deposit cash, a cashier check, or letter of credit, either with the City of Monroe or with a North Carolina financial institution licensed to do business within the state. If a financial institution is used, the financial institution shall enter into an agreement with the City guaranteeing that the escrow account

established for the guarantee shall be held in trust until released by the City and may not be used by the applicant.

3. The performance guarantee shall be required to distinguish the portion of the guarantee for public improvements and portion of the guarantee for private improvements.
4. Estimated costs of completing the required public and private improvements shall be itemized by the developer's licensed professional engineer.
5. The performance guarantee shall not exceed one-hundred-and-ten percent (110%) of the reasonably estimated cost of completion at the time the performance guarantee is issued.
6. Whenever all public facilities or improvements intended for dedication are not installed before occupancy, use, or sale is authorized, then the developer shall post a performance bond (or other sufficient surety) to guarantee that the developer will correct all defects in such facilities that occur within one year after the offer of dedication of such facilities or improvements is accepted.

F. **Release or Reduction of Performance Guarantees.** The Director shall release or reduce a performance guarantee only when:

1. The developer has submitted a written request for release or reduction to the City. The written request shall include certification by the developer's engineer that the installation of the guaranteed improvements has been completed in compliance with approved plans;
2. City staff has performed their inspections of the improvements and issued a certification that the improvements have been completed in compliance with approved plans; and
3. No release or reduction in performance guarantee amounts will be considered until greater than 25 percent (25%) of the required work has been approved.

G. **Certification.** An architect or engineer retained by the developer shall certify to the City that all facilities and improvements to be dedicated to the City have been constructed in accordance with the requirements of this Section. This certification shall be a condition precedent to acceptance by the City of the offer of dedication of such facilities or improvements.

8.1.6. ENFORCEMENT

A. **Violation and Penalty.** It shall be unlawful to design, construct or subdivide land not in compliance with this UDO. Any subdivider of land in violation of this UDO shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument

of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.

- B. **Injunction.** The City of Monroe may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance.
- C. **Building Permits.** Building permits required pursuant to N.C.G.S. § 160D-1108 may be denied for lots that have been illegally subdivided. In addition to other remedies, the City may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

8.1.7. SUBDIVISION STANDARDS

- A. **Subdivision Name.** Each subdivision in the City shall have a unique name. The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the City or County.
- B. **Locational Standards.** No subdivision for residential use shall be permitted in Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJ), of the City, unless explicitly permitted in Section 6.1: Floodplain and Floodway Districts. 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) for Union County, dated October 16, 2008 (or most up to date recognized study between the State of North Carolina and FEMA) and its accompanying Flood Insurance Rate Map Panels.
- C. **Subdivision Monuments.** Monuments shall be provided as part of any subdivision. Monuments shall be configured in accordance with *The Standards of Practice for Land Surveying in North Carolina* and comply with the following additional standards:
 - 1. To properly survey throughout the subdivision, subdivision markers are required on all lot corners, points of curvature, points of tangency and at any points with a change in bearings.
 - 2. The location and type of all markers shall be indicated on the final plat, as required in Section 3.4.14: Minor Subdivision Final Plat and Section 3.4.16: Major Subdivision Final Plat.
- D. **Block Design.** Excessive block lengths shall be discouraged in the design of new subdivisions. The purpose of this Section is to discourage excessive block lengths lined with homes and/or other buildings. For new developments, excessive block lengths diminish the efficiency of public and safety services and increase distances between

residential and non-residential uses. The maximum length of any block within a subdivision shall not exceed the values shown in Table 8.1.7.B below. If there is no maximum block length, NA (Not Applicable) shall be listed. Block lengths in excess of these requirements may be permitted if extenuating circumstances such as topographic issues, environmental concerns, or utility design makes it impractical to observe the maximum block length.

1. **Mid-Block.** Mid-block pedestrian roadway crossings shall be provided where block lengths over the maximum block length permitted is unavoidable or impractical. Crossings shall be clearly marked, paved, well lit, and possess direct sightlines to enhance pedestrian safety.
2. **Block Plans.** An applicant may propose an alternative block length and layout as part of a block plan to be included with a master development plan or planned development. Block plans should include a high-level description and illustration of a proposed block layout, roadway system and intersections, pedestrian and vehicle connection points, and general land uses within development.

Table 8.1.7.B. Block Design

Zoning District	Maximum Block Length
RR	NA
RLD	NA
RMD, RHD, OM, NB, GB	1,200 feet
GI, HI	NA
PCD, PUD	1,000 feet
DC-MX, DG-MX, CC-MX1, CC-MX2, RC-MX, MD-MX	750 feet
<u>Note:</u> Maximum block lengths may be modified per approval from the TRC so long as the proposed maximum block length does not inhibit the public safety and welfare and efficiency of safety services. Reasons to modify maximum block lengths may be due to topographic conditions, environmental conditions, utilities installations, and the like. An applicant must provide a written narrative and an engineered study that modified maximum block length is appropriate for the proposed uses and will meet the intent of this Section.	

- E. **Minimum Lot Standards.** Lots shall meet or exceed zoning district standards defined in the respective *District Development Standards Tables* of Section 4: Traditional Zoning Districts, and Section 5: Mixed-Use Zoning Districts. All lots created after the adoption of this UDO shall have sufficient area, dimensions, and access to allow construction in

conformance with the requirements of this UDO. Lots may be of smaller sizes if configured in an approved conservation subdivision, as permitted in Section 8.1.9: Conservation Subdivisions. Lots shall comply with the following standards:

1. **Appropriate to Uses.** Lots shall be appropriately designed and laid out appropriate to desired uses as allowed in the respective district.
2. **Adequate Building Area.** Adequate building area shall be provided, as well as room for required setbacks and other requirements (i.e. landscaping, buffers, stormwater, etc.) set forth in this UDO.
3. **Through Lots.** Through lots (lots which have double frontage) shall be prohibited except when required to overcome challenges of topography, orientation, or unique traffic considerations or configurations. Alleyways shall not be included in determining a through lot.
4. **Flag Lots.** Flag lots may be permitted, but no more than two flag lots may be created from a parent parcel after the adoption date of this UDO. The pole portion of a flag lot shall be a minimum 30 foot width and allow for two way traffic.
5. **Access.** Every lot created as part of a subdivision of land as provided for in this Section shall have direct access to a public or approved privately maintained street, unless they comply with the standards below:
 - a. **Residential, Detached Single Family.** If a lot does not have access to a public street, an access easement may be utilized. An access easement shall not serve more than two (2) residential lots. Access easements shall be legally disclosed.
 - b. **Non-Residential, Attached Single Family/Multifamily and Private Streets.**
 - i. Lots within nonresidential subdivisions may abut a private access or rights-of-way, provided that an easement provides access to an improved and publicly maintained street and is recorded with an application for development approval.
 - ii. Lots within attached single family and/or multifamily developments may be separated by common areas, alleys or approved private streets, provided that an easement provides access to an improved and publicly maintained street and is recorded with an application for development approval.
6. **Internal Public Street.** Major subdivisions, as defined in this Section, may require lots to be served by a newly constructed internal public street, at the cost of the applicant and developer, to meet the standards of this UDO.

F. **Required Buffers.** A standard, required buffer yard, Perimeter Buffer Type 1, as defined in Section 8.3.5 of this UDO, shall be required along the perimeter for any residential major subdivision when abutting a non-residential use and/or a thoroughfare. Required perimeter buffer yards shall be platted as common areas and may be included in open space requirements in this UDO.

G. **Street Improvement Standards.**

1. **Street Classification System.** New streets or proposed redevelopment of existing streets not identified in the *Forward Monroe: Land Use and Transportation Plan* shall be classified for the purpose of determining the appropriate design of a street. Street Types shall be consistent with the *Standard Specification and Detail Manual* and meet requirements set forth in Details 02.01.01-02.01.07. Streets are classified in Table 8.1.7.

Table 8.1.7. Street Classification System

Street Classification	Definition
Freeway or Expressway	74 Bypass
Arterial Street	A federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic
Collector Street	A public way designed primarily to connect residential streets with arterial streets
Minor Street	A public street used primarily for providing direct access to abutting properties, further defined below:
Minor Street – Residential	Primary function is to provide direct access to residential property
Minor Street-Commercial/Industrial	Primary function is to provide direct access to commercial/industrial property
Minor Street - Cul-de-Sac	Short minor street having on end open to traffic and the other end permanently terminated with a vehicular turnaround, maximum length of 1200 feet
Street, Half	A proposed street intended to be developed by constructing one-half of a required multi-lane width with the remainder to be provided at a future date
Street, Private	A vehicular travel way not dedicated as a public street

2. **Determination of Street Type.** The final determination of the classification of streets in a proposed subdivision shall be made by the Engineering Department.
3. **Conformity to Adopted Plans.** Streets shall be arranged and designed to conform to the provisions and strategies set forth in the *Forward Monroe: Land Use and Transportation Plan*, adopted April 10, 2018, the *Standard Specification and Detail Manual*, and the City's adopted *Thoroughfare Plan*.
4. **Street Names.** Proposed streets, which are in alignment with existing or proposed named streets, shall bear the name of the existing or proposed street. The Union County Communications Department shall approve all street names. Applicants may contact the City of Monroe Engineering Department to initiate requests.
5. **Street Sections.** Pavement cross-sections, curbs, maximum grade of new roadways, minimum grades, and other applicable design standards for streets shall be in accordance with the *Standard Specification and Detail Manual*. Any variation from the *Standard Specification and Detail Manual* shall require City Council approval.
6. **Street Lighting.** The developer shall install and be responsible for all costs associated with streetlights and their installation. Street lighting shall comply with all City, utility company and NCDOT standards. Areas adjacent to vehicular entrances for non-residential, mixed-use, and multifamily developments shall be adequately lit to ensure safety for vehicles and pedestrians. Illumination requirements shall be met prior to issuance of any occupancy permit. Street lighting shall be maintained by electric providers.
7. **Private Street Standards.** Private streets may be permitted for residential subdivisions, but shall be constructed to the same standards for streets in the *Standard Specification and Detail Manual*. The inclusion of gates and structures in the right-of-way shall remove private streets from future consideration for conversion to a public right-of-way in accordance with the City of Monroe's Policy on Acceptance of Privately Owned Residential Streets until such items are removed.
8. **Exemptions for Required Street Improvements.** Consistent with 02.02.10 of the *Standard Specification and Detail Manual*, exemptions exist for certain street improvement requirements.
9. **Sight Triangle.** All proposed public and private streets, including driveways shall adhere to the sight triangle standards provided in the *Standard Specification and Detail Manual*.

H. Street Connectivity Requirements.

1. Location and design of streets shall be in conformance with the adopted City *Thoroughfare Plan*. Where conditions warrant, right-of-way width and pavement width in excess of the minimum street standards may be required.
 2. Street access to adjacent properties may be required. In such situations, the subdivider shall build and dedicate the streets to the boundary of their property in accordance with Detail 02.01.11 in the *Standard Specification and Detail Manual*.
 3. The developer may be required to dedicate additional rights-of-way, widen existing roadways, or perform other improvements to existing public streets upon which the property fronts or which provides access to new subdivisions.
 4. Where a tract of land to be subdivided adjoins a thoroughfare, the subdivider may be required to provide a marginal access street parallel to the thoroughfare or provide for through lots on a local street for the lots to be developed adjacent to the thoroughfare. Where through lots are established, such lots may be prevented from having direct access to the thoroughfare by driveways.
- I. **Access and Circulation.** No subdivision shall be designed without meeting the requirements below:
1. **Access.** Ingress and egress shall be provided for every lot or parcel from a street, unless explicitly exempted by this UDO. In instances where access is exempted, a permanent access easement is required for ingress and egress, emergency, service, and maintenance purposes.
 - a. Street stub outs shall be provided to adjoining undeveloped areas to ensure minimal interference of future traffic flow and circulation.
 2. **Nonresidential Driveways and Circulation.** Internal circulation is required for any new nonresidential, multifamily and mixed-use developments. Proper consideration shall be provided to the surrounding street plan, pedestrian movements and safety. Vehicular circulation shall be contained within the property and vehicles located within the development shall be provided access to all other areas without using the adjacent street system. Driveways shall meet the standards set forth in the *Standard Specification and Detail Manual*.
 - a. Joint use of driveways shall be promoted to the greatest extent practicable.
 - b. Where a cross-access corridor is designated for internal circulation, the property owner shall grant an easement to allow cross-access to and from properties in the development.

- c. If internal circulation and cross-access is provided in a non-residential development, a coordinated parking design shall be implemented to the greatest extent practicable to create a unified system.
- J. **Easements.** Easements shall be provided in accordance with the *Standard Specification and Detail Manual* and may be required elsewhere when necessary. Easements shall comply with the following standards:
 1. Subdivisions that adjoin existing streets maintained by the City or NCDOT shall dedicate additional street right-of-way, as necessary, to meet the width of the existing street.
 2. Utility poles, electrical utilities, natural gas, telephone services, and similar utilities shall require a 10 foot easement. All standards of Section 02.02.09 of the *Standard Specification and Detail Manual* shall be met.
 3. Potable water, wastewater, stormwater, and similar utilities shall provide easements in accordance with the *Standard Specification and Detail Manual, Section 11.0 Sanitary Sewer Main Construction*. Easements shall be centered on the required utility pipes.
 3. Drainage easements, when required for drainage of the subdivided area, shall be a width necessary to permit proper construction and maintenance of drainage facilities required to drain the area properly.
 - a. Open channel drainage easements shall be a minimum of 10 feet; however the City Engineer and Director may require widths up to 50 feet.
- K. **Sidewalks.** Sidewalks are required along both sides of all private and public roads and shall comply with the standards below:
 1. **Standards.** Sidewalks shall be installed by the developer adjacent to all public and private streets. Sidewalks shall be constructed and installed prior to the certificate of occupancy for any adjoining building. Sidewalks shall be constructed in accordance with the specifications contained in the *Standard Specification and Detail Manual*.
 2. **Sidewalk Waiver.** No sidewalk waiver may be granted.
 3. **Zoning Districts.** Internal sidewalks shall be provided in all developments regardless of zoning district.
 4. **Exemptions.** Sidewalks shall not be required in cases where environmental or topographic conditions would make a required sidewalk impossible to construct and maintain. In this situation, an alternative all weather pathway or multiuse trail shall be required.
 5. **Configuration.**

- a. Sidewalks shall be required to connect to existing or planned sidewalks at property boundaries.
 - b. All new developments shall provide, at minimum, one on-site improved connection between the new development and adjacent public sidewalk system.
 - c. Wheelchair ramps shall be required at intersections and major pedestrian flow points in accordance with Section 136-44.14 of the North Carolina General Statutes.
- L. **Stormwater.** All stormwater facilities and stormwater management practices shall be in accordance with Chapter 159, Stormwater Management Ordinance of the City Code and *Section 5.00 Stormwater Best Management Practices* within the *Standard Specifications and Detail Manual*.
- M. **Potable Water.** All subdivisions shall be served by potable water systems. Potable water systems shall comply with the following standards:
 - 1. No on-site water supply system shall be permitted where the subdivision is within 1,000 feet of a publicly available potable water system. It shall be required that all subdivisions established after the adoption date of this UDO within 1,000 feet of the City's potable water system connect.
 - 2. Potable water supply shall be determined based upon system capacities, anticipated demand, and average and peak flows.
 - 3. The developer shall install all potable water systems in accordance with City, State or federal requirements.
 - 4. The developer shall provide all necessary installation facilities (i.e. pipes, connection points, etc.) of required potable water lines.
 - 5. All potable water lines, tanks, mains and similar facilities shall be dedicated to the City for maintenance and operation following installation. However, any facilities dedicated to lots or uses beyond a water meter shall not be dedicated to the City for maintenance and operation.
- N. **Sanitary Sewers (Wastewater).** All subdivisions shall be served by sanitary sewers (wastewater facilities). All wastewater facilities shall comply with the following standards:
 - 1. No on-site wastewater shall be permitted where the subdivision is within 1,000 feet of a publicly available wastewater system. It shall be required that all subdivisions established after the adoption date of this UDO within 1,000 feet of the City's wastewater system connect.

2. Minor subdivisions shall not be required to connect to the City's wastewater system unless it is adjacent to one or more lots that may be serviced by the City's wastewater.
 3. The developer shall install all wastewater systems in accordance with City, State or federal requirements.
 4. Wastewater facilities shall be dedicated to the City for maintenance and operation following installation.
 5. Pump stations which do not serve the community at large and which do not serve an area larger than the subdivision shall not be dedicated to the City. Such facilities shall be maintained by the developer or responsible owner's association.
- O. **Underground Utilities.** All utilities for electric, telephone, internet and similar shall be installed underground in all subdivisions established after the adoption of this UDO. Such utilities are required to be extended by the developer to each lot within the subdivision.
- P. **Greenways.** Greenways shall comply with the standards established in Section 8.8.3.F: Greenways.
- Q. **Owner Associations.** A homeowner (HOA), property owner association (POA), or similar entity shall be required for subdivisions that have common open space or shared infrastructure. Associations shall accept ownership and maintenance of open space, shared infrastructure, and common areas within a subdivision (including street trees). Such owner associations shall comply with the following:
1. Owner associations shall be legally established before any purchase or lease of units in the subdivision.
 2. Owner associations shall fulfill the standards of G.S. Chapters 47C and 47F.
 3. Owner associations shall be responsible for liability insurance and local taxes, maintenance of all open space, shared infrastructure and common areas, maintenance of public streets until the City accepts responsibility, private infrastructure facilities, maintenance of an escrow account for repair and maintenance of facilities within the subdivision, and payment of any development fees related to improvements made to benefit the subdivision.
 4. All owner associations shall provide legal documents establishing the association to the Director and City Attorney for approval prior to the final plat process. The documentation shall state responsibility of the developer to maintain open space, shared infrastructure and common areas until 75% of lots within the subdivision are sold.
 5. Required information on legal documents shall also include declaration of covenants, deed restrictions, liability insurance, survey and legal description of all

open space and common areas, authorization for assessments (subject to change based upon maintenance needs of the subdivision), and authorization to issue liens on real property.

8.1.8. SUBDIVISION SIGNS, ENTRANCE MARKERS, AND LANDSCAPED AREAS IN RIGHT-OF-WAY

- A. **Applicability.** Subdivision signs, entrance markers and landscaped areas may be permitted within the public rights-of-way subject to the following conditions:
1. **Maintenance.** The City shall not be responsible for maintenance of such areas and an entity responsible for maintenance shall be created at the cost of the developer.
 2. **Sight.** Such improvements shall not interfere with sight distance or required site triangle.
 3. **Removal.** In the event of loss, damage or lack of maintenance, the City of Monroe may remove all improvements.
 4. **Encroachment.** The applicant shall execute an encroachment agreement to allow placement of a marker or sign in an existing or proposed right-of-way.
 5. **Light Source.** Light source(s) used to illuminate a subdivision sign shall meet the requirements set forth in Section 8.2: Signs and the general lighting requirements of Section 8.7.7: Lighting, and shall not be a nuisance or hazard to adjoining property or passing traffic.
 6. **Sign Design.** Any subdivision entrance sign shall comply with Section 8.2: Signs, of this UDO.

8.1.9. CONSERVATION SUBDIVISION

- A. **Purpose and Intent.** The purpose and intent of this Section is to provide a development option for land in the rural and suburban portions of the City that provides development flexibility to build on smaller lots when open space exceeds the minimums of Section 8.8: Open Space. The conservation subdivision shall be designed in a way that protects natural features on the site and clusters development in a smaller footprint, providing an alternative to large lot subdivision forms. Conservation subdivisions intend to:
1. Conserve open space, floodplains, wetlands, river and stream corridors, and areas with unique natural features;
 2. Promote rural character;
 3. Protect existing environmental and natural resources;
 4. Promote scenic views from public roadways;

5. Provide development flexibility to cluster homes in a smaller footprint to enhance open space and natural features; and
 6. Provide reasonable economic use of land which may have unique environmental conditions that would otherwise make development undesirable.
- B. **Applicability.** Conservation subdivisions shall be limited to development of single family detached residential dwellings on individual lots. Conservation subdivisions shall not be available for any other form of development or dwelling type.
1. **Permitted Zoning Districts.** Single family detached residential subdivisions of more than five (5) lots in the RLD, RMD, and PUD zoning districts may be developed as a conservation subdivision, in accordance with the standards of this Section.
 2. **Prohibited Zoning Districts.** Conservation subdivisions shall not be permitted in any other zoning districts.
- C. **Review Procedure.** Conservation subdivisions shall be reviewed as a preliminary plat in accordance with the procedures and standards in Section 3.4.15: Major Subdivision Preliminary Plat, only after approval of a conservation and development plan as required in this Section.
1. **Conservation Subdivision Plan.** Prior to review of a preliminary plat application for a conservation subdivision, an applicant shall develop a conservation subdivision plan for the land. The conservation subdivision plan shall be reviewed and approved, or approved with conditions, by the Director, in accordance with the standards of this Section.
 2. **Conservation Subdivision Plan Requirements.**
 - a. **Site Map.** The applicant shall prepare a site map that analyzes existing conditions on the land proposed for the development site. The site map shall include: Property boundaries, topographic contours, proposed conservation areas, general plant material characteristics, general soil types, and all floodplains, wetlands, river and stream corridors and similar natural features.
 - b. **Site Inspection.** The Director shall schedule a site inspection of the land with the applicant. The applicant (or designee) shall attend the site inspection with a City staff member to familiarize staff with site conditions and natural features of the site. City staff, with the applicant, shall identify any potential issues for development and discuss development concepts including the configuration of streets, utilities and structures.

- c. **Final Plan.** The applicant shall prepare a final plan for the conservation subdivision, identifying areas that shall be conserved and areas that shall be developed. The plan shall provide preliminary site improvements, proposed site development including utilities, streets and general areas intended for development. The final plan shall comply with all standards within Section 8.1.9.D: Conservation Subdivision Standards. After review and approval of the conservation subdivision final plan, a preliminary plat may be submitted and reviewed in accordance with Section 3.4.15: Major Subdivision Preliminary Plat.

D. Conservation Subdivision Standards.

1. **Size.** Conservation subdivisions shall be a minimum five (5) acres in size.
2. **Minimum Conservation Area.** The minimum conservation area for a conservation subdivision shall be at least fifty percent (50%) of the total site area. Conservation area may be used to achieve the requirements of Section 8.8: Open Space. Conservation area shall be delineated into two categories: primary conservation areas and secondary conservation areas.
 - a. **Primary Conservation Areas.** Primary conservation areas shall include the features identified below, but may also include pervious trails, public utilities, and street or driveway crossings:
 - i. Existing mature trees on the perimeter of the site;
 - ii. Special flood hazard areas, riparian buffers, wetlands, lakes, ponds and other bodies of water, wildlife corridors, and greenways;
 - iii. Areas at least 5,000 square feet in size with slopes greater than twenty five percent (25%);
 - iv. Sites designated or eligible for the National Register of Historic Places;
 - v. Areas with impermeable soils; and
 - vi. Habitat inhabited by endangered, threatened or protected species.
 - b. **Secondary Conservation Areas.** Secondary conservation areas shall include the features identified below, but may also include all uses in primary conservation areas, required drainage and utility easements, and individual water supply and septic systems:
 - i. Agricultural lands, including pastures;
 - ii. Woodland forests, fields and meadows;
 - iii. Areas with natural slope greater than twenty percent (20%), unless identified as a primary conservation area;

- iv. Buffers;
 - v. Additional open space types dedicated to active recreation purposes; and
 - vi. Stormwater management facilities (up to ten percent (10%) of the required minimum fifty percent (50%) conservation area).
- 3. **Density.** Conservation subdivisions shall be limited to the maximum density permitted in the zoning district and land use area in which it is located.
- 4. **Location.** Conservation subdivisions shall be designed to minimize visibility from adjacent lands and arterial roadways. This shall be achieved through the use of buffers and conservation areas on the outer perimeter of the subdivision.
- 5. **Lot Width.** Due to the intent to cluster homes within a conservation subdivision, conservation subdivision lot widths differ from the required standards established in Section 4: Traditional Zoning Districts. Lot width shall be a minimum fifty (50) feet.
- 6. **Lot Area.** Due to the intent to cluster homes within a conservation subdivision, conservation subdivision lot area requirements differ from the required standards established in Section 4: Traditional Zoning Districts. Lot area shall be a minimum 7,500 square feet.
- 7. **Lot Coverage.** Due to the intent to cluster homes within a conservation subdivision, lot coverage requirements differ from the required standards established in Section 4: Traditional Zoning Districts. Lot coverage shall be a maximum fifty percent (50%).
- 8. **Setbacks.** Due to the intent to cluster homes within a conservation subdivision, setback requirements differ from the required standards established in Section 4: Traditional Zoning Districts. Minimum front setback shall be twenty (20) feet, minimum side setback shall be five (5) feet, and minimum rear setback shall be ten (10) feet.

E. Ownership and Maintenance of Conservation Areas.

- 1. **Homeowner/Property Owner Associations.** Conservation areas shall be owned and maintained by owners of the development through homeowner association or property owner association.
- 2. **Nonprofit Organization.** The owners of the development may convey a conservation area to a nonprofit organization for management and maintenance.

8.2. SIGNS

8.2.1. PURPOSE, INTENT AND APPLICABILITY

- A. **Purpose and Intent.** The provisions of this Section shall govern all signs within the City, as defined in Section 11: Definition of Terms. It is the purpose of this Section to promote the public health, safety and general welfare through reasonable, consistent, content-neutral, and non-discriminatory sign standards.
- a. No sign may be constructed, erected, altered, replaced, or modified except in accordance with the requirements of this Section and UDO.
 - b. The provisions of this Section are intended to support aesthetic improvement of the City through diverse sign types and to protect the general safety of pedestrians and motorists.
 - c. No portion of this Section is intended to violate free speech rights.
 - d. Any type of sign not expressly permitted or exempted in this UDO is prohibited.
- B. **Applicability.** The provisions of this Section shall apply to signs erected, affixed, placed, painted or otherwise established after the effective date of this UDO, unless exempted in accordance with Sections 8.2.3: Nonconforming Signs, 8.2.9: Prohibited Signs, or 8.2.10: Exempt Signs.

8.2.2. GENERAL STANDARDS

- A. **Allowable Signs.** The types of signs allowed, per zoning district, are provided in Table 8.2.5.1: Permitted Sign Types in Traditional Zoning Districts and Table 8.2.5.2: Permitted Sign Types in Mixed-Use Zoning Districts.
- B. **Design.** Signs shall be, or appear to be, in compliance with the following design standards:
- a. Signs shall be constructed of stone, masonry, metal, ceramic, glass, plastic, or wood.
 - b. Fluorescent or iridescent colors including outline or strip lighting and neon tubes are prohibited.
 - c. Monument/Community signs shall include base, a cap and column in their design.
- C. **Landscaping.** Ground signs shall, to the extent practicable, be placed in a landscaped setting appropriate to the size and scale of the sign, and character of the property unless otherwise noted. Landscape materials shall not be permitted to grow to obscure the sign face. Landscaping shall be in accordance with Section 8.3: Landscaping, Buffering, Fences and Walls.
- D. **Intersection Visibility Triangle.** No sign structure may obstruct any cross-visibility area or traffic control device. No signs are permitted in the visibility triangle (Note: the standards for sight visibility at intersections are detailed in the City of Monroe Standard

Detail Manual).

- E. **Illumination.** Permanent signs may be illuminated by internal or external illumination as regulated below.

1. **External Illumination.**

- a. Only stationary and shielded light sources, directed solely onto the sign, are permitted.
- b. Illumination which shines directly into, or causes glare onto, a public right-of-way or a residential use is prohibited.

2. **Internal Illumination.**

- a. Internally illuminated signs are prohibited in residential districts as defined in Section 4.2: Residential Zoning Districts.
- b. Internal illumination is permitted in non-residential and mixed use buildings. Permitted internal illumination includes the use of individual letters (i.e., channel letters) or an opaque or semi-opaque background with lettering and or logos a lighter color or semi-transparent.
- c. Illumination in signs shall not impair the vision of motor vehicle drivers.

- F. **Changeable Copy.** Changeable copy on monument/community, canopy, wall signs is permitted per the following standards:

1. **Size.** Up to fifty percent (50%) of the maximum area of the sign face may be used for changeable copy.
2. **Video.** Video, animated, scrolling or moving changeable electronic variable messages are not permitted. This provision shall not restrict the copy from changing from one message to another.
3. **Message.** Message must remain static for at least five (5) seconds with an interval of two (2) seconds or less.
4. **GB District.** Changeable copy may be permitted only in the General Business (GB) district including canopy-oriented signs subject to the following standards:
 - a. The maximum sign area per canopy face is twelve (12) square feet limited to two faces.
 - b. The vertical edge of the canopy sign shall be a maximum of two (2) feet in height, except for fuel canopies, where the maximum vertical edge of the canopy may be thirty-six (36) inches.
 - c. In no case shall the sign extend beyond the vertical edge of the canopy to which it is attached.
 - d. The sign area for canopy-oriented signs shall be deducted from the allowable square footage for wall signs permitted for the use.

- G. **Construction.** All signs must be erected in compliance with building, electrical, and fire codes. All signs shall comply with the following requirements as applicable:
1. Supports and braces shall be designed as an integral part of the sign structure and be hidden from public view to the extent technically feasible.
 2. Audio components are prohibited as part of any sign with the exception of drive-through menu signs.
- H. **Maintenance.** All signs must be maintained and present a neat, clean appearance. Abandoned, dilapidated signs shall be removed by the owner.
1. Failure of an owner to remove an abandoned or dilapidated sign may result in removal of the sign at the owner's expense following provision of notice to the owner by the City.
- I. **Common Signage Plan.** A common signage plan is required as part of a site and development plan, as defined in Section 3.4.17: Site and Development Plan. Signs shall utilize coordinated colors throughout the development. The common signage plan shall specify:
- a. The number of signs;
 - b. Type of signs;
 - c. Size of signs;
 - d. Height of signs;
 - e. Setbacks;
 - f. Locations;
 - g. Designs; and
 - h. Illumination of signs.
- J. **Design Alternatives.** A design alternative shall not be permitted for illumination, but may be permitted by the Director for the following circumstances:
1. Permitted sign type;
 2. Total number of signs permitted;
 3. Size (height and or sign area);
 4. Setbacks; and
 5. Location and design.
- K. **Public Rights-of-Way.** Non-governmental signs may not be placed in public rights-of-way.
- L. **Drive-Through Signs.** A maximum of three (3) drive-through menu signs shall be allowed for uses utilizing a drive-through and shall meet the following standards:
1. Each allowed drive-through menu sign may be either a freestanding monument

sign or an attached building sign.

2. Each sign shall not exceed twenty (20) square feet in sign area and ten (10) feet in height.
3. The sign area for drive-through signs shall be deducted from the allowable square footage for free-standing signs permitted for the use.

8.2.3. NONCONFORMING SIGNS

A. Nonconforming Signs

1. Nonconforming signs, as defined in Section 11: Definition of Terms, may not be altered or moved except as otherwise permitted by this Section.
2. Normal maintenance of nonconforming signs, including repainting or replacing of the sign face shall not be considered an alteration providing the sign size, area, height, or similar is not increased.
3. Replacing of the sign face shall be like for like; different dimensions are not permitted.
4. Changes to the sign structure including movement/relocation on the property and or building shall constitute an alteration of the nonconforming sign requiring the sign to be brought into compliance with the requirements of this Section.

8.2.4. CALCULATING SIGN AREA.

A. Calculating Sign Area. The area of a sign shall include all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign. Calculating sign area shall comply with the following standards below:

1. Where a sign consists of individual letters, words or symbols attached to a building, canopy, awning or wall and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall. Where such sign includes multiple words, each word located in the same plane shall be computed separately.
2. Channel letter signs, mounted logos, and similar devices are treated differently than signs in cabinets. The wall area between multiple elements does not count as sign area.
3. The area for a sign with more than one face shall be computed by adding together the area of all sign faces, except where the angle at which the two sign faces are

placed does not exceed sixty (60) degrees.

4. It is presumed that where sign faces are placed less than sixty (60) degrees apart, both faces are not readable from any one point.
5. The entire surface area of a multitenant sign that depicts the names of the individual tenants shall count toward the total aggregate area of the sign.

Fig. 8.2.4.A. Sign Area

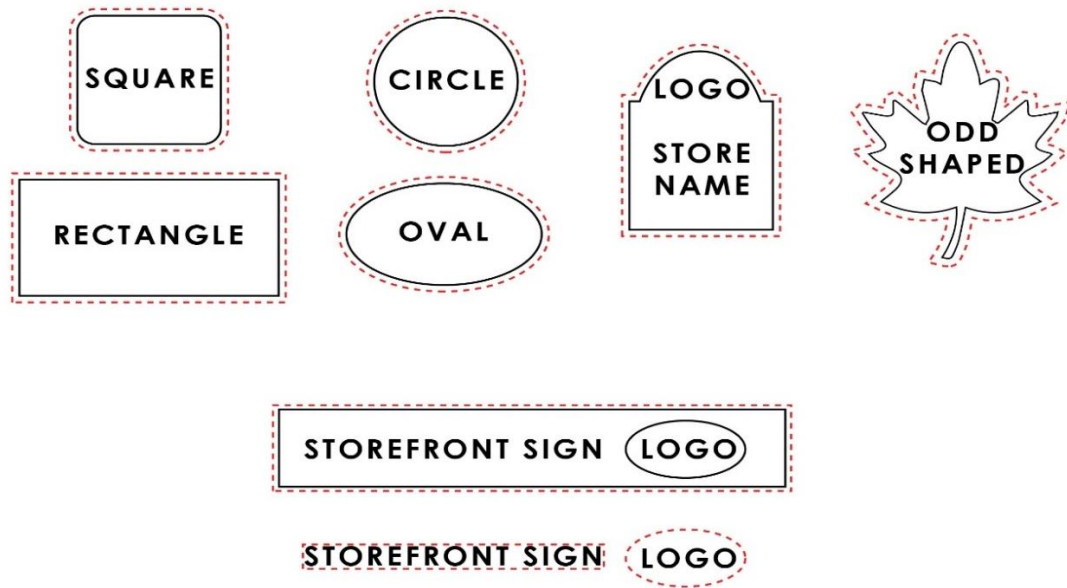
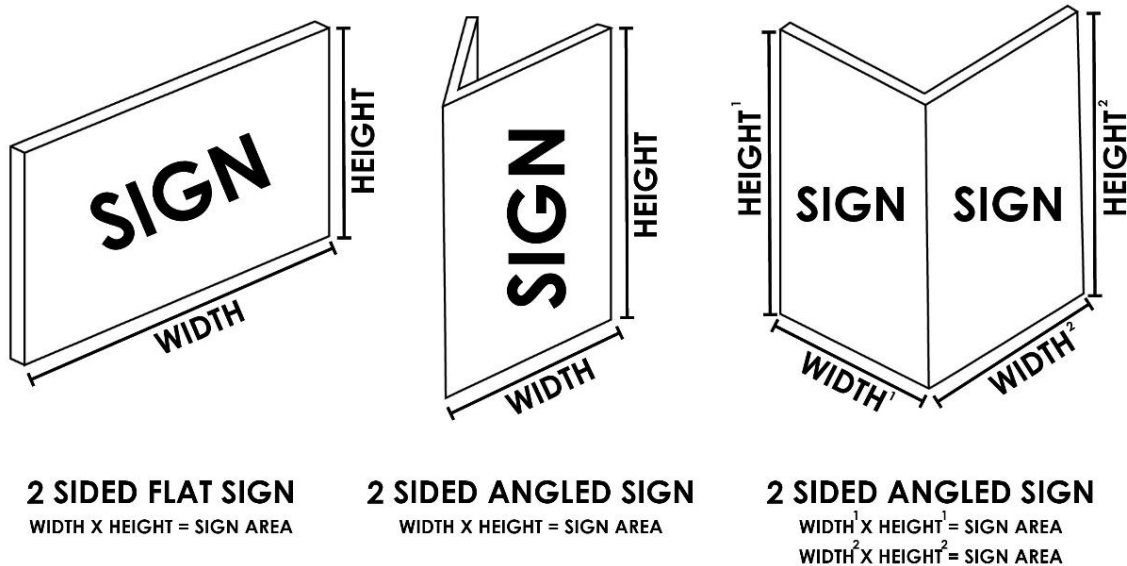


Fig 8.2.4.B. Multiple Faces On A Sign



8.2.5. PERMITTED SIGN TYPES

Signs permitted within each zoning district are identified in Table 8.2.5.1 and 8.2.5.2. Specific standards, including sign area, are provided in Section 8.2.6. All permitted sign types require a permit unless expressly stated otherwise in these standards.

Table 8.2.5.1. Permitted Sign Types in Traditional Zoning Districts

PERMITTED SIGN TYPES IN TRADITIONAL DISTRICTS	RESIDENTIAL				BUSINESS			INDUSTRIAL		PLANNED
	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD
BUILDING SIGNS										
Wall Signs	X	X	X	P	P	P	P	P	P	P
Window	X	X	X	P	P	P	X	X	P	P
Canopy/Awning	X	X	X	X	P	P	X	X	P	P
Projecting/Blade	X	X	X	X	P	P	X	X	P	P
FREE-STANDING SIGNS										
Monument/Community	X	X	X	P	P	P	P	P	P	P
Sidewalk	X	X	X	X	P	P	X	X	P	P
KEY: P = Permitted X = Not Permitted										

Table 8.2.5.2. Permitted Sign Types in Mixed-Use Zoning Districts

PERMITTED SIGN TYPES IN MIXED-USE DISTRICTS	MIXED-USE DISTRICTS				
	DC-MX	DG-MX	CC-MX	RC-MX	MD-MX
BUILDING SIGNS					
Wall Signs	P	P	P	P	P
Window	P	P	P	P	P
Canopy/Awning	P	P	P	P	P
Projecting/Blade	P	P	P	P	P
FREE-STANDING SIGNS					
Monument/Community	X	P	P	P	P
Sidewalk	P	P	P	P	P
KEY: P = Permitted X = Not Permitted					

8.2.6. PERMITTED SIGN AREA AND NUMBER OF SIGNS

- A. **Introduction.** This Section defines each sign type and their respective standards, including Building Signs and Free-Standing Signs. Sign type definitions include graphic illustrations for permitted signs and are illustrations provided for illustrative purposes only; the text/dimensions shall apply in all cases. Description, locational standards, size standards, and any other requirements are provided for each sign type.
- B. **Building Signs.** Building signs include wall, window, canopy/awning, and projecting/blade signs, where allowed per Tables 8.2.5.1 and 8.2.5.2. For the purposes of this Section, the maximum area of all building signs (combined sign sizes/areas) shall not exceed the standards in Table 8.2.6.1: Maximum Sign Face Area. Additional specific provisions may be required for each sign type in Section 8.2.7: Building Sign Standards.

Table 8.2.6.1 Maximum Sign Face Area

Length of Building or Tenant Space (Requires Public Entrance)	Sign Area Per Linear Foot of Building/Tenant Frontage
Up to 100 linear feet of building frontage (single use or multitenant)	2 SF/Linear Foot per tenant not to exceed 100 linear feet in total
101 to 200 more linear feet of building frontage (single use or multitenant)	1 SF/Linear Foot per tenant not to exceed 200 SF total
For freestanding single tenant buildings in excess of 50,000 square feet	1 SF/Linear Foot or 500 SF whichever is less

- C. **Free-Standing Signs.** Free-standing signs, including monument/community signs, shall be provided for, including calculations, as identified within each of the respective sign types in Section 8.2.8: Free-Standing Sign Standards.
- D. **Total Number of Signs.** The following subsections defines the maximum number of signs permitted for each tenant/business. A tenant/business shall be defined as an owner or leasee of the individual building/unit within a building.

1. **Building Signs.** A total of three (3) building signs may be permitted per tenant/business. Such signs shall be permitted only on a building frontage along a public or private roadway, or along a parking lot serving the building.

Figure 8.2.6.D. Example of Three Building Sign Maximum



- a. **More Than One Street Frontage.** For buildings with more than one (1) street frontage, the total maximum area of building signs shall be based only on the width of the building or tenant space fronting along the primary frontage which includes a public entrance.
 - b. **Local Road.** Building signs may, however, be placed on the portion of the tenant/building space fronting a local road only when that building frontage includes a public entrance.
2. **Free-standing Signs.** A total of three (3) free-standing signs may be permitted per development, subject to the standards provided in Section 8.2.8: Free-standing Signs, including development size and number of driveways/entrances.

8.2.7. BUILDING SIGN STANDARDS

A. Wall Sign Standards

Figure 8.2.7.A. Example Wall Signs



1. **Description.** A sign attached directly to a building wall above the entrance, limited to one per façade, per building tenant. A wall sign may include murals conveying the name of a business or a commercial message.
2. **Location.** Located on the supporting building wall. May not extend above any parapet wall. May not project more than six (6) inches from the building face.

B. Window Sign Standards

Figure 8.2.7.B. Example Window Signs



1. **Description.** A sign attached flat, but parallel, to the inside of a window, or within twelve (12) inches of the inside of the window.
2. **Location.** Window signs shall only be placed on first floor windows of buildings with public street frontage.
3. **Additional Standards.** Maximum twenty percent (20%) of all windows may be covered by a window sign.

C. Canopy/Awning Sign Standards

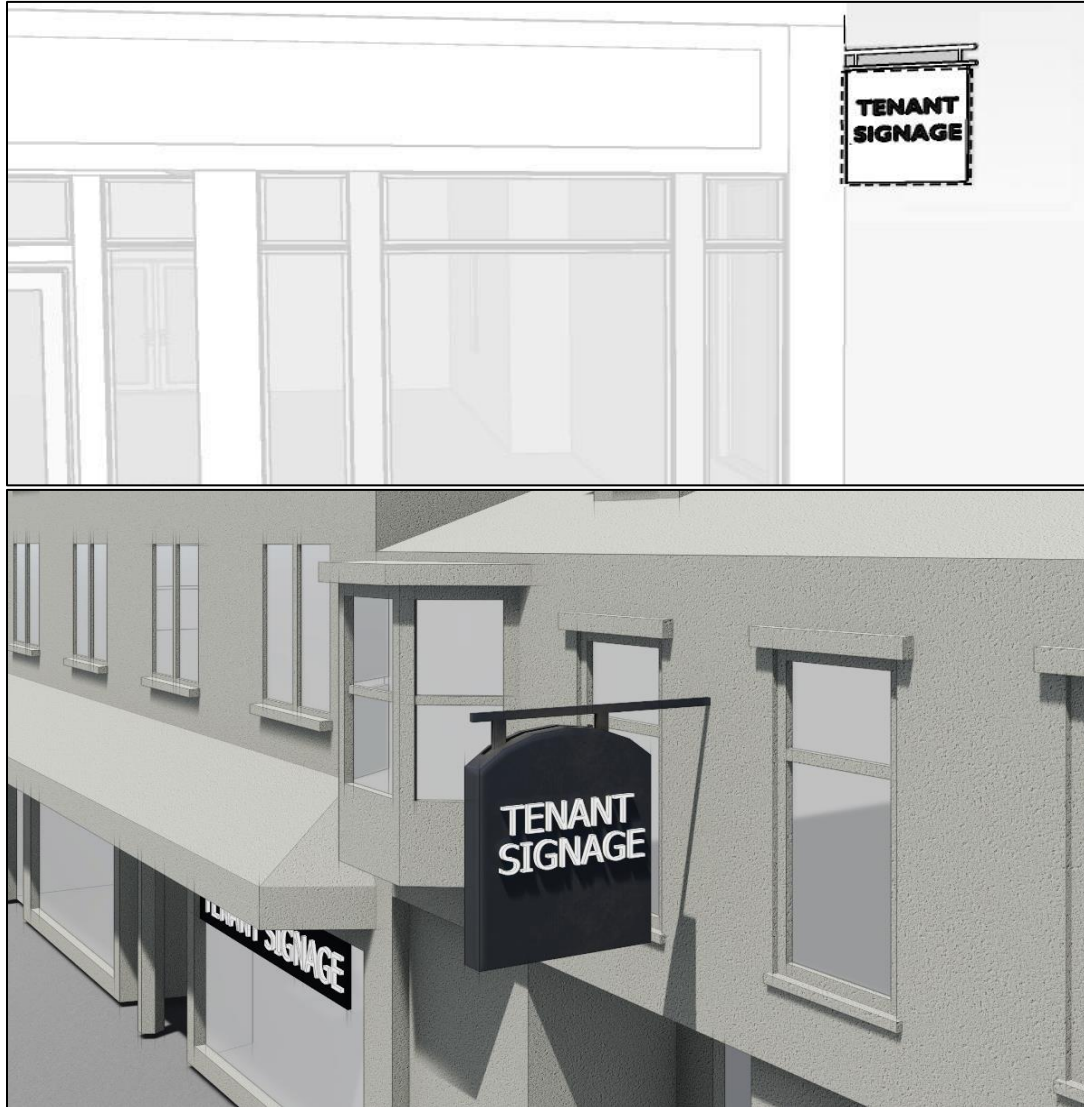
Figure 8.2.7.C. Canopy/Awning Sign Examples



1. **Description.** A sign attached to, or affixed to, a canopy/awning.
2. **Location.** Canopy/awning signs shall have a minimum clearance of nine (9) feet from the surface below and a maximum height of four (4) feet above the clearance.
3. **Additional Standards.** See also Section 8.2.2.F for canopy sign and changeable copy sign standards.

D. Projecting/Blade Sign Standards. For the purposes of this Section, a Projecting/Blade Sign may be used in lieu of a Canopy/Awning sign, subject to the following standards.

Figure 8.2.7.D. Projecting/Blade Sign Examples



1. **Description.** A sign attached directly to a supporting building wall and intersecting the building wall at a right angle.
2. **Location.** Typically extends more than one foot from the building wall. The sign may be flat or three dimensional.
3. **Additional Standards.** Shall not extend above the roof line or the parapet wall. Buildings with two (2) or more stories shall not have a projecting sign located higher than the second story or twenty-four (24) feet, whichever is less.

8.2.8. FREE-STANDING SIGN STANDARDS

A. Monument/Community Sign Standards.

Figure 8.2.8.A. Monument/Community Sign Examples





1. **Description.** A freestanding ground sign with a supporting structure with columns on the ends of the sign.
2. **Location.**
 - a. **Primary Sign – Maximum Number:**
 - i. Projects/developments up to five (5) acres: One (1) primary sign and one (1) secondary sign.
 - ii. Projects/developments five (5) acres or greater: One (1) primary sign and one (1) secondary sign per driveway/location from the public roadway, up to three (3) secondary signs maximum (total).
 - b. **Setbacks:** All monument signs shall be located a minimum of ten (10) feet from the road/right-of-way; however, shall also be located outside of the visibility triangle.
3. **Additional Standards.**
 - a. **Sign Width:** Maximum twenty-five (25) feet, excluding support structures, columns or decorative features without a sign face.
 - b. **Sign Height:** Maximum fifteen (15) feet, including support structures, columns or other features including sign face.
 - c. **Primary Sign – Sign Area.**
 - i. Projects/developments up to five (5) acres: Fifty (50) square feet (single tenant); one-hundred (100) square feet (multi-tenant).
 - ii. Projects/developments five (5) acres or greater: One-hundred (100) square feet (single tenant); Two-hundred (200) square feet (multi-tenant).
 - d. **Secondary Sign – Sign Area.** Secondary monument signs may be permitted for all projects/development, subject to the standards of this

Section. The sign area of the secondary monument sign shall be a maximum fifty percent (50%) of the sign area of the primary sign.

B. Sidewalk Sign Standards

Figure 8.2.8.B. Sidewalk Sign Examples



1. **Description.** A sidewalk sign (also commonly referred to as a sandwich board sign) allows for the display of a message on the sidewalk. A maximum of one (1) sidewalk sign shall be permitted and located in front of/adjacent to the entrance.

2. **Location.** Each business/tenant is limited to one sidewalk sign, located only in front of the building entrance. A sidewalk sign may not be placed so as to obstruct the normal flow of pedestrian traffic.
3. **Additional Standards.** Sign area shall be limited to a maximum of eight (8) square feet per side. Sign width is limited to a maximum two (2) feet. Sign height is limited to a maximum four (4) feet.

8.2.9. PROHIBITED SIGNS

A. **Types of Prohibited Signs.** The following signs and sign-types are prohibited within the City of Monroe and shall not be erected and or maintained. Any lawfully existing permanent sign or sign-type that is among the prohibited signs and sign-types listed below shall be deemed a nonconforming sign, subject to the provisions of Section 8.2.3: Nonconforming Signs.

1. Signs prohibited by Federal or State law.
2. Signs that emit sound, vapor, smoke, odor, particles or gaseous matter.
3. Abandoned signs.
4. Revolving signs, flashing signs, inflatable signs, and wind signs, including feather signs.
5. Portable signs, except for human held signs which are exempt from this Section pursuant to Section 8.2.9: Exempt Signs.
6. Roof signs.
7. Any sign located on real property without the permission of the property owner.
8. Signs within the City landscaped areas.
9. Pole or pylon signs.
10. Off-premise signs that advertises goods provided on a different lot, tract, or site from where the sign is located. This provision shall not apply to free-standing signs. Billboards and outdoor advertising are not permitted but may continue as a nonconforming use and in accordance with Sections 136-126 through 136-140.1 of the North Carolina General Statutes (Outdoor Advertising Control Act).

8.2.10. EXEMPT SIGNS

A. **Types of Exempt Signs.** The following signs are permitted and may be erected in any zoning district, unless otherwise provided, without securing a permit, subject to meeting all requirements of this UDO:

1. Signs required by Federal, State, or local laws, ordinances, codes, or regulations.
2. Street address signs.
3. Professional nameplates not exceeding six (6) square feet in area.
4. Identification signs at the entrance of the property limited to three (3) square feet in area.
5. Signs inside a building or structure or located on property such that they are not visible from a public rights-of-way.
6. On-site directional signs not exceeding three (3) square feet in sign area and three (3) feet in height.
7. On-site parking space signs not exceeding one (1) square foot of sign face per sign. One such sign shall be allowed for each parking space on the property.
8. Emergency warning signage erected by a governmental agency, public utility, or contractor performing work within the right-of-way
9. Regulatory signage erected by the City of Monroe.
10. Signage erected by the North Carolina Department of Transportation (NCDOT)
11. Flagpoles and flags, provided the standards below are met:
 - a. Flagpoles shall not exceed twenty-five (25) feet in height in residential districts, thirty-five (35) feet in nonresidential districts.
 - b. Only (1) one flag per pole, up to six (6) feet by ten (10) feet, or two (2) flags per pole for flags up to four (4) feet by six (6) feet, may be flown at a single time.
 - c. Flagpoles shall be located no closer than fifteen (15) feet from the edge of any adjacent right-of-way or separate property.
 - d. There shall be a maximum of three (3) flagpoles per lot or parcel.
12. Attention flags. A maximum of one (1), ten (10) square feet flag, per thirty (30) feet of frontage, shall be permitted on each parcel.
13. Signage on fence wraps affixed to perimeter fencing at a construction site that are exempt pursuant to N.C.G.S. § 160D-907.
14. Signs, lights, figurines, and decorations that are temporarily displayed for a maximum of sixty (60) days at a time, three (3) times a year. Maximum four (4) square feet for any sign.

15. Additional exemptions for residential uses:

- a. Up to twelve (12) square feet of signage placed in a window or in a yard.
- b. In addition to signs permitted in subsection (a), an additional twelve (12) square feet of signage may be placed in a window or in a yard:
 - i. Beginning forty-five (45) days before, and ending five (5) days after, a Federal, State, or local government election;
 - ii. While the property where the sign is located is offered for sale or rent; or
 - iii. Beginning two (2) days before, and ending one (1) day after, an otherwise permitted garage or yard sale.

16. Human held signs that do not obstruct the flow of vehicular or pedestrian traffic.

- B. **Standards for Exempt Signs.** Except for government signs, exempt signs may not be closer than five (5) feet front the front lot line. No sign may be closer than five (5) feet from any driveway, curb or edge of pavement. Signs which become visibly damaged must be removed.

8.3. LANDSCAPING, BUFFERING, FENCES AND WALLS

8.3.1. PURPOSE AND INTENT

- A. **Purpose and Intent.** This Section is intended to improve the appearance and natural beauty of the City of Monroe and guarantee a more predictable, controlled pattern of buffering and mitigation. In order to accomplish this intent, this Section requires that landscaping be provided for any new development. The use of landscaped and maintained areas can reduce incompatibilities of adjacent land uses and promote and enhance community image. The standards outlined in this Section are designed to:
1. Increase the compatibility of adjacent uses;
 2. Minimize the adverse impacts created by neighboring uses;
 3. Reduce excessive heat, glare and accumulation of dust;
 4. Lessen visual pollution;
 5. Ensure landscape yards and screening to reduce the negative impacts of noise, trash, odors, lack of privacy and visual appearances that occur in higher intensity land uses;
 6. Safeguard the public health, safety, and welfare; and
 7. Ensure the appearance and natural beauty of Monroe contributes positively to its growth and economic prosperity.

8.3.2. APPLICABILITY

- A. **Existing Structures.** Buffers and screening shall be provided as required in this Section. Structures lawfully existing before the passage of this UDO may be repaired or modified without providing landscaping buffers required by this Section, provided there is no increase in floor area or impervious area on the site greater than twenty percent (20%).
- B. **New Structures.** Prior to obtaining a zoning or building permit for a new principal structure or development, an applicant must submit and receive approval of a sealed landscape plan from the Department of Planning and Development. Detail shall be provided on the plan showing the required landscaping within a one hundred (100) linear foot section of any buffer. Species of trees and shrubs shall be chosen from the approved plant list, as provided in Section 8.3.11: Approved Plant List. Preservation of existing vegetation is encouraged and may be used to meet requirements of this Section.
- C. **Improvements, Expansions and Additions.** Any improvements, expansions and additions of an existing structure, outdoor use area, or off-street parking area shall comply with the following standards:

1. For improvements, expansions and additions of fifty percent (50%) or less, the standards of this Section shall only apply to the improved/expanded areas.
 2. For improvements, expansions and additions of greater than fifty percent (50%), the standards of this Section shall apply to the entire lot.
- D. **Landscape Plan.** All developments subject to this Section must submit a landscape plan. A registered landscape architect is required to submit a landscape plan. A landscape plan shall include the following:
1. Title of project;
 2. Dimensions, scale and north arrow;
 3. All required open space shown on the plan;
 4. Indigenous or native vegetation;
 5. All landscaped areas;
 6. Identify all UDO required landscaping;
 7. Vehicle use areas including parking, aisles and driveways;
 8. Roadways and access points;
 9. Plant spacing and native status;
 10. Preservation plan (Section 8.3.8.C);
 11. Overhead and underground utilities; and
 12. A tree/vegetative survey
- E. **Exemptions.** The landscaping and buffering requirements set forth in this Section shall not apply in the following instances:
1. **Change in Use.** A change in use does not trigger application of this Section unless there is a specific use standard required for landscaping for the new use, per Section 7.2: Permissible Use Definitions and Standards.
 2. **Single-Family Detached Dwellings.** These regulations do not apply to new single-family detached dwellings constructed on a single lot or parcel not part of a new subdivision or planned development. New subdivisions or planned developments shall adhere to these provisions and shall require perimeter buffers.
 3. **Railroads and Utility Easements.** Property lines abutting railroad rights-of-way and utility easements in excess of sixty (60) feet in width shall not require landscaping or buffering.

8.3.3. LANDSCAPING STANDARDS AND PERMITTED USES

- A. **Maintenance.** All landscaping (including buffers and screening) shall be designed and maintained according to sound landscape and horticultural practices, and all fences/walls shall be maintained in good condition. All plant material shall be maintained in an

attractive and healthy condition; dead or diseased plant material shall be removed and replaced. The responsibility for maintenance of a required buffer shall remain with the owner of the property or their grantee.

B. **Uses Not Permitted.** No buildings or parking areas may be placed within any required buffer, except that driveway entrances from a public street, public sidewalks, and walking/bicycle trails (up to eight (8) feet wide) are permitted.

C. **Uses Permitted.**

1. A landscape buffer may be used for passive recreation or open use area.
2. Required buffers may contain areas of native habitat and water resources, including stormwater management.
3. Appurtenances which may require easy access such as fire hydrants are permitted in a buffer.
4. Fences, walls and berms may be installed within a required buffer.

D. **Standards.**

1. **Plant Species:** All species of trees and shrubs used in required buffers shall be chosen from the approved plant list provided in Section 8.3.11: Approved Plant List.
2. **Canopy Trees:** Canopy trees must be a minimum of eight (8) feet in height and two (2) inches in caliper. In lieu of any requirement for a canopy tree, two (2) understory trees may be planted.
3. **Understory Trees:** Understory trees must be a minimum of four (4) feet in height and one (1) inch in caliper.
4. **Shrubs:** Shrubs must be expected to reach a minimum of three (3) feet in height.
5. **Fences/Walls:** Fences/walls must be constructed using brick, stone, other masonry materials, or wood post and planks. The finished side of the fence shall face the adjoining property. Fences/walls shall be placed at the rear of a buffer so the adjoining property benefits from the view. No fence/wall shall exceed eight (8) feet in height.
6. **Berms:** Berms shall be stabilized and have a slope not exceeded 3:1 (horizontal to vertical).
7. **Minimum/Maximum Percentages.** When twenty (20) or more canopy or understory trees are required to be planted on a site to meet the standards of this UDO, a mix of genera shall be provided as follows:

Total Trees Planted on Site	Minimum Number of Genera Required	Maximum Percentage of any Genera
20 or less	1	Not applicable
21-50	2	60 percent
51-100	3	50 percent
101 or more	4	40 percent

8.3.4. REQUIRED BUFFERS

- A. **Buffer Defined.** A buffer is a specified land area located parallel to and within the outer perimeter of a lot or parcel. A buffer shall contain the required planting, landscaping, berm, fence or wall, or any combination required as set forth in this UDO. Landscaping and buffer standards provided for in these regulations are minimum standards and may be increased at the discretion of the property owner. None of these standards shall be construed as prohibiting additional plant materials, screening or buffer area in excess of the required regulations.

8.3.5. PERIMETER BUFFER STANDARDS

- A. **Generally.** Perimeter buffers shall be required per this Section and meet the following standards:
1. Perimeter buffers shall be located on the outer perimeter of the lot, parallel to and extending to the property boundary line of the lot.
 2. Perimeter buffers may be located wholly or partially within required yards.
 3. A required perimeter buffer must be provided along the entire boundary line of the lot.
 4. For multiple lot developments, developed as a single entity, a perimeter buffer is only required around the outer perimeter of the development.
 5. A parking area buffer, as provided in Section 8.3.6: Parking Area Buffers and Landscaping, may be credited toward a more intense perimeter buffer. If the perimeter buffer is more intense than the parking area buffer, the required components of the parking area buffer are not required.
 6. Fences and walls shall comply with the standards of Section 8.3.10: Fences, Walls and Berms. Where a fence or wall is utilized in buffering, the fence must be positioned interior to the landscaping, except for:
 - a. Yards along an interior side or rear lot line, where fences must be positioned exterior to the landscaping.

- b. Trees may be on both sides of a wall as long as a minimum one half of required canopy trees are in front.

7. Stormwater that includes vegetation may be placed within a perimeter buffer, provided that the screening function of a perimeter buffer is maintained. Plant material meeting the minimum requirements of this Section may be counted in requirements.

B. Perimeter Buffer Types. Perimeter buffer types include buffer types 1- 5, each with a varying degree of screening and intensity. Each buffer type may allow up to three (3) different options to achieve the required level of buffering, utilizing a mixture of trees, shrubs and fences/walls. The plant material required is per one-hundred (100) linear feet of property frontage. Table 8.3.1 lists the different perimeter buffer types with varying degrees of opacity for each perimeter buffer. Table 8.3.1 also provides options to achieve each perimeter buffer type. Figures 8.3.1 through 8.3.5 provide illustrative examples of each perimeter buffer type. The figures are for illustrative purposes only; the text, dimensions and standards shall apply in all cases where there is a conflict.

1. **Perimeter Buffer Type 1.** This buffer is intended to function as an intermittent visual screen. It is intended to partially block visibility between different uses, but not totally obstruct visual contact from one use to another.
2. **Perimeter Buffer Type 2.** This buffer is intended to function as a partially opaque screen. This type of buffer should partially block visual contact between uses and creates a sense of spatial separation.
3. **Perimeter Buffer Type 3.** This buffer is intended to function as a semi-opaque screen. This type of buffer prevents visual contact between uses and creates a sense of spatial separation.
4. **Perimeter Buffer Type 4.** This buffer is intended to function as a more intense opaque screen than Buffer Type 3, but not as intense of an opaque screen as created by Buffer Type 5.
5. **Perimeter Buffer Type 5.** This buffer is intended to function as an opaque screen from the ground to a height of eight (8) feet. This type of buffer prevents visual and auditory contact between uses and creates a strong impression of total separation.

Table 8.3.1 Perimeter Buffer Types Table

PERIMETER BUFFER TYPES TABLE			
TYPE	OPTION 1	OPTION 2	OPTION 3
1	7.5' Width 2 Trees 30 Shrubs Per 100 LF	7.5' Width 3 Trees 20 Shrubs Per 100 LF	7.5 Width 4 Trees 10 Shrubs Per 100 LF
2	10' Width 3 Trees 40 Shrubs Per 100 LF 6' Fence	10' Width 4 Trees 30 Shrubs Per 100 LF 6' Fence	10' Width 5 Trees 15 Shrubs Per 100 LF 6' Fence
3	15' Width 3 Trees Per 100 LF 1 Understory Trees Per 100 LF 50 Shrubs Per 100 LF 6' Fence	15' Width 4 Trees Per 100 LF 2 Understory Trees Per 100 LF 30 Shrubs Per 100 LF 6' Fence	15' Width 4 Trees Per 100 LF 3 Understory Trees Per 100 LF 20 Shrubs Per 100 LF 6' Fence
4	25' Width 4 Trees Per 100 LF 2 Understory Trees Per 100 LF 60 Shrubs Per 100 LF 6' Wall	25' Width 5 Trees Per 100 LF 3 Understory Trees Per 100 LF 40 Shrubs Per 100 LF 6' Wall	25' Width 5 Trees Per 100 LF 4 Understory Trees Per 100 LF 25 Shrubs Per 100 LF 6' Wall
5	50' Width, 8 Trees Per 100 LF, 4 Understory Trees Per 100 LF, Continuous Hedge, 8' Wall, 5' High Berm		
<u>Additional Standards:</u> 1. Required plant material may not be clustered to achieve requirements. A maximum allowable 10' gap may be permitted. 2. Minimum shrubs may be double staggered. 3. Required trees may be on both sides of a fence/wall as long as a minimum one half of required trees are in front. 4. If perimeter buffer types are more intense than a required parking area buffer, the perimeter buffer will take precedent.			

Figure 8.3.1. Perimeter Buffer Type 1 (Illustrative Example)

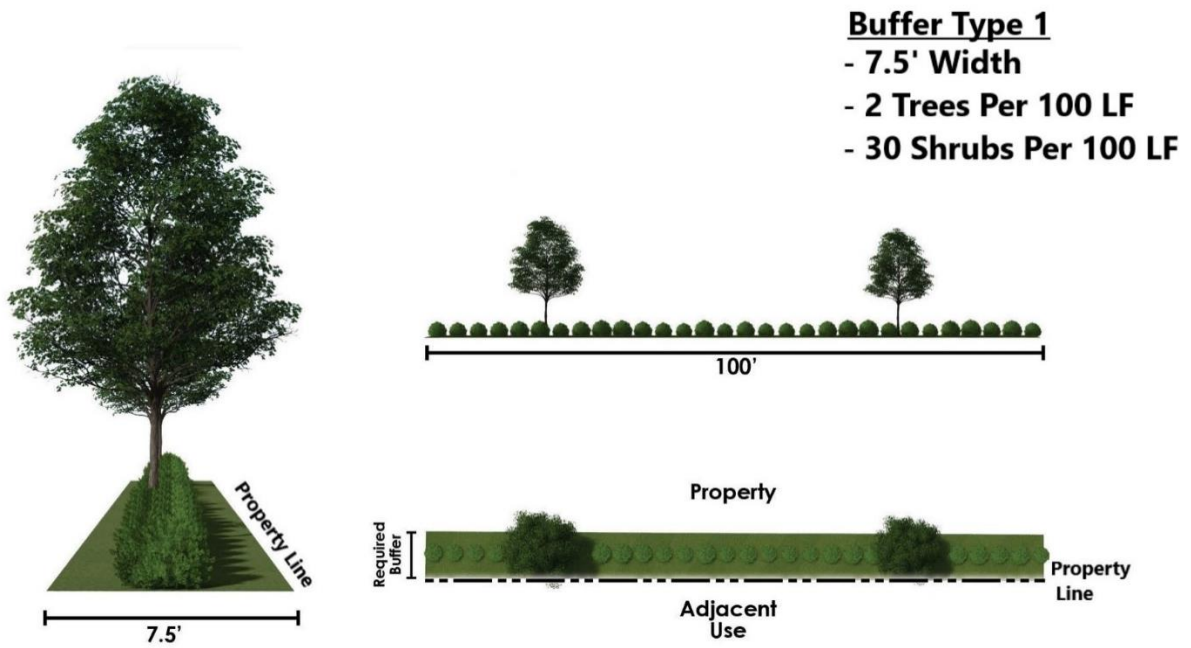


Figure 8.3.2. Perimeter Buffer Type 2 (Illustrative Example)

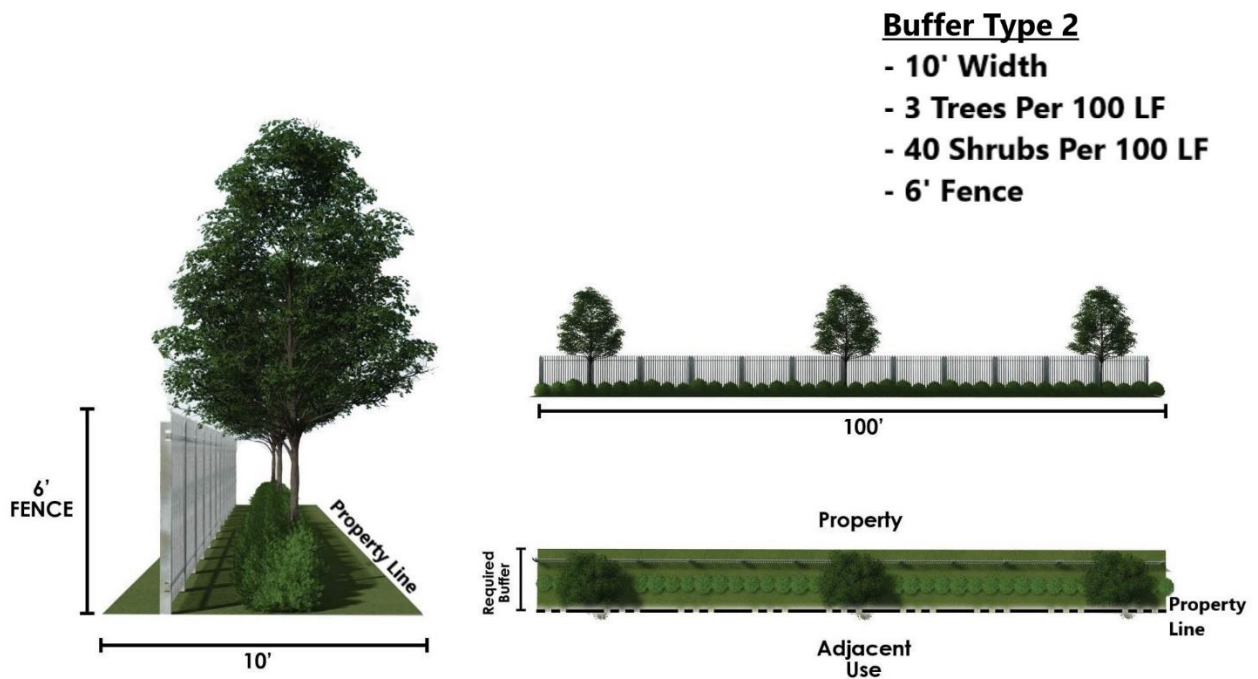


Figure 8.3.3. Perimeter Buffer Type 3 (Illustrative Example)

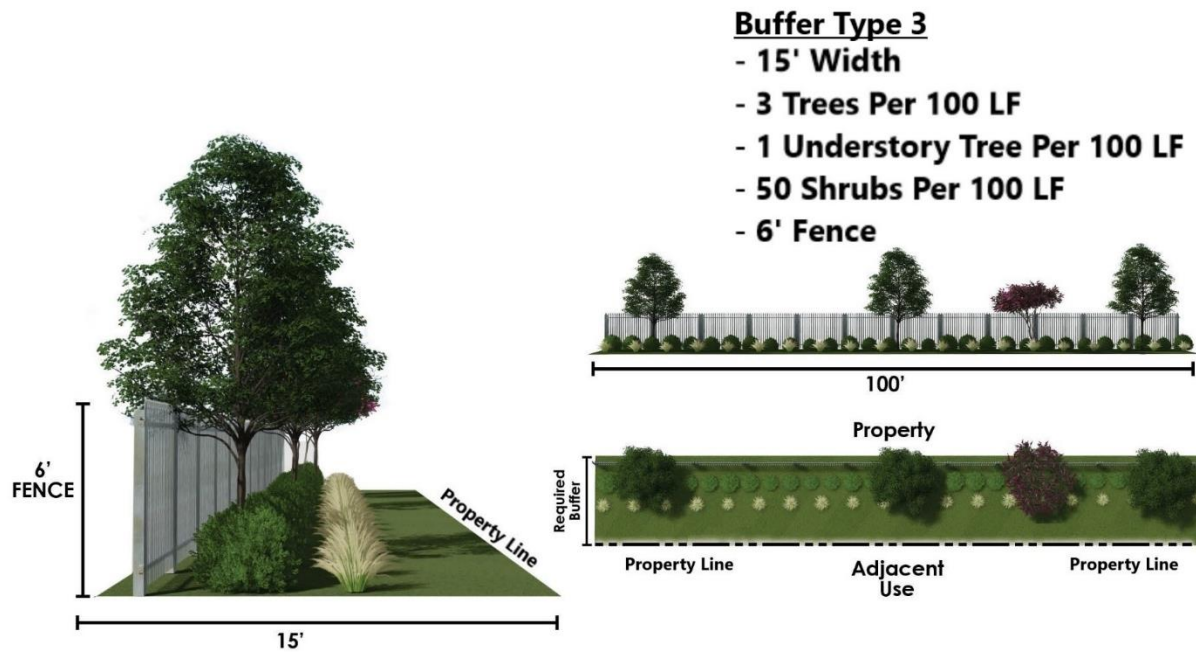


Figure 8.3.4. Perimeter Buffer Type 4 (Illustrative Example)

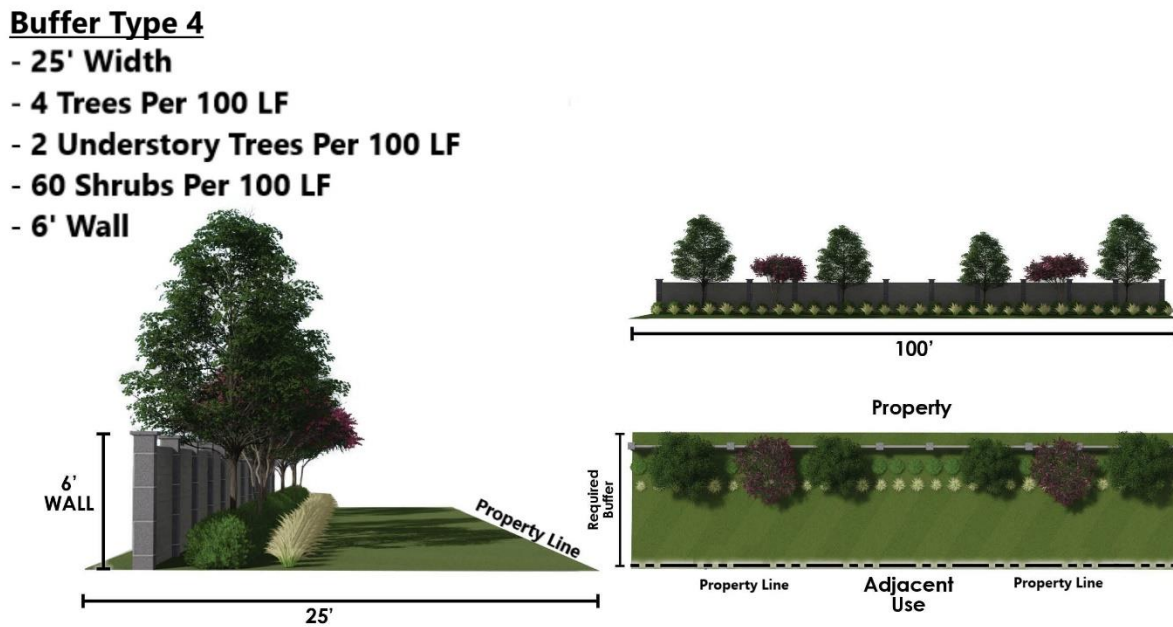
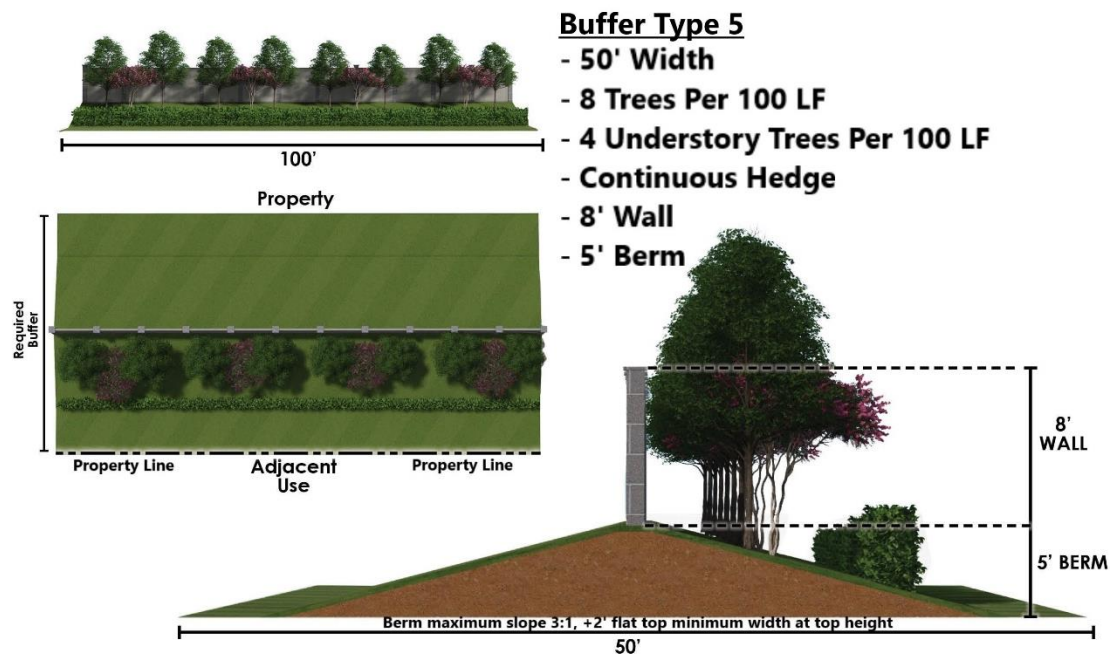


Figure 8.3.5. Perimeter Buffer Type 5 (Illustrative Example)



C. Perimeter Buffer – Required Perimeter Buffer Type by District.

1. Table 8.3.2 shall control the required perimeter buffer type required between zoning districts. While Table 8.3.2 is intended to provide for buffers based on zoning district, the Director may take into consideration existing and proposed uses to achieve the intent of this Section. For example, a residential use may occur in OM, requiring a different buffer type to adequately provide buffer and screening.
2. Perimeter buffer types, ranging in the intensity of screening they provide, range from 0 to 5 (0 being no buffer required, 5 being the most intense buffer required).
3. To determine the perimeter buffer type required, identify the zoning district of the land in which a development is proposed. Using Table 8.3.2, the intersection of the row associated with the district of the proposed development and the column associated with the adjacent zoning district shows the buffer type required.
4. Perimeter buffer types required shall comply with the standards provided in Table 8.3.1. Options for achieving the required buffer intensity are provided in Table 8.3.1.

Table 8.3.2. Required Perimeter Buffer Type by District

TABLE 8.3.2. REQUIRED PERIMETER BUFFER TYPE BY DISTRICT										
ZONING DISTRICT OF ADJACENT PROPERTY										
ZONING DISTRICT OF SUBJECT PROPERTY	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD
RLD	2	3	4	4	4	4	4	5	4	4
RMD	3	3	4	4	4	4	4	5	4	4
RHD	4	4	3	4	4	4	5	5	3	3
OM	4	4	4	3	3	3	4	5	3	3
NB	4	4	4	3	3	3	4	5	3	3
GB	4	4	4	3	3	3	4	5	3	3
GI	4	4	4	4	4	4	2	1	4	4
HI	5	5	5	5	5	5	1	2	5	5
PUD	4	4	3	3	3	3	4	5	3	3
PCD	4	4	3	3	3	3	4	5	3	3

8.3.6. PARKING AREA BUFFERS AND LANDSCAPING

A. Applicability.

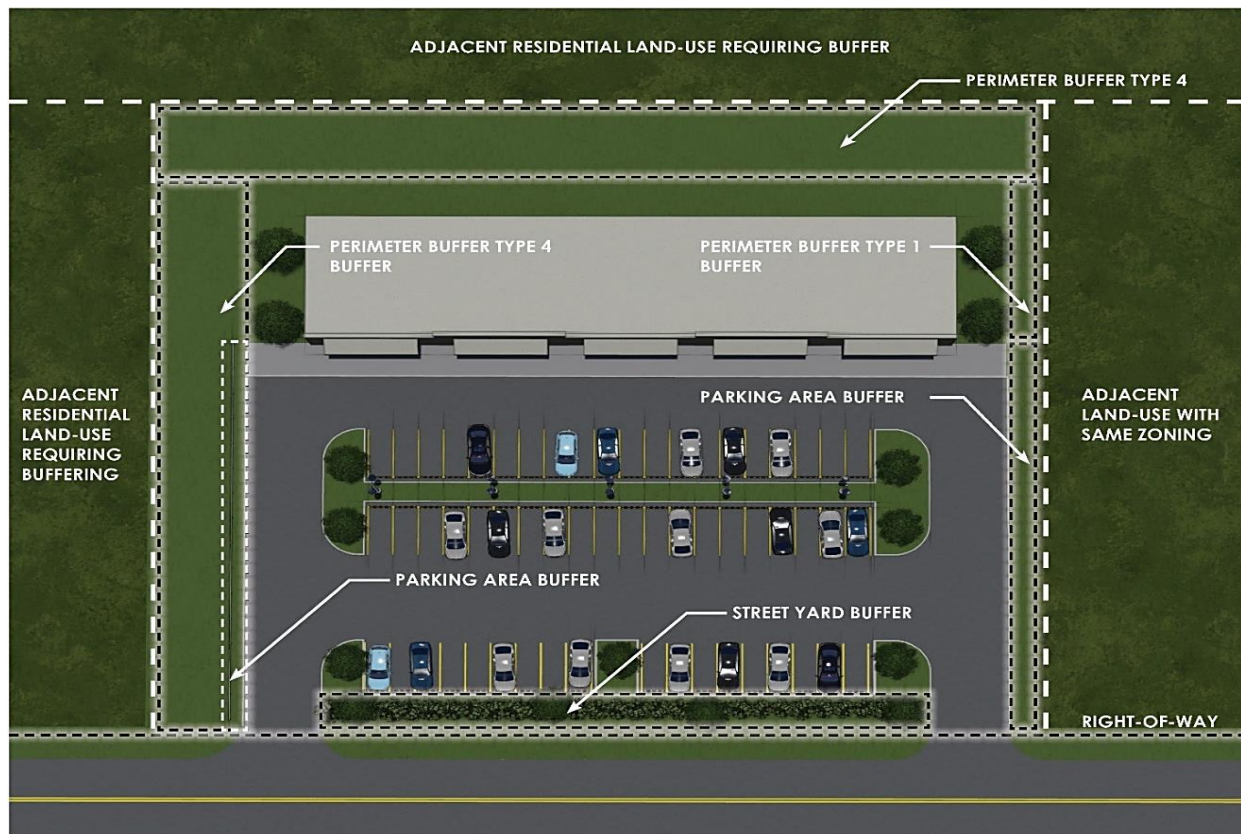
1. Any new construction or reconstruction of a parking lot must comply with the requirements of this Section.
2. Expansion of an existing parking lot must comply with the requirements of this Section for all newly created parking and access areas.
3. Where the expansion increases the amount of parking less than twenty five (25) percent of the existing parking provided, then only the newly created parking and access areas shall comply with the requirements of this Section.

B. Parking Area Buffer Standards. The following standards shall apply to the landscaping of off-street parking and vehicle use area (parking area) buffers:

1. **Location.** Where any parking area abuts a right-of-way or another development, the parking area must be screened in accordance to these standards.

- a. A parking area shall be defined as any surface area used for off-street parking, storage or display of vehicles, areas for loading and unloading goods, and service areas and drive-throughs.
 - b. The parking area buffer shall be in addition to a street yard or perimeter buffer.
 - c. Parking area buffers shall be credited toward the street yard buffer and perimeter buffer requirement along the portion of the lot line parallel to the to the parking lot perimeter buffer. If the perimeter buffer is more intense than the parking area buffer, the required components of the parking area buffer are not required. See Figure 8.3.6 for an illustrative example of parking area buffers.
- 2. **Buffer Type.** A parking area buffer shall be in the form of Buffer Type 1 (unless exempted per Section 8.3.6.B.3), as provided in Table 8.3.1, and require the additional standards below:
 - a. **Fences/Walls.** If the required perimeter buffer does not require a fence or wall, any parking area buffer adjacent to residential use shall include a fence/wall of at least four (4) feet in height at the perimeter of the property. Fences/walls shall meet the standards provided in Section 8.3.10.
 - b. **Shrubs.** Required shrubs shall be grouped with a required tree, and there shall be no gaps greater than ten (10) feet between required shrubs.
 - c. **Plant Material.** All required plant material shall be uniformly distributed along the perimeter of the parking area.
- 3. **Exemptions.**
 - a. Driveways for single family or two family dwellings shall not be considered parking areas for purposes of this Section.

Figure 8.3.6. Parking Area Buffers



C. Terminal Islands. The following standard shall apply to all terminal islands:

1. Each row of parking spaces shall end with terminal islands to separate parking from adjacent drive lanes. See Figure 8.3.7 for an illustrative example of a terminal island.
2. Each terminal island shall measure at least eight (8) feet in width by eighteen (18) feet in length, measured from the inside of the curb.
3. Within terminal islands, one (1) large or medium canopy tree shall be required for every one-hundred-and-fifty (150) square feet (or fraction above one half thereof), with a minimum of one (1) large or medium canopy tree (as provided in Table 8.3.3) required per terminal island.
4. Terminal islands shall be landscaped with shrubs, accent plants, ornamental grasses, and ground cover, excluding sod, which is planted to provide one hundred (100) percent coverage within two (2) years.
5. Landscaping in islands adjacent to parking spaces shall be set back a minimum of two (2) feet behind the back of the curb to provide for pedestrian access to parked vehicles.

6. Parking lots or portions of parking lots not visible from the streets excluding alleys, shall not be required to install terminal islands.

D. Interior Islands. The following standard shall apply to all interior islands:

1. If interior islands are utilized in the parking area configuration, each interior island shall measure at least eight (8) feet in width by eighteen (18) feet in length, measured from the inside of the curb. See Figure 8.3.7 for an illustrative example of an interior island.
2. The Director may reduce the required width by up to three (3) feet (minimum width five (5) feet) where existing site constraints (e.g. small site) make compliance impracticable or where such reduction will allow preservation of existing trees.
3. Interior islands less than five (5) feet in width, measured from the inside of the curb, shall not be credited towards interior landscaping unless a design alternative is granted. Within interior islands, one (1) large or medium canopy tree shall be required for every one-hundred-and-fifty (150) square feet (or fraction above one half thereof), with a minimum of one (1) large or medium canopy tree required per interior island.
4. Landscaping in islands adjacent to parking spaces shall be set back a minimum of two (2) feet behind the back of the curb to provide for pedestrian access to parked vehicles.

E. Divider Medians. The following standard shall apply to all divider medians:

1. Landscaped divider medians shall form a continuous landscaped strip between abutting rows of parking areas or access drives. See Figure 8.3.7 for an illustrative example of a divider median.
2. The minimum width of a divider median shall be a minimum seven (7) feet, measured from the inside of the curb.
3. One (1) large or medium canopy tree or two (2) small under-story trees shall be required for each thirty (30) linear feet of divider median (or fraction above one half thereof).
4. Shrubs shall be planted in divider medians which separate parking areas from access drives to form a continuous hedge the full length of the divider median.
5. Pedestrian scale lighting must be provided within divider median(s) and shall not exceed a maximum height of fifteen (15) feet.

- F. **Tree Placement.** Trees shall not be located adjacent to free-standing sign faces or below wall sign faces where the tree will create a visual obstruction at the time of planting or in the future.

Figure 8.3.7. Parking Area Landscaping (Illustrative Purpose Only)



8.3.7. STREET YARD BUFFER

- A. **Required.** Any development that involves the construction of a new principal building or development along a right-of-way, except for exclusions listed in this Section, must include the installation of a street yard buffer (Buffer Type 2) and additional required plant material as follows:
1. A minimum of two (2) street trees must be installed on the adjacent public rights-of-way, excluding any alleys, for each one-hundred (100) feet of right-of-way frontage.
 2. Required parking area perimeter buffer may be in the required street yard buffer.
 3. All required street trees must be installed before the issuance of a certificate of occupancy. Street trees must be maintained in a healthy and growing condition until full maturity, or replaced as necessary by HOA, POA or similar entity.

4. Street tree requirements may be waived or decreased at the discretion of the Director if there are already the required number of trees established on the street or if specific locations of curb cuts, utilities, or other features conflict with the placement of trees. If there are overhead utilities, the Director may also approve shrubs or small maturing trees instead of large maturing trees.
5. To promote more walkable environments with buildings pushed up to the sidewalk, the DC-MX and DG-MX mixed-use districts, as defined in Section 5: Mixed-Use Zoning Districts, do not require street yard buffers but shall install a minimum of four (4) street trees on the adjacent public rights-of-way, for each one-hundred (100) feet of right-of-way frontage.

8.3.8. TREE PRESERVATION

A. Intent.

1. This subsection 8.3.8 intends to limit excessive pruning or clear-cutting of existing trees and other landscaping.
2. This subsection 8.3.8 shall provide a uniform standard for the protection and replacement of trees on all property which require any type of building or zoning permit.
3. Existing trees may be counted toward landscaping and buffer requirements and toward tree preservation standards as stated herein.
4. As communities develop and grow, there is a need for the construction and renovation of buildings, roads, parking lots and other infrastructure.
5. Tree preservation and tree protection regulations are necessary to protect desirable trees and plants and are a vital part of sustainable community growth.

B. Preservation Standards.

1. It is the intent of this subsection 8.3.8 to preserve deciduous and evergreen trees to the greatest extent possible.
2. Trees at least twenty-five (25) inches in circumference within required buffer and landscaping areas shall be tagged prior to any site clearance and be preserved. At least ten percent (10%) of all existing trees shall be preserved.
3. In any case where a deciduous or evergreen tree over twenty-five (25) inches in circumference is removed from the buffer, it shall be replaced with at least four (4) or more trees of similar species and size, the location which shall be determined by the Director.

4. Trees seventy-five (75) inches in circumference must be preserved and shall not be removed.
- C. **Preservation Plan.** A tree preservation plan shall be required as part of any landscaping plan submitted to the Department of Planning and Development and meet the following standards:
1. The plan must show there will be no disturbance within a preserved tree's critical root zone.
 2. A preserved tree's critical root zone shall be protected from encroachment and damage.
 3. The preferred method is to restrict access by installing a barrier to keep materials, people, or equipment out of the critical root zone.
 4. Barriers shall be accompanied by temporary signs labeling the critical root zone.
 5. The critical root zone area shall remain free of all building materials and debris.

8.3.9. SCREENING OF SERVICE AREAS AND OUTDOOR DISPLAY/STORAGE

- A. **Applicability.** Service areas shall be fully screened and out of view from adjacent properties and rights-of-way. Examples of these areas include:
1. Trash containment areas (i.e. refuse collection, trash containment devices, compactors, dumpsters);
 2. Mechanical equipment (i.e. air conditioning units, rooftop mounted equipment);
 3. Loading/unloading areas;
 4. Open-air/outdoor storage;
 5. Utility service areas; and
 6. Other similar service function areas.
- B. **General Screening Design Standards.**
1. Screening material and design shall be consistent with the landscape plan for the development.
 2. Screening shall consist of landscaping, wall, or fence consistent and compatible with the principal building in terms of texture, quality, material and color.
 3. Examples of screening materials may include a wall, shrub line, fence, parapet wall, or opaque screen.

C. **Outdoor Display and Storage.** All open-air storage areas, including outdoor display and storage, located within one-hundred (100) feet of a property line, shall be screened.

Outdoor display and outdoor storage shall have specific standards below:

1. **Outdoor Display.** Outdoor display shall be defined as the outdoor display of products available for sale, including soft drink dispensing machines, propane gas storage racks, outdoor merchandise, and the like. Outdoor display shall comply with the standards below:
 - a. Outdoor display shall be removed and placed in a fully enclosed structure at the end of every business day. Due to their commercial and pedestrian oriented nature, propane storage racks, soft drink dispensing machines, ice storage bins, may remain outside overnight.
 - b. Outdoor display shall only be displayed in front of the primary façade and may not extend more than eight (8) feet. No more than twenty-five (25) percent of the horizontal length of the façade shall have outdoor display items.
 - c. Outdoor display areas shall not inhibit pedestrian travel paths (i.e. sidewalks) and ADA accessibility shall be maintained.
2. **Outdoor Storage.** Outdoor storage shall be defined as either limited outdoor storage or intense outdoor storage of materials, goods, and merchandise.
 - a. **Limited Outdoor Storage.** Limited outdoor storage includes outdoor storage of merchandise which cannot easily be taken in and out of an enclosed structure as the end of the day, including items such as garden supplies, plants, sporting goods, overnight outdoor storage of vehicles awaiting repair, and storage of fleet vehicles, such as delivery vehicles. Limited outdoor storage is only permitted in the NB, GB, GI, HI and PCD districts and is limited to eight (8) feet in height and must be fully screened from the view of any public right-of-way, parking areas and adjacent properties. Fences, hedges, and plant material may be used to screen the limited outdoor storage.
 - b. **Intense Outdoor Storage.** Intense outdoor storage includes outdoor storage of raw, unfinished goods and materials, often associated with the manufacturing of another good. Common intense outdoor storage items include steel, salvage material, recycle materials, lumber, contractor equipment, and other raw material. Outdoor storage is only permitted in the GI and HI districts and shall comply with the following standards:

- i. Intense storage shall be located at least twenty (20) feet from any public right-of-way.
- ii. Intense outdoor storage is limited to eight (8) feet in height and must be fully screened from the view of any public right-of-way, parking areas and adjacent properties. An eight (8) foot fence is required around the perimeter of the outdoor storage area.

D. Trash Containment Areas. All trash containment devices (i.e. dumpsters, refuse collection, etc.) shall have additional standards. Trash containment areas shall meet the following standards:

- 1. Trash containment areas shall be located and designed to not be visible from the view of adjacent streets and properties;
- 2. Trash containment devices may not be located in any front or street yard;
- 3. All trash containment areas shall be enclosed;
- 4. The enclosure shall be at least as high as the highest point of the trash containment device or compactor;
- 5. The enclosure shall be made of a material that is opaque and meets the design standards as set forth in this Section;
- 6. All trash containment devices shall be placed on a dedicated concrete pad.

E. Mechanical Equipment.

- 1. Rooftop mounted equipment shall be screened from view from ground level view of an adjacent property or right-of-way.
- 2. Any new buildings shall require a parapet wall or architectural element that screens roof mounted equipment, or provide an opaque screen around the rooftop mounted equipment.
- 3. Roof-mounted sustainable energy systems (i.e. solar panels) are exempt from screening requirements.

F. Utility Service Areas. Utility service areas located outside the public right-of-way must be screened from public view. Screening shall consist of landscaping, fence or wall meeting the design requirements of this Section. Screening is not required for utility service areas that are related to emergency services (i.e. fire hydrants).

8.3.10. FENCES, WALLS AND BERMS

A. General Standards.

- 1. Fences and walls must be constructed of high-quality materials including brick and stone, stucco over concrete masonry blocks, treated wood, wrought iron,

composite fencing, PVC vinyl, and other like materials as approved by the Department of Planning and Development.

2. All fence support structure must be located on the inside of the fence covering material.
3. Fences and walls must be maintained; any missing or deteriorated portions of fencing material or wall shall be replaced.
4. The maximum height of a fence or wall shall be eight (8) feet in non-residential zoning districts. Exceptions may be granted for unique uses such as sports venues, or where required for safety of pedestrians or motorists.
5. The maximum height of a fence within required rear and side yards shall be six (6) feet in residential zoning districts and maximum height of a fence within a front yard shall be five (5) feet.
6. Bright colors including orange, yellow and red are not permitted for permanent fences.
7. No fence, wall or berm may encroach into a public right-of-way or inhibit motorist visibility or site triangle. Fences and walls shall not block any required ingress or egress point.
8. Fences, walls and berms may encroach into required yards.
9. Fences, walls and berms are exempt from setback requirements. However, a berm may not be constructed in a manner that any portion of berms slopes extend over the property line.
10. All fences and walls shall be installed with the finished side facing towards the exterior or adjoining properties and rights-of-way.

B. **Electric Fences.** Electric fences are only permitted in conjunction with agricultural activities in the, RLD, and RMD districts, by right in the GI and HI districts, and by special use permit in the GB district. Electric fences must abide by the following standards:

1. Electric fences must be driven only by a commercial storage battery not to exceed twelve (12) volts DC.
2. All electric fences shall be surrounded by a non-electrical fence of at least six (6) feet in height.
3. Warning signs shall be required on all electric fences and meet all safety and emergency services requirements.

C. **Barbed Wire Fences.** Barbed wire fencing is only permitted in conjunction with agricultural activities in the, RLD, and RMD districts. Barbed wire may be approved by special use permit in other districts in accordance with the required standards of review in

Section 3.4.9: Special Use Permits and if deemed necessary to protect health and safety in association with utility structures, landfills, airports or similar civil uses.

D. **Berms.** Berms conform to the following standards:

1. **Berms In Required Yards.** Berms may be located in required yards.
2. **Grading of Berms.** Berms shall not exceed a grade of one (1) foot of rise in three (3) feet of length.
3. **Landscaping.** Berms, which may also feature walls as permitted in Section 8.3.4, shall be landscaped and meet all landscape requirements.
4. **Height.** Berms shall not exceed a total of eight (8) feet above the toe of the berm.
5. **Flat Top.** Berms shall have a minimum two (2) foot flat top width at the top of the berm height.
6. **Drainage.** Berms shall not drain onto neighboring yards and cause undue pooling of water. Runoff shall be directed into appropriate drainage easements or facilities.

Figure 8.3.8. Berms and Walls



8.3.11. APPROVED PLANT LIST

A. Approved Plan List Standards.

1. Table 8.3.3 shall be used in identifying different acceptable types of plants for required landscape and buffer requirements.
2. Table 8.3.3 is intended to increase survival rates of plants and reduce maintenance requirements of plant species.
3. All plants used in landscaping and buffering should be adapted to the climate of the Monroe area.
4. Plants not included on this list may be used if approved by the Community Appearance Commission.

Table 8.3.3. Approved Plant List

Large (Canopy) Maturing Trees - DECIDUOUS Trees - Height of 50 feet or more			
Common Name	Botanical Name	Height (ft)	Width (ft)
Baldcypress	Taxodium distichum	70	25
Beech, American	Fagus grandifolia	70	50
Birch, River	Betula nigra	50	35
Dawn Redwood	Metasequoia glyptostroboides	70	30
Elm, Lacebark	Ulmus parvifolia	50	40
Ginkgo	Ginkgo biloba	65	30
Hornbeam, European	Carpinus betulus	50	35
Hackberry, Common	Celtis occidentalis	60	50
Hackberry, Sugarberry	Celtis laevigata	70	60
Hickory, Bitternut	Carya cordiformis	60	40
Hickory, Pignut	Carya glabra	60	35
Hickory, Shagbark	Carya ovata	60	40

Hickory, Mockernut	<i>Carya tomentosa</i>	60	40
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	60	40
Magnolia, Cucumbertree	<i>Magnolia acuminata</i>	60	40
Maple, Sugar	<i>Acer saccharum</i>	60	30
Maple, Red	<i>Acer rubrum</i>	50	40
Oak, White	<i>Quercus alba</i>	65	60
Oak, Swamp White	<i>Quercus bicolor</i>	50	40
Oak, Shumard	<i>Quercus shumardii</i>	50	40
Oak, Southern Red	<i>Quercus falcata</i>	65	50
Oak, Nuttall	<i>Quercus nuttallii</i>	50	50
Oak Scarlet	<i>Quercus coccinea</i>	70	50
Oak, Willow	<i>Quercus phellos</i>	65	60
Oak, Overcup	<i>Quercus lyrata</i>	50	40
Oak, Pin	<i>Quercus palustris</i>	60	40
Oak, English	<i>Quercus robur</i>	60	50
Oak, Post	<i>Quercus stellata</i>	45	40
Oak, Black	<i>Quercus velutina</i>	60	45
Oak, Live	<i>Quercus virginiana</i>	40	50
Poplar Tulip; Poplar, Yellow	<i>Liriodendron tulipifera</i>	70	40
Sycamore; Planetree	<i>Platanus occidentalis</i>	80	50
Tupeo; Blackgum	<i>Nyssa sylvatica</i>	50	30
Zelkova, Japanese	<i>Zelkova serrata</i>	50	40

Large (Canopy) Maturing Trees - EVERGREEN Trees - Height of 50 feet or more			
Common Name	Botanical Name	Height (ft)	Width (ft)
Japanese Cedar	Cryptomeria japonica	50	20
Cypress, Leyland	Xcupressocyparis leylandii	50	20
Cedar, Atlas	Cedrus atlantica	50	30
Cedar, Deodar	Cedrus deodara	50	40
Hemlock, Carolina	Tsuga caroliniana	55	40
Incensecedar, California	Calocedrus decurrens	45	10
Magnolia, Southern	Magnolia grandiflora	60	40
Pine, Loblolly	Pinus taeda	70	40
Pine, Longleaf	Pinus palustris	80	35
Pine, Shortleaf	Pinus echinata	60	30
Norway Spruce	Picea abies	50	25
China Fir	Cunninghamia lanceolata	60	20
Sawara Falsecypress	Chamaecyparis pisifera	50	20
Hinoki Falsecypress	Chamaecyparis obtusa	50	20
Medium (Canopy) Maturing Trees - DECIDUOUS Trees - Height of 30 to 50 feet			
Common Name	Botanical Name	Height (ft)	Width (ft)
Carolina Silverbell	Halesia tetraptera	30	25
Cherry, Japanese	Prunus serrulata	40	40
Cherry, Yoshino	Prunus × yedoensis	35	40
Cherry, 'Kwanzan'	Prunus serrulata 'Kwanzan'	20	20

Dogwood, Flowering	Cornus florida	35	25
Dogwood, Kousa	Cornus kousa	30	30
Elm, Lacebark	Ulmus parvifolia	40	30
Turkish Filbert	Carylus colurna	40	20
Hornbeam, European	Carpinus betulus	50	35
Hornbeam, American	Carpinus caroliniana	25	25
Hophornbeam, American	Ostrya virginiana	35	20
Red Horsechestnut	Aesculus x carnea	50	40
Honeylocust, Thornless	Gleditsia triacanthos	40	30
Maple, Red	Acer rubrum	40	30
Maple, Hedge	Acre campestre	30	25
Maple, 'Sunset'	Acer truncatum x platanoides	30	25
Maple, Trident	Acer buergerianum	35	30
Oak, Post	Quercus stellata	45	40
Sourwood	Oxydendrum arboreum	30	20
Medium (Canopy) Maturing Trees - EVERGREEN Trees - Height of 30 to 50 feet			
Common Name	Botanical Name	Height (ft)	Width (ft)
Arborvitae, Giant	Thuja plicata	50	20
Arborvitae, Eastern	Thuja occidentalis	40	15
Cedar, Eastern Red	Juniperus virginiana	40	20
Cypress, Arizona	Cupressus arizonica	40	20
Japanese Cedar	Cryptomeria japonica	50	20

Magnolia, Southern, cultivars	Magnolia grandiflora	60	40
Magnolia, Sweetbay	Magnolia virginiana	35	20
Atlantic Whitecedar	Chamaecyparis thyoides	40	20
American Holly	Ilex opaca	45	20
Fosteri Holl	Ilex attenuata	30	15
Southern Red Cedar	Juniperus silicola	30	15
Small (Understory) Maturing Trees - DECIDUOUS Trees - Height of 10 to 30 feet			
Common Name	Botanical Name	Height (ft)	Width (ft)
Cherry, apricot, plum, etc.	Prunus spp.	variable	variable
Crabapple, Flowering	Malus spp.	20	20
Crape myrtle, 'Natchez'	Lagerstroemia (indica x fauriei) 'Natchez'	30	35
Crape myrtle, (Crepe myrtle) common	Lagerstroemia indica	20	10
Crape myrtle, Japanese	Lagerstroemia fauriei	25	12
Dogwood, Cornelian cherry	Cornus mas	20	25
Dogwood, Flowering	Cornus florida	20	30
Dogwood, Kousa	Cornus kousa	30	20
Fringetree, American; Old Man's Beard	Chionanthus virginicus	20	20
Fringetree, Chinese	Chionanthus retusus	15	20
Hawthorn	Crataegus spp.	20	20
Hawthorn, Cockspur	Crataegus crusgalli	25	25
Hawthorn, Washington	Crataegus, phaenopyrum	25	25

Hophornbeam, Ironwood	<i>Ostrya virginiana</i>	25	25
Hornbeam, American; Blue Beach Hornbeam; Musclewood	<i>Carpinus caroliniana</i>	25	25
Cherry, Japanese 'Kwanzan'	<i>Prunus serrulata</i> 'Kwanzan'	20	20
Magnolia, Saucer	<i>Magnolia x soulangiana</i>	20	20
Maple, Purpleblow "Norwegian Sunset"	<i>Acer truncatum x</i> <i>platanoides</i>	25	25
Maple, Chalk	<i>Acer leucoderme</i>	30	25
Maple, Hedge	<i>Acer campestre</i>	30	30
Maple, Japanese	<i>Acer palmatum</i>	20	20
Maple, Trident	<i>Acer buergerianum</i>	30	25
Maple, Amur	<i>Acer ginnala</i>	20	20
Pistache, Chinese (Chinese pistachio)	<i>Pistacia chinensis</i>	30	30
Redbud, Eastern	<i>Cercis canadensis</i>	25	20
Serviceberry, Downy	<i>Amelanchier arborea</i>	12	12
Serviceberry, Shadbush	<i>Amelanchier canadensis</i>	15	18
Silverbell, Carolina	<i>Halesia tetraptera</i>	30	30
Silverbell, Florida	<i>Halesia carolina</i>	20	30
Snowbell, Japanese; Styrax, Japanese	<i>Styrax japonica</i>	25	25
Witch hazel	<i>Hamamelis virginiana</i>	20	25

Small (Understory) Maturing Trees - Evergreen Trees - Height of 10 to 30 feet			
Common Name	Botanical Name	Height (ft)	Width (ft)
Carolina Cherry laurel	Prunus caroliniana	30	20
Devilwood, Wild Olive,	Osmanthus americanus	20	12
Holly	Ilex spp.	variable	variable
Magnolia	Magnolia spp.	30	20
Magnolia, Little Gem	Magnolia Grandiflora 'Little Gem'	20	10
Mountain Laurel	Kalmia latifolia	12	5
Waxmyrtle, Southern	Myrica cerifera	20	10

8.4. PARKING AND LOADING

8.4.1. PURPOSE, INTENT AND APPLICABILITY

- A. **Purpose and Intent.** The purpose of this Section is to ensure the City is served by adequate parking and loading facilities proportional to market demands and generalized need for parking and loading. This Section intends to:
1. Provide for adequate parking, loading and unloading, and safe movement of vehicles and pedestrians through off-street parking areas;
 2. Recognize parking and loading demands of permitted uses and provide a flexible range of adequate parking and loading, receptive to market demand;
 3. Allow for alternative parking options in certain defined circumstances;
 4. Reduce the aesthetic impacts of parking areas;
 5. Avoid excessive areas of impervious surfaces dedicated to parking;
 6. Provide for compatibility between uses; and
 7. Provide for high quality, safe designs that will add to the aesthetic wellbeing of the City.
- B. **Applicability.** Parking must be provided in accordance with this UDO. Off-street parking shall be maintained and continued. No permit for construction or addition may be permitted until the parking requirements of this UDO have been met. Off-street parking shall be located on the same plot or parcel of land it is intended to serve, unless specifically permitted otherwise.
- C. **Renovations and Repairs.** A building or site may be renovated or repaired without providing additional parking, providing there is no increase in floor area unless the addition in area meets the requirements set forth in this UDO. If there is an increase in floor area, the requisite number of parking spaces shall be provided per requirements of this Section. If additional parking cannot be provided consistent with this Section, the Planning and Development Director may request an Alternative Parking Plan (see Sec. 8.4.2.H: Alternative Parking Plan).
- D. **Change in Uses.** A change in use in a building shall meet the parking requirements for that new use. If the parking requirements of this UDO cannot be met for the new use, the Planning and Development Director may make a determination as to whether or not the current parking can sustain the new proposed use. The Planning and Development Director may request additional information regarding the proposed use, but if such a determination cannot be made with the information provided, the Planning and

Development Director may request an Alternative Parking Plan (see Sec. 8.4.2.H: Alternative Parking Plan).

- E. **Unlisted Uses.** In those situations where a proposed use is not identified in Table 8.4.1, the Planning and Development Director may apply an alternative off-street parking standard based on the use determined to be the most similar to the proposed use. A parking study or similar analysis prepared by a Professional Engineer or Certified Land Use Planner with experience in parking studies may be provided to the Planning and Development Director which can be used in applying an alternative parking standard.

8.4.2. PARKING REQUIREMENTS

- A. **Required Parking.** Parking shall be provided in accordance with Table 8.4.1: Parking Requirements. Where a use is not specifically listed, the Planning and Development Director is responsible for applying the requirement for the most similar use.
- B. **Minimum and Maximum.** Parking requirements provide the minimum and maximum standards to meet the parking needs generated by the various uses permitted by Forward Monroe and the UDO. This is done by providing a range of acceptable parking that is responsive to the market conditions and individual project needs.
- C. **Parking Requirements.** Requirements for parking are set forth in Table 8.4.1: Parking Requirements. The minimum parking required, and maximum parking allowed, are defined using a ratio requirement. For example, under the “Minimum Required” column, “1.0/Dwelling Unit” shall be understood to mean at minimum one parking space per dwelling unit is required. Under the “Maximum Allowed” column, “2.0/Dwelling Unit” shall be understood to mean two parking spaces per dwelling unit are allowed as a maximum.
 - 1. **Mixed-Use Zoning District Parking Requirements.** The parking requirements defined in Table 8.4.1 shall differ for mixed-use districts. Section 5.9: Mixed-Use Zoning District Parking Standards shall be used to calculate parking requirements within mixed-use zoning districts.
- D. **Standard.** Parking standards are to be calculated per 1,000 SF (square feet) of gross floor area of a use, unless otherwise noted. For example, a restaurant has a minimum required 2.0 parking spaces per 1,000 square feet of gross floor area. Fractional calculations shall round to the nearest whole number per Section 8.4.2.E: Fractional Measurements.

- E. **Fractional Measurements.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, then such fraction equal to or greater than one-half shall require a full off-street parking space.
- F. **Measurement of Floor Area in Computation of Required Parking.** Floor area shall mean the gross floor area as defined in Section 11: Definition of Terms, of this UDO.
- G. **Exceeding Maximum Allowed Parking.** If proposed parking exceeds the maximum allowed, an Alternative Parking Plan (APP) shall be required.
- H. **Alternative Parking Plan (APP).** The parking requirements set forth in this Section (Table 8.4.1) may be modified through an APP. The Planning and Development Director may accept an APP in place of the parking requirement for a use if the below requirements are met:
1. A parking study must be submitted that is prepared by a registered Professional Engineer or Certified Land Use Planner.
 2. The study must include the size, type, and use(s) of the development; anticipated peak parking; anticipated normal parking amounts; and a narrative and data as to why the parking requirements of the UDO do not accurately reflect the needs of the proposed development.
 3. The APP may include provisions for satellite parking if the number of off-street parking spaces required cannot reasonably be provided on the same lot where the principal use is located. Such satellite parking spaces shall comply with Section 8.4.2.I: Satellite Parking (Off-Site), below.
 4. An APP may be requested concurrently with a site and development plan, as defined in Section 3.4.17: Site and Development Plan.
- I. **Satellite Parking (Off-Site).** Required parking spaces may be located on a separate plot or property from the subject site in which the principal use is located if the satellite parking complies with the following:
- a. Any satellite parking area shall be under the same ownership (i.e. common ownership) as the principal use or a satellite parking area may be leased for a lease of no less than the term of any lease for the principal use.
 - b. All necessary legal instruments shall be executed and recorded in the Register of Deeds Office. Copies of the recorded documents shall be provided to the Planning and Development Director and City Engineer prior to the issuance of certificates of occupancy. Legal instruments may include ownership documents, lease documents, granted easements, or other information deemed necessary by the

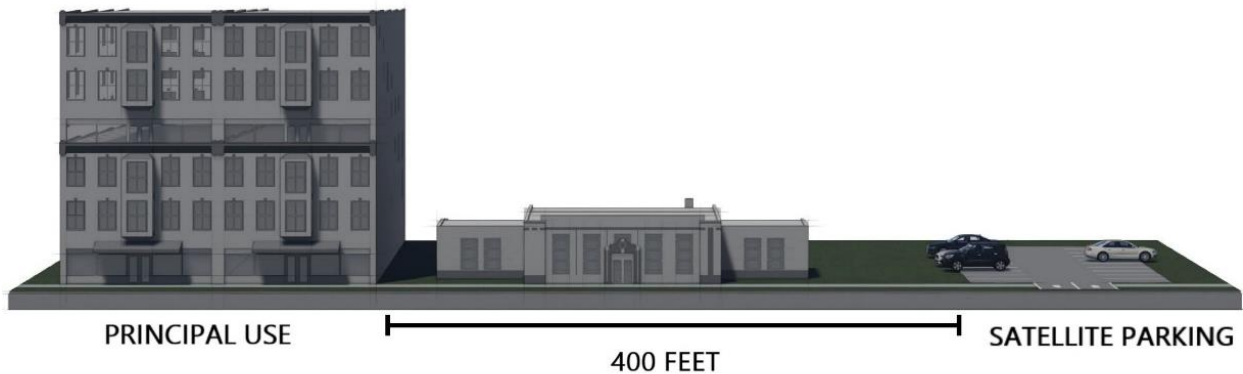
Planning and Development Director to sufficiently prove the satellite parking area meets the intent of this subsection.

- c. All renewal agreements pertaining to satellite parking area leases shall be provided to the Planning and Development Director prior to the expiration of the lease term.
- d. The location of satellite parking shall comply with the distance requirements in Figure 8.4.1.
- e. Satellite parking lots shall abide by all parking design and construction standards set forth in the UDO.
- f. No more than twenty-five percent (25%) of parking space requirements may be provided by a satellite parking location.
- g. Satellite parking shall not consist of any required parking of another use unless a shared parking arrangement exists. Any shared parking arrangement shall be provided to the Planning and Development Director and identify uses existing or proposed, identify the peak parking demands of the uses, and provided calculations and a narrative explaining how the shared parking arrangement will meet the provisions of this Section.
- h. A sidewalk or paved pedestrian walkway shall be provided to the satellite parking area from the subject use.
- i. Satellite parking plans shall be submitted to the Planning and Development Director, including copies of the ownership documentation, lease or similar; identification of the number of parking spaces required for the use and also the number of parking spaces (total) on the satellite lot. The plan shall be on a designated form or application determined appropriate by the Planning and Development Director.

Figure 8.4.1. Satellite Parking Distances

Districts	Maximum Satellite Parking Lot Distance* ¹
Traditional Districts (Section 4 of this UDO)	400 feet
Mixed-Use Districts (Section 5 of this UDO)	750 feet
* ¹ = Satellite parking lot shall be measured in walking distance from nearest point of the satellite parking area to nearest point of the subject property where the principal use is located.	

Figure 8.4.2. Satellite Parking-Traditional District (Illustrative Example)



J. **Parking Requirements Table.** Parking shall be provided in accordance with Table 8.4.1: Parking Requirements.

Table 8.4.1. Parking Requirements

Table 8.4.1. Parking Requirements		
Land Use - Category/Specific Use	Minimum Required	Maximum Allowed
Residential Use Classification		
Residential, As Listed Below:	See Below	
<i>Single Family Detached</i>	2.0/Dwelling Unit	No Maximum
<i>Townhouse/Attached Single Family</i>	2.0/Dwelling Unit	No Maximum
<i>Duplex/Triplex/Quadplex</i>	1.5/Dwelling Unit	2.5/Dwelling Unit
<i>Multifamily</i>	1.5/Dwelling Unit	2.5/Dwelling Unit
<i>Upperstory Residential</i>	1.5/Dwelling Unit	2.5/Dwelling Unit
<i>Manufactured Home Park</i>	1.5/Dwelling Unit	2.5/Dwelling Unit
Residential Care (ALF, ILF, CC)	0.5/Bed	1.0/Bed
Family Care Home	2.0/Dwelling Unit	4.0/Dwelling Unit
Board House/Rooming House	2.0/Dwelling Unit	4.0/Dwelling Unit
Student Housing	1.5/Dwelling Unit	2.5/Dwelling Unit

Group Home – 24 Hour Service, Less Than 6 Persons	2.0/Dwelling Unit	4.0/Dwelling Unit
Group Home – 24 Hour Service, 6 Persons Or More	2.0/Dwelling Unit	4.0/Dwelling Unit
Table 8.4.1. Parking Requirements (Cont.)		
Land Use - Category/Specific Use	Minimum Required	Maximum Allowed
Public and Institutional Use Classification		
Schools (Elementary/Middle)	3.0/Classroom	5.0/Classroom
Schools (High/Senior)	4.0/Classroom	7.5/Classroom
University, College, and Vocational School	4.0/1,000 SF	6.0/1,000 SF
Civic and Private Clubs	See Below	
<i>Minor - Less Than 15,000 SF or 150 Persons Membership</i>	3.0/1,000 SF	5.0/1,000 SF
<i>Major - More Than 15,000 SF or 150 Persons Membership</i>	4.0/1,000 SF	6.0/1,000 SF
Correctional Facility	1.0/Employee	1.5/Employee
Essential Services (Excluding Regional Utility Facilities)	2.0/1,000 SF	4.0/1,000 SF
Regional Utility Facility	0.25/1,000 SF	1.0/1,000 SF
Open Space/Parks	5.0/Acre	10.0/Acre
Social Services	2.0/1,000 SF	3.0/1,000 SF
Religious Institutions	4.0/1,000 SF	8.0/1,000 SF

Table 8.4.1. Parking Requirements (Cont.)

Land Use - Category/Specific Use	Minimum Required	Maximum Allowed
Commercial Use Classification		
<i>General Retail Sales, Less Than 10,000 SF</i>	4.0/1,000 SF	6.0/1,000 SF
<i>General Retail Sales, 10,000 to 25,000 SF</i>	4.0/1,000 SF	6.0/1,000 SF
<i>General Retail Sales, 25,000 SF to 100,000 SF</i>	4.0/1,000 SF	7.5/1,000 SF
<i>General Retail Sales, 100,000 SF or Greater</i>	4.0/1,000 SF	7.5/1,000 SF
Personal Services	2.5/1,000 SF	5.0/1,000 SF
Lodging, Hotel and Motel	1.0/Room	2.0/Room
Lodging, Bed and Breakfast	1.0/Renting Unit	2.0/Renting Unit
Tattoo and Piercing Parlor	2.0/1,000 SF	3.0/1,000 SF
Fortune Telling	2.0/1,000 SF	3.0/1,000 SF
Indoor Recreation	5.0/1,000 SF	10.0/1,000 SF
Outdoor Recreation	5.0/1,000 SF	10.0/1,000 SF
Restaurant	5.0/1,000 SF	10.0/1,000 SF
Restaurant with Drive-Through	5.0/1,000 SF	10.0/1,000 SF
Bar/Tavern/Nightclub	5.0/1,000 SF	8.0/1,000 SF
Microbrewery/Winery/Distillery	3.5/1,000 SF	8.0/1,000 SF
Car, Boat, Other Vehicle Sales & Rentals	2.5/1,000 SF	3.5/1,000 SF
Minor Vehicles Service	2.5/1,000 SF	4.0/1,000 SF
Major Vehicle Service	2.5/1,000 SF	4.0/1,000 SF
Convenience Store with Fuel Pumps	2.5/1,000 SF	5.0/1,000 SF
Car Wash	2.0/1,000 SF	4.0/1,000 SF

Funeral Home	4.0/1,000 SF	8.0/1,000 SF
Laundromat with Onsite Cleaning	2.0/1,000 SF	4.0/1,000 SF
Electronic Gaming Operations	2.0/1,000 SF	4.0/1,000 SF
Day Care Center/Adult Care	2.5/1,000 SF	4.0/1,000 SF
Commercial Parking	NA	NA
Commercial Parking Lot – Trucks, Trailers, Delivery Vehicles	NA	NA
Event Center/Convention Center	4.0/1,000 SF	10.0/1,000 SF

Table 8.4.1. Parking Requirements (Cont.)

Land Use - Category/Specific Use	Minimum Required	Maximum Allowed
Office/Medical Classification		
Professional Office	3.0/1,000 SF	5.0/1,000 SF
Personal & Financial Services without Drive-Through	3.0/1,000 SF	4.0/1,000 SF
Personal & Financial Services with Drive-Through	3.0/1,000 SF	4.0/1,000 SF
Hospital	2.0/Hospital Bed	4.0/Hospital Bed
Medical/Dental Office	3.0/1,000 SF	4.0/1,000 SF
Rehabilitative Clinic	2.0/1,000 SF	4.0/1,000 SF
Animal Hospital/Veterinarian	3.0/1,000 SF	4.0/1,000 SF

Table 8.4.1. Parking Requirements (Cont.)		
Land Use - Category/Specific Use	Minimum Required	Maximum Allowed
Industrial Classification		
Light Industrial & Manufacturing	0.5/1,000 SF	2.0/1,000 SF
Warehouse Distribution/Logistics	0.5/1,000 SF	2.0/1,000 SF
Wholesale Trade	0.5/1,000 SF	2.0/1,000 SF
Heavy Industrial	0.5/1,000 SF	2.0/1,000 SF
Recycling and Waste Related Services	0.5/1,000 SF	2.0/1,000 SF
Laundry or Dry Cleaning Plant	1.0/1,000 SF	2.0/1,000 SF
Mini-Warehouse/Self Storage	0.5/1,000 SF	2.0/1,000 SF
Warehouse & Storage	0.5/1,000 SF	2.0/1,000 SF
Outdoor Storage	0.25/1,000 SF of outdoor storage area	0.5/1,000 SF of outdoor storage area
Mining	0.5/1,000 SF	2.0/1,000 SF
Land Debris Storage	0.5/1,000 SF	2.0/1,000 SF
Table 8.4.1. Parking Requirements (Cont.)		
Land Use - Category/Specific Use	Minimum Required	Maximum Allowed
Other Uses		
Animal Shelter/Kennel	1.0/1,000 Office SF	2.0/1,000 Office SF
Adult Oriented Use (Adult Establishment)	4.0/1,000 SF	6.0/1,000 SF
Agricultural Activities	1.0/1,000 SF	2.0/1,000 SF
Markets & Produce Stands	2.0/1,000 SF	4.0/1,000 SF

Wireless Communication Facilities/Support Structures	NA	NA
Solar Farms	NA	NA
Airport	NA	NA
Rooftop Uses	NA	NA
Note: NA = Not Applicable		

8.4.3. PARKING DESIGN STANDARDS

A. General Design Standards.

1. **Parking Plans.** A Parking Plan shall be required for all development and redevelopment with the exception of single family residential uses. Parking plans shall be reviewed in compliance with Section 3.4.21: Parking Plan. Parking Plans shall include at minimum all items required in Section 3.4.21: Parking Plan, and dimensional standards of parking, including but not limited to those in Section 8.4.3.C: Dimensional Standards.
2. **Arrangement.** Off-street parking shall be arranged so that vehicles may be parked/unparked without moving other vehicles, except for parking structures which may be designed to allow tandem parking and/or valet services.
3. **Encroachment.** No parking space may be designed in such a way to encroach, hinder or otherwise block a public or private roadway, alley, or sidewalk. Parking spaces may be allowed in a setback or build-to-zone (BTZ) as permitted in this UDO.
4. **Overhang.** Where parking spaces are located such that the parked vehicle will overhang a sidewalk, a minimum clear width shall be provided equal to the minimum sidewalk width required.
5. **Driveways.** Driveways, drive aisles, and joint access easements shall not be used for parking vehicles except for single family and two-family residential.
6. **Wheel Stops.** Wheel stops shall be prefabricated, concrete or recycled plastic product manufactured specifically for this use. The use of railroad ties or other non-traditional wheel stops shall not be permitted. Facilities shall have curbs or motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into adjacent property, or from encroaching into required landscaped areas.
7. **Landscaped Parking Islands.** Parking areas shall be visually and functionally segmented using landscaped islands and canopy trees and meet the requirements

of Section 8.3.6: Parking Area Buffers, of this UDO. All landscape requirements for parking areas shall be met.

8. **Drainage.** Parking areas shall be drained so as not to cause any nuisance on adjoining or nearby properties.
9. **Access and Maneuvering.** Parking areas shall be arranged for convenient access, maneuvering and safety of pedestrians and vehicles. Parking areas shall be arranged so that no vehicle shall be required to back up from such facilities directly onto designated arterial or collector streets. Parking areas shall be designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any public street, sidewalk, or alley.
10. **Marking of Spaces.** All off-street parking area spaces shall be marked.

B. Paving.

1. **Applicability.** Paving shall be required per the standards of this Section for:
 - a. All new parking, loading, driveways and drive aisles, serving new construction, including expansions to existing uses;
 - b. All parking, loading, and driveways and drive aisles, existing and new, serving any use expanded in lot coverage/square footage by more than twenty percent (20%) after the effective date of this ordinance; and
 - c. All existing parking, loading, and driveways and drive aisles, serving a use discontinued for a period of 180 days or longer.
2. **All Uses (Except Single family Residential).** All parking, loading, and driveway areas shall be paved and maintained with asphalt or concrete. Single family residential uses are not required to meet this standard.
3. **Single Family Residential Uses.** Single family residential shall be required to have a paved driveway off of a public street which provides a continuous paved surface from the edge of pavement or curb line of the public street to the attached or detached garage or carport, if provided, or front building line of the dwelling, if not provided. Such partial pavement shall not in any event be required to extend more than one-hundred (100) feet beyond the edge of pavement or curb line of the public street, except as otherwise stated in the UDO or approved by a variance. All driveways must be at least ten (10) feet in width at their narrowest point.
4. **Vehicles, Boats, Manufactured Home, and Equipment Sales, Service, and Leasing Sites, Storage and Display.** All storage and/or display areas shall be paved with asphalt or concrete.

5. **Exceptions to Paving Requirements.** These paving requirements shall not apply to the following uses, however, a Zoning Permit in compliance with Section 3.4.20: Zoning Permit, must be obtained for each of the following parking uses:

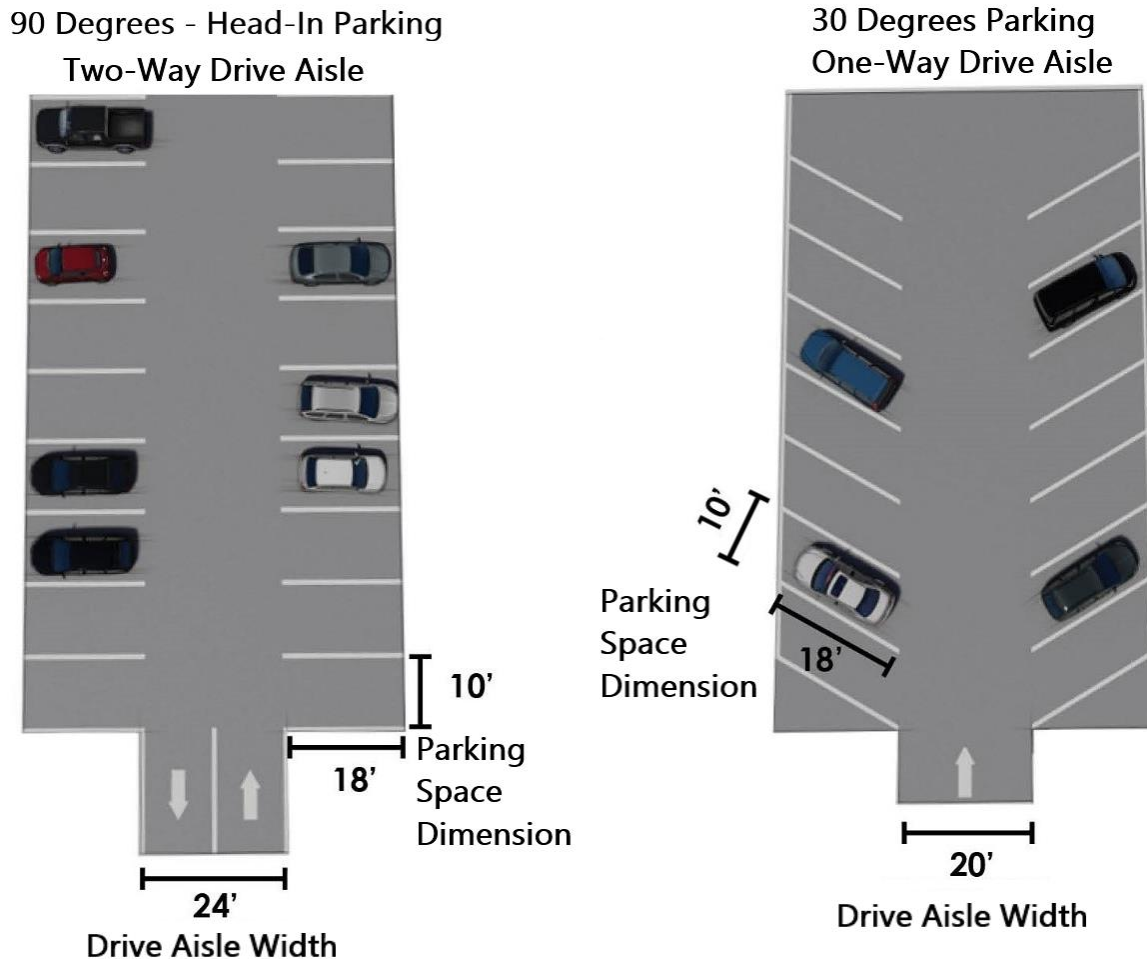
- a. Temporary parking areas used for seasonal or special events.
- b. Areas of manufacturing and industrial uses which are used for parking and storage of heavy machinery, equipment, and vehicles, provided these areas are constructed with gravel or another comparable all-weather compacted surface.

C. **Dimensional Standards.** Parking areas shall include parking spaces of a minimum of ten (10) feet in width by eighteen (18) feet in length. Handicapped parking spaces shall comply with all applicable state laws. Minimum drive aisle widths shall comply with Table 8.4.2: Parking Area Dimensional Standards, below. Figure 8.4.3 has been provided as an illustrative example.

Table 8.4.2. Parking Area Dimensional Standards Table

Type of Parking Angle	Minimum Drive Aisle Width (Feet)	
	One-Way	Two-Way
Angle of Parking		
0 Degrees (Parallel)	20	20
30 Degrees	20	22
45 Degrees	20	22
60 Degrees	20	24
90 Degrees (Head-In)	20	24
Entrance/Exit	20	24

Figure 8.4.3. Parking Area Dimensional Standards Graphic



8.4.4. LOADING AND UNLOADING AREAS

- A. **Generally.** Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided to accommodate the delivery or shipment operations in a safe and convenient manner.
- B. **Loading Areas Design Standards.** Loading and unloading areas shall be so located and designed as follows:
 1. So that vehicles can maneuver safely and conveniently to and from a public right-of-way.

2. So that vehicles can complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot drive aisle.
 3. Loading areas shall be located outside of a public right-of-way when practicable and be indicated through signage.
 4. The size of loading areas shall be based upon the needs of the use in a building. The minimum size of a loading area shall be the same size as the minimum parking space. For uses that require commercial delivery trucks or semi-trailers, loading areas shall be made to accommodate the typical commercial delivery vehicle.
 5. A minimum of one (1) loading space per development is required, however, loading spaces shall be provided and maintained in sufficient numbers to adequately handle the needs of a nonresidential use. Every application for a site and development plan shall demonstrate sufficient numbers of loading spaces is provided.
 6. Loading areas that serve commercial delivery trucks, semi-trailers and similar vehicles shall be designed to include screen walls, landscaping, or other treatments to limit visibility of the loading area.
- C. **Area Requirements.** No area allocated to loading and unloading may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- D. **Compliance.** For lots with existing structures predating the effective date of this UDO, and for a change in use that does not involve any enlargement of a structure, the loading area requirements of this Section need only comply to the extent practicable.

8.4.5. STACKING REQUIREMENTS

- A. **Stacking.** Whenever a structure or use provides for the off-loading of passengers or involves a drive-through (i.e. allows for a use without exiting the vehicle), stacking spaces shall be provided for and marked on the site. The following requirements shall be met:
1. A stacking space shall be a minimum of ten (10) feet by twenty (20) feet.
 2. Stacking spaces shall not obstruct, endanger, or interfere with on-site or off-site access, maneuvering, or traffic patterns.
 3. For restaurant drive-through facilities, a minimum of four (4) stacking spaces shall be required. Nothing shall limit providing more than the minimum.

4. All other uses that involve stacking of vehicles, such as banks, pharmacies, and similar uses, shall require a minimum two (2) stacking spaces per dedicated drive-through lane. Nothing shall limit providing more than the minimum.
5. A design alternative may be approved by the Director for a reduced number of stacking spaces if market demand does not require the minimum stacking spaces required per this Section. A narrative and analysis detailing the proposed use and similar establishments within North Carolina shall be required.

Figure 8.4.4. Stacking Requirements



8.4.6. BICYCLE PARKING

A. **Bicycle Parking Requirements.** Bicycle parking shall not be required for industrial uses, but shall be provided for all new nonresidential and multifamily developments. Bicycle parking shall meet the following standards:

1. Bicycle parking shall be located no further than fifty (50) feet from a pedestrian entrance.
2. Bicycle parking shall be publicly accessible and located in a visible and convenient area.
3. Bicycle parking shall be provided in a well-lit area.
4. Bicycle racks shall be permanently fixed to a paved surface.
5. The bicycle racks shall be consistent in style and material of the overall project design.

6. Spacing and layout of bicycle racks shall provide maneuverable access.
7. Bicycle parking and/or racks shall be able to accommodate cable locks and “U” locks commonly used by bicyclists.
8. A minimum of four (4) bicycle parking spaces shall be required for all new nonresidential uses.
9. A minimum of one (1) bicycle parking space shall be provided for every ten (10) dwelling units in multifamily developments, up to a maximum requirement of thirty (30) bicycle parking spaces. This may be achieved through bicycle racks that are not publicly accessible (i.e. not located on the street) and may be installed interior to a parking garage or dedicated bicycle parking room of the multifamily development. Nothing in this subsection shall prevent a greater number of bicycle parking spaces being provided.

8.5. ELECTRONIC GAMING OPERATIONS

- A. **Distance To Other Electronic Gaming.** No electronic gaming operation establishment shall be located within four-hundred (400) feet (determined by straight line and not street distance) from any other electronic gaming operation as measured by horizontal distance from the closest building exterior walls of each.
- B. **Distance to Incompatible Uses.** No electronic gaming operation establishment shall be located within four-hundred (400) feet (determined by straight line and not street distance) of the closest boundary line of any residential zoning district, or of any point on the closest property line of school, residence, public park, daycare or religious use as measured by a horizontal distance from closest point on the closest building exterior wall of the electronic gaming operation.
- C. **Use.** The use shall be a principal use, not an accessory use.
- D. **Size Limit.** The use shall not exceed three-thousand (3,000) square feet in size.
- E. **Discontinued.** If a non-conforming electronic gaming operation is visibly discontinued for six (6) consecutive months, the use shall not be re-established or resumed, and any subsequent use shall conform to the requirements of the UDO.
- F. **Laws.** All local, state, and federal laws shall be met.

8.6. ADULT ESTABLISHMENTS

- A. **Definition.** Adult establishments shall be defined as any establishment featuring an activity that excludes juveniles and caters exclusively to adult oriented uses such as adult books, adult films, or adult novelty items. Includes any business or use contained in N.C. General Statute 14-202-10(b), excluding masseurs.

- B. **Distance to Other Adult Establishments.** No more than one adult establishment shall be located within 1,500 feet (determined by a straight line and not street distance) from any other adult establishment as measured by a horizontal distance from the closest building exterior walls of each.
- C. **Distance to Incompatible Uses.** No adult establishment shall be located within 1,000 feet (determined by a straight line and not street distance) of the closest boundary line of any residential zoning district, or of any point on the closest property line of any church, school, day care, public park, residence and playground as measured by a horizontal distance from the closest point on the closest building exterior wall of the adult establishment.
- D. **Standards.**
1. Except for on premise business signs permitted by this UDO, promotional materials shall not be visible from the public sidewalks, walkways or streets.
 2. There shall not be more than one adult business in the same building, structure, or portion thereof.
 3. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult business use.
- E. **Discontinued.** If a non-conforming adult establishment is visibly discontinued for six consecutive months, the use shall not be re-established or resumed, and any subsequent use shall conform to the requirements of this UDO.

8.7. DESIGN STANDARDS

8.7.1. GENERAL PROVISIONS

- A. **Purpose and Intent.** The purpose and intent of this Section is to provide minimum requirements for the design and configuration of single family (detached and attached) and duplex, multifamily (including triplexes and quadplexes), and industrial buildings and developments. These standards are intended to provide the City's expectations for the quality and appearance of certain development through the use of architectural designs, building features, exterior materials and colors, desirable design elements, and detailing. This Section is intended to provide flexibility in the development of compatible mixed uses and other non-residential areas (i.e. Planned Commerce District). These standards are intended:
1. To encourage clustering of commercial (non-residential), multifamily and industrial activities within specifically designed areas and to discourage strip commercial development along major thoroughfares and non-commercial areas;

2. Provide for orderly development of commercial activities so that adverse impacts on adjacent property(s) and traffic flow can be limited; and
3. Encourage an orderly and systematic development design providing rational placement of activities, parking, circulation, landscaping, pedestrian circulation, loading, and access.

All provided figures, images, and rendered photographs are for illustrative purposes only; the text, dimensions and standards shall apply in all cases where there is a conflict.

B. Applicability. This Section is applicable to:

1. New non-residential buildings exceeding five-thousand (5,000) square feet for a single use;
2. New non-residential buildings exceeding fifteen-thousand (15,000) square feet for multiple uses;
3. New multifamily dwelling developments;
4. New single family developments and duplexes that provide voluntary consent; and
5. New industrial developments.

C. Timing of Review. All buildings subject to the standards of this Section shall be reviewed for compliance during the site and development plan process, as provided in Section 3.4.17: Site and Development Plan. Artistic renderings or elevation drawings shall be provided to ensure compliance.

D. Mixed-Use Zoning Districts. Mixed-Use zoning district standards, as provided in Section 5: Mixed-Use Zoning Districts, may have unique or stricter design standards and requirements.

1. Where a conflict arises in design or architectural standards, the stricter provision shall apply, with the exception of the side and rear build-to zone (BTZ); this is due to the nature of these developments and the specific standards as to parking placement and peripheral buffer.
2. When required by this UDO, the BTZ within a multiple building development may be achieved along an internal private street or driveway. In these instances, the private street shall connect to one or more public streets.

E. Existing Development and Redevelopment. Development existing prior to the adopted date of this UDO, as well as redevelopment of buildings commenced prior to the adopted date of this UDO, are encouraged, but not required, to comply with these standards.

8.7.2. SINGLE FAMILY DESIGN GUIDELINES

- A. **Intent and Applicability.** The standards in Section 8.7.2 are additional and voluntary design standards for single family structures (detached and attached) and duplexes. These standards are intended to supplement the required zoning district development standards and specific use standards provided in Section 7.2: Permissible Use Definitions and Standards. In accordance with N.C.G.S. § 160D-702, the standards in this Section 8.7.2 are only applicable when the owner of the property subject to the proposed development voluntarily consents through a submitted consent statement. These design guidelines are intended to:
1. Ensure that single family and duplex homes feature high quality design;
 2. Maintain consistent materials and architectural elements; and
 3. Provide variability in home design to avoid repeated and monotonous developments where dwellings appear identical or very similar.
- B. **Exemptions.** The following single family and duplex developments are encouraged, but not required, to comply with the standards in this Section 8.7.2.
1. Single family and duplex developments that do not voluntarily consent to the standards of this Section 8.7.2.
- C. **Consent.**
1. **Voluntary Consent.** In accordance with N.C.G.S. § 160D-702, the standards of this Section 8.7.2 that regulate “building design elements” (as defined in the statute) do not apply to any single family or duplex structures unless voluntarily consented to by the owners of all the property on which such structure are located during the process for seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval.
 2. **Consent Statement.** If an applicant chooses to comply with the standards of this Section 8.7.2, the applicant shall include the following note on any required application/permit and on the final plat that is signed by the owner of the subject property:
“The development depicted herein is subject to the City of Monroe Single family and Duplex Design Guidelines. I voluntarily consent to the application of these guidelines for all development herein, the acceptance of which shall run with the land regardless of changes in ownership. I recognize that failure to comply with the applicable guidelines following approval is a violation of the City of Monroe Unified Development Ordinance.”
- D. **Facades.** Facades of single family and duplex structures subject to this Section 8.7.2 shall

comply with the following standards:

1. All front, side and rear facades of the building shall incorporate architectural details, windows, and doors (where applicable) that are consistent with the front facade and architectural design or elements.
2. Blank walls shall not be permitted for facades facing a street. Blank walls shall be understood to refer to portions of an exterior facade that does not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change.
3. Street-facing building facades shall be articulated with wall offsets, in the form of recesses or projections from the primary facade plane, of at least two (2) feet for every thirty-five (35) linear feet of facade frontage.

E. Material Changes.

1. When two (2) or more materials are used on a facade, any change in material shall occur along horizontal lines where the two (2) materials meet.
2. Materials may be used as accents along components of a facade, including around windows and doors.

F. Prohibited Materials. The following materials are prohibited to be utilized for single family and duplex buildings that are subject to this Section 8.7.2:

1. Textured plywood;
2. Vinyl (except where used as an accent material, up to five (5) percent maximum of the facade);
3. Smooth-faced concrete block; and
4. Pre-fabricated steel/metal panels (except where used as an accent material, up to five percent (5%) maximum of the facade).

G. Architectural Variability. The standards below are intended to prevent and avoid repeated and monotonous developments where dwellings appear identical or very similar. A row (i.e. two (2) or more dwellings in a row, including attached townhomes) of identical or near-identical buildings along a block or across the street along a block are prohibited. Buildings shall have varied and distinctly different facades within any phase of development. Single family dwellings and duplexes may qualify as distinctly different if two (2) of the following standards are met:

1. Variation of color and not a variation of hue shall be required and may count toward meeting the requirement of distinctly different facades;
2. Variation in exterior materials and utilization of materials on facades may count toward meeting the requirement of distinctly different facades;

3. Variation of habitable space within a dwelling by five-hundred (500) square feet or more;
 4. Change in roof materials; or
 5. Variation in number of building stories.
- H. **Setbacks.** Where a recessed garage or rear access garage is provided, the front yard setback may be reduced to no less than ten (10) feet.
- I. **Street-Facing Garages.** Garages which face a street shall require at least three (3) of the following design components:
1. Transparent or opaque windows built into the garage;
 2. Decorative hinges;
 3. Columns, pilasters, posts, or vertical design features;
 4. High quality materials other than vinyl or aluminum; or
 5. Overhangs, eaves, awning, or similar design element that projects at least twelve (12) inches beyond the facade above the garage door.

8.7.3. MULTIFAMILY DESIGN STANDARDS

- A. **Intent and Applicability.** Multifamily design standards are additional standards intended to supplement the required zoning district development standards and specific use standards provided in Section 7.2: Permissible Use Definitions and Standards. These design standards shall be required for all new multifamily structures (including triplexes and quadplexes) and developments. Single family and duplex buildings and uses, including Townhouse/Attached Single Family, are exempt from these standards (see Section 8.7.2: Single Family Design Guidelines).
- B. **Standards.** Multifamily design standards are intended to:
1. Promote and enhance pedestrian scale;
 2. Feature appropriate levels of building articulation, transparency, and design elements;
 3. Limit undesirable design elements and promote desirable design elements
 4. Screen loading and delivery areas and mechanical use areas, including roof top equipment; and
 5. Position the primary entrance of a building toward a street.
- C. **Prohibited Design Elements.** The following design elements, which do not promote high quality development or redevelopment, are prohibited:
1. Large, monotonous, unarticulated blank wall surfaces;

2. Exposed and untreated block walls;
3. False fronts;
4. Lack of architectural features; and
5. Lack of change in materials.

D. Required Design Elements. The following design elements, which promote a high-quality development or redevelopment, are required for all multifamily buildings subject to this Section 8.7.3:

1. Consistent architectural style, detail and trim;
2. Facades which break down large elements of mass and scale where appropriate;
3. Architectural details and articulation;
4. Material changes reflective of function and appropriately placed;
5. Canopies, porches, stoops, roof overhangs;
6. Shade and weather protection for ground floor entrances;
7. Design elements such as cornice lines, columns, arches; and
8. Various fenestration and transparency elements.

E. Building Orientation and Placement. The following building orientation and placement features are required for all multifamily buildings subject to this Section 8.7.3:

1. Multifamily buildings which abut streets shall be required to be oriented parallel to the street.
2. Multifamily buildings shall not be oriented at an angle to the street.
3. Developments with several multifamily buildings shall cluster buildings along streets or internal rights-of-way to allow for enhanced open space and recreation areas within the area of the development.
4. Developments with several multifamily buildings shall ensure no more than sixty percent (60%) of the off-street parking area for the entire property is located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and parking lots are screened from view by outparcel development.

F. Building Facades. Building form design shall take into account mass, scale, and articulation. Building facades shall be designed with a consistent architectural style, detail, and trim features. Facades which face a street shall include at minimum four (4) of the following elements:

1. A change in plane, such as an offset, reveal or projecting rib. Such plane

projections or recesses shall have a width of no less than six (6) inches (columns, planters, arches, voids, etc.);

2. Architectural details such as raised bands and cornices;
3. Integrated planters that utilize landscaped areas for decorative details;
4. Awnings or arcades;
5. Covered porches, terraces, lanais, or balconies intended for private use by residents of the multifamily structure;
6. Shutters;
7. Pillars or posts;
8. Bay windows;
9. Roof eaves of at least three (3) inch wide trim;
10. Complementary change in color; or
11. Complementary change in material/texture.

G. **Transparency.** Building facades shall be designed to have a minimum transparency, through the use of windows and doors, on ground floor and upper floors. Transparency standards shall apply to all sides of a buildings facing any public or private street. Transparency shall not be required for service areas, loading/unloading areas, or those areas not visible from the public or private street. The minimum transparency for multifamily buildings is thirty percent (30%) unless otherwise provided in this UDO.

H. **Blank Wall/Articulation Standards.** Blank wall area is an undesirable design feature and shall be limited as set forth herein. Blank wall area standards shall apply to the front and sides of buildings or any portion of a building fronting a residential area or public or private street, and shall comply with the following standards:

1. Blank wall area shall be understood to refer to portions of an exterior facade that does not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change.
2. Paint shall not be considered a substantial material change.
3. Blank wall area applies in both a vertical and horizontal direction of the building facade and applies to ground floors and upper floors.
4. The maximum continuous blank wall area shall be a maximum thirty-five (35) square feet without a break by windows, doors, architectural features greater than one (1) foot in depth, or a substantial material change.
5. Except as otherwise provided in this UDO, the maximum permitted blank wall length for the rear of buildings shall be one-hundred (100) feet, or twenty-five (25) percent of the building length, whichever is less. Alternatively, where the

facade faces adjacent residential uses or the Monroe Expressway Bypass, an earthen berm shall be installed. The berm shall be no less than six (6) feet in height, containing at a minimum a double row of evergreen or deciduous trees, planted at intervals of fifteen (15) feet on center. This alternative is not intended for installation along frontage roads.

- I. **Entrances.** The entrances of a residence along the front facade of a multifamily building are the most highly designed side of a building. A primary facade and main building entry shall face the right-of-way, and additional entrances should face local streets, parking lots, plazas, and adjacent buildings to the extent possible. Buildings adjacent to public rights-of-way shall have at least one entrance providing access to the right-of-way. This entrance shall remain in operation and not be closed off to residents. Separate entrances to upperstory units shall be prohibited from being visible street rights-of-way. All multifamily development and redevelopment shall provide no less than four (4) of the following items for building entrances:

1. A change in plane indicating a building entrance;
2. Building wall projection;
3. Recess of entry at least three (3) feet;
4. Architectural features and fenestration;
5. Variety in color, material, texture orienting pedestrians to the building entrance;
6. Ornamental doors;
7. Covered entries including awnings, arcade, or eave;
8. Windows;
9. Porches; or
10. Arches, columns, stoops, cornices.

- J. **Porches/Balconies.**

1. Porches, including covered porches, stoops, awnings, and bay windows and wings may only extend into the front yard up to five (5) feet. Encroachments may be permitted up to fifty percent (50%) of the total length of the respective facade.
2. Balconies shall project or recess a minimum of two (2) feet from the facade.

- K. **Accessory Structures.** All accessory structures for multifamily buildings and developments shall comply with the following standards:

1. Garages, carports, or covered parking areas shall be provided from local streets or alleys. Entrances to parking garages are exempt from this standard and may be accessed from street rights-of-way, alleys or internal courtyards or accesses.
2. Accessory structures shall have similar exterior materials, colors, and roof forms

as the principal structure.

L. Miscellaneous Requirements.

1. All utility equipment (including meters and conduits) attached to a building shall be painted to match the primary surface color of the wall on which it is attached, painted to match accent colors used on the facade, or be blocked from view (where practicable) through the use of landscaping or screens.
2. Downspouts shall be painted to match the primary surface color of the wall on which it is attached, be painted to match accent colors used on the facade, or be constructed of materials that complement the architectural style of the structure.
3. Refuse collection areas shall be distributed evenly throughout multiple building multifamily developments.
4. Roofing materials should complement the color and texture of the building facade.

8.7.4. NON-RESIDENTIAL DESIGN STANDARDS

- A. **Intent and Applicability.** Non-residential design standards are additional standards intended to supplement the required zoning district development standards and specific use standards provided in Section 7.2: Permissible Use Definitions and Standards.

8.7.4.1. BUILDINGS

- A. **Generally.** Buildings are an integral component of the development for non-residential developments. Buildings set mass, scale, and help define patterns of development. Building designs within the City of Monroe should complement one another through color, design and building materials. Buildings are not required to use the same components, but shall provide features that reflect their surroundings.
- B. **Standards.** Building design standards for non-residential buildings shall:
1. Promote and enhance pedestrian scale;
 2. Feature appropriate levels of building articulation, transparency, and design elements;
 3. Limit undesirable design elements and promote desirable design elements;
 4. Screen loading and delivery areas and mechanical use areas, including those on roofs; and
 5. Position primary entrance of a building toward a street or civic space area.
- C. **Prohibited Design Elements.** The following design elements, which do not promote high quality development or redevelopment, are prohibited:
1. Large, monotonous, unarticulated blank wall surfaces;

2. Exposed and untreated block walls;
3. Chain link fences and barbed wires;
4. Mirror window glazing;
5. False fronts;
6. Loading bays or loading doors;
7. Lack of architectural features; and
8. Lack of change in materials.

D. **Required Design Elements.** The following design elements, which promote a high-quality development or redevelopment, are required for all buildings subject to this Section 8.7.4:

1. Consistent architectural style, detail and trim;
2. Facades which break down large elements of mass and scale where appropriate;
3. Architectural details and articulation;
4. Material changes reflective of function and appropriately placed;
5. Canopies, porches, stoops, roof overhangs or other pedestrian friendly features;
6. Shade and weather protection for ground floor entrances;
7. Design elements such as cornice lines, columns, arches; and
8. Various fenestration and transparency elements.

E. **Building Form.** Building form design shall take into account mass, scale, and articulation. Box-like building forms, with little to no variety in design, which do not take into account required design elements, are prohibited.

1. **Required Facade Design Requirements.** Building facades shall be designed with a consistent architectural style, detail, and trim features. Figure 8.7.1.1 and 8.7.1.2 demonstrates illustrative examples of facades that feature various required design elements. Facades shall also conform to the following standards:

- a. **Vertical Mass.** The vertical mass of multistory buildings shall be visually broken at each story with architectural detail and articulation of at least one (1) foot in the vertical direction, which is illustrated as “A” in Figure 8.7.1.1 and 8.7.1.2.
- b. **Roof Lines.** Multiple roof line heights are required per the standards of this Section. It is encouraged to utilize recesses and projections between 10-30 (10-30) feet to provide public gathering and open places, which is illustrated as “B” in Figure 8.7.1.1 and 8.7.1.2.
- c. **Horizontal Mass.** Building facades which face a street or public

space shall not exceed a linear distance of thirty-five (35) feet without the introduction of a physical articulation no less than one (1) foot wide and extending in a horizontal direction along the facade, which is illustrated as “C” in Figure 8.7.1.1 and 8.7.1.2.

- d. **Wall Offsets.** Facades of sixty (60) or greater feet in width shall incorporate wall offsets of at least one (1) foot of depth a minimum of every forty (40) feet, which is illustrated as “D” in Figure 8.7.1.1 and 8.7.1.2.

Figure 8.7.1.1. Required Facade Design Elements Example



A-D	Required Facade Design Elements
A	Vertical Mass
B	Roof Lines
C	Horizontal Mass
D	Wall Offsets

Figure 8.7.1.2. Required Facade Design Elements Example



A-D	Required Facade Design Elements
A	Vertical Mass
B	Roof Lines
C	Horizontal Mass
D	Wall Offsets

2. **Transparency.** Building facades shall be designed to have a minimum transparency, through the use of windows and doors, on ground floor and upper floors as illustrated in Figure 8.7.2: Transparency. Transparency applies to all sides of a buildings facing a public or private street. Transparency shall

not be required for service areas, loading/unloading areas, or those areas not visible from the public or private street.

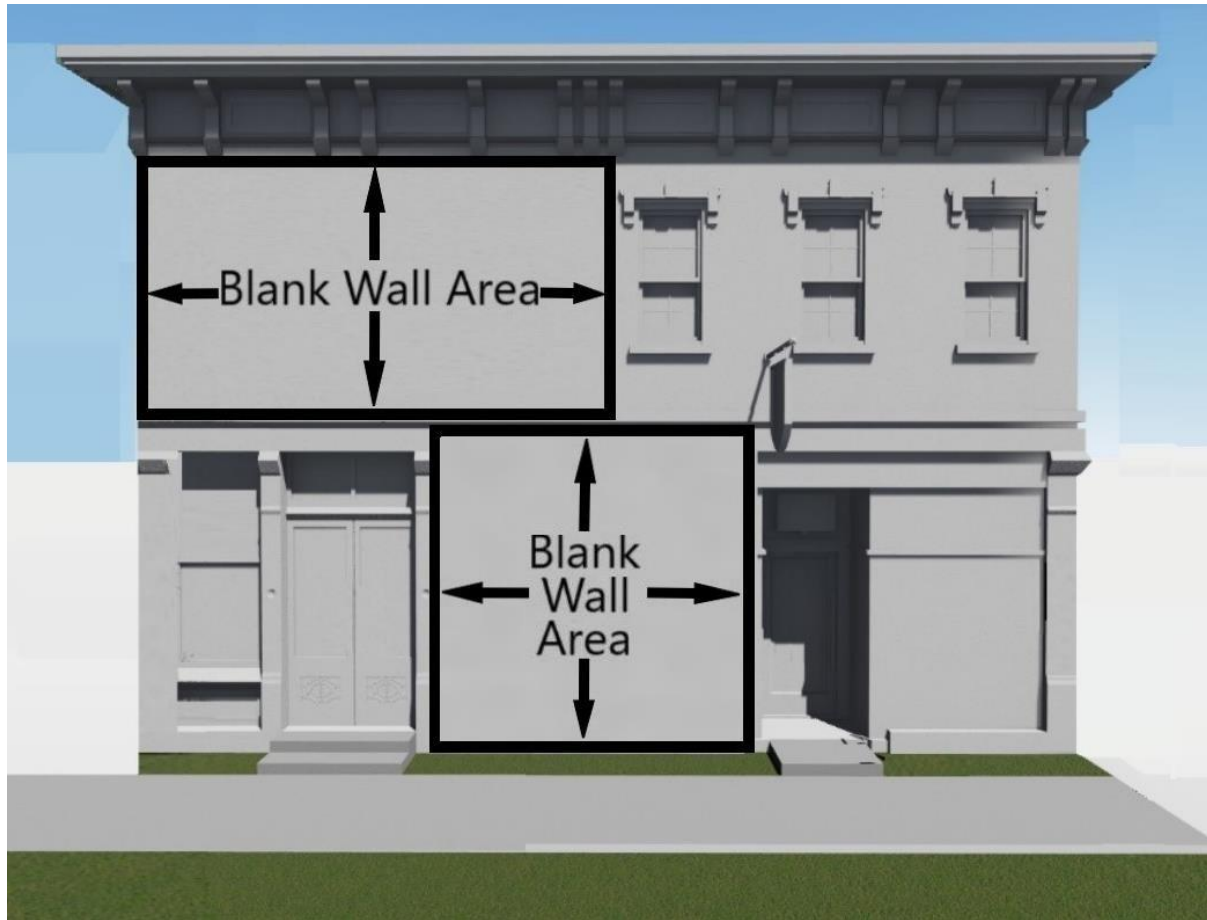
- a. **Ground Floor Transparency.** Ground floor transparency shall be calculated based on the total facade area located between the finished ground floor level and beginning of the upper floor. All ground floor transparency shall be a minimum thirty-five (35) percent, unless otherwise provided in this UDO.
- b. **Upper Floor Transparency.** Upper floor transparency is calculated based on total facade area located between the surface of any floor to the surface of the floor above it. If there is no floor above, then the measurement shall be taken from the surface of the floor to the top of the wall plate. All upper floor transparency shall be a minimum thirty percent (30%), unless otherwise provided in this UDO.

Figure 8.7.2. Transparency



3. **Blank Wall Area.** Blank wall area is an undesirable design feature and shall be limited as follows. Blank wall area standards shall apply to the front and sides of buildings or any portion of a building fronting a residential area or public or private street, and shall comply with the standards below:
- a. Blank wall area refers to the portions of an exterior facade that do not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change. Blank wall area is illustrated in Figure 8.7.3: Blank Wall Area.
 - b. Paint shall not be considered a substantial material change.
 - c. Blank wall area applies in both a vertical and horizontal direction of the building facade and applies to ground floors and upper floors.
 - d. The maximum continuous blank wall area shall be a maximum thirty-five (35) square feet without a break by windows, doors, architectural features greater than one (1) foot in depth, or a substantial material change.
 - e. Except as otherwise regulated, the maximum permitted blank wall length for the rear of buildings shall be one-hundred (100) feet, or twenty-five percent (25%) of the building length, whichever is less. Alternatively, where the facade faces adjacent residential uses or the Monroe Expressway Bypass, an earthen berm shall be installed. The berm shall be no less than six (6) feet in height, containing at a minimum a double row of evergreen or deciduous trees, planted at intervals of fifteen (15) feet on center. This alternative is not intended for installation along frontage roads.

Figure 8.7.3. Blank Wall Area



4. **Buildings on Corners.** Buildings that exist on a corner lot shall incorporate additional architectural features, utilize massing techniques, or implement other features to emphasize their prominent location and create a visual assist to turn the corner. Figure 8.7.4: Corner Building, illustrates massing techniques and architectural treatments to create an inviting pedestrian environment where a building wraps a street corner.

Figure 8.7.4. Corner Building



5. **Outparcel Buildings.** Outparcel buildings, also referred to as liner buildings, are buildings located in front of other buildings along a street within the same development.
 - a. Outparcel buildings may be permitted within mixed-use zoning districts or within Planned Commerce Development (PCD) in planned developments ten (10) acres or greater and must comply with PCD standards provided in Section 3.4.7: Planned Developments.
 - b. Outparcel buildings shall include a consistent level of architectural detail on all sides of the building and consist of similar exterior materials and compatible colors of the primary building in the development.

- c. Outparcel buildings, to the maximum extent practicable, shall be clustered along the street in order to define street edges, entry points and promote a pedestrian scale along the public street.

Figure 8.7.5.1. Outparcel Buildings



Figure 8.7.5.2. Outparcel Buildings



6. **Minimum Design Items.** A minimum of four (4) design items shall be utilized in the development of building design; however it is encouraged to use more. Figure 8.7.6: Minimum Design Items illustrates UDO compliant minimum design items. The following design items may be chosen to fulfill the minimum requirement:
- A change in plane, such as a projection or recess which shall be a minimum of twelve (12) inches and include such features as columns, arches, planters, voids, etc.;
 - Architectural details including cornices or similar details with relief elements;
 - Awnings, canopies, arcades, porches, stoops or balconies and similar weather/sun cover features over public entrances;
 - Complementary change in materials or texture, which may include the use of a building “base” which is defined as an area extending along the bottom of the building to a height of between thirty (30) inches and forty-eight (48) inches; can include the use of stacked stone, brick, or similar materials;
 - Complementary change in color;

- f. Doors and windows fronting the public street shall include visually prominent sills, shutters, or other such forms of framing;
- g. Ornamental and structural architectural details that are integrated into the overall design of the building, such as ironwork;
- h. Parapet height transitions, vertical pilasters, and other similar treatments to soften scale of a building;
- i. Differing building setbacks or projections to help vary the plane of a building;
- j. Active use areas; and
- k. Other design items to be approved by the Director.

Figure 8.7.6. Minimum Design Items.



8.7.4.2. PARKING PLACEMENT AND DISTRIBUTION

- A. **Generally.** The purpose of this Section 8.7.4.2. is to regulate the placement of parking lots within a non-residential development. Parking lots should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details should be emphasized.
- B. **Parking Placement.** No more than sixty percent (60%) of the off-street parking area for the entire property shall be located between the front facade within the front yard of

the principal building(s) and the primary abutting street unless the principal building(s) and parking lots are screened from view by outparcel buildings and development.

8.7.4.3. ROOFS

- A. **Generally.** The purpose of this Section 8.7.4.3 is to regulate the aesthetics of roofs for non-residential development. The intent is to interrupt expanses of pitched roofs and minimize or prevent the visibility of flat roofs. No part of this Section 8.7.4.3 shall be construed to prevent the installation of solar panels or any other type of renewable energy collection or storage method, provided the installation follows the standards of this UDO. Building rooflines that face a street shall not exceed a linear distance of thirty-five (35) feet without the introduction of a physical articulation of no less than one (1) foot in the vertical direction, including but not limited to parapets, gable roofs, hip roofs, or dormers, which should also be used to conceal flat roofs and roof top equipment from public view. Roofline changes, with aligned wall offset facade material changes, are encouraged.
- B. **Design Standards.** The following design standards are required:
1. **Flat Roofs.** Flat roofs shall be concealed from view by using pitched roof features such as gable, hip, shed or mansard roofs, parapets, or a mixture thereof. Where only one (1) elevation has this condition, the parapet or other feature should continue four (4) feet along the adjacent elevation. Minimum roof slope for pitched roofs is 6' (v):12' (h).
 2. **Equipment.** Publicly visible mechanical equipment or stacks shall be colored to match the roofing material and screened from public view.
 3. **Parapets.** Where a parapet intersects with a pitched roof clement, there shall be no apparent breaks in the parapet wall.
 4. **Roof Treatments.** Roofs shall have architecturally significant roof treatments including, but not limited to, cornices, brackets, roof overhangs, textured materials, and compatible color materials.
 5. **Awnings.** Awnings or canopies which are illuminated from within must be covered or finished with fully opaque material.
 6. **Additions.** The roof treatments and design shall be the same for additions as for the existing design.

8.7.4.4. MATERIALS

- A. **Permitted Exterior Building Materials.** All non-residential buildings must be

constructed with a consistent set of brick, stone, stucco or synthetic stucco, fiber cement or similar materials.

- B. **Prohibited Exterior Building Materials.** Except where a building's original finish included such materials, the following materials are prohibited:
 - 1. Textured plywood;
 - 2. Vinyl;
 - 3. Smooth-faced concrete block;
 - 4. Pre-fabricated steel/metal panels (except where used as an accent material); and
 - 5. Mirrorized glass. Reflective tint glass is acceptable up to thirty percent (30%) tint.
- C. **Permitted Roof Materials.** All roof materials shall be tile, slate, standing seam metal and manufactured shingles, which give appearance of shingles or other simulated natural material.
- D. **Prohibited Roof Materials.** Membrane, fiberglass, asphalt shingle and all other roof materials not permitted in Section 8.7.5.C are prohibited.

8.7.4.5. BUILDING COLORS

- A. **Generally.** The purpose of this Section 8.7.4.5. is to prevent inordinately bright facades and primary color ranges for non-residential developments. All new construction elements are subject to color requirements, except pavement markings and signage.
- B. **Uniformity.** Colors used for site walls, site lighting and any other outside construction elements (excluding signage) shall be uniform in appearance.
- C. **Facade Colors.** Facade colors shall be low reflectance earth tone, muted, subtle, or neutral colors. Building trim and accent areas may feature brighter colors, as approved during the site plan review process. Traditional and standard franchise colors shall also comply with this Section 8.7.4.5.
- D. **Roofing Colors.** Roofing materials should complement the color and texture of the building facade. Roofing colors should be muted earth tones or a color that is darker than the facade. Stripes and patterns on the roof are strongly discouraged.

8.7.4.6. PEDESTRIAN CONSIDERATIONS

- A. **Intent.** The design of buildings and pedestrian walkways shall support a safe and attractive pedestrian environment for all non-residential developments. All applicable developments shall ensure a direct pedestrian connection between the street and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

Pedestrian circulation should clearly articulate pedestrian connections and provide connections to public gathering spaces.

B. Building Entrances. The following requirements for building entrances shall be required:

1. A primary facade and main building entry shall face the right-of-way, and additional entrances are encouraged facing local streets, parking lots, plazas, and adjacent buildings. Vehicular openings, such as those for garages, shall not constitute a public entrance.
2. Every primary entrance for a building shall include two of the following elements:
 - a. Awning or covered entry;
 - b. Variation in building height;
 - c. Roof overhang;
 - d. Arches;
 - e. Columns;
 - f. Architectural details other than cornices; and
 - g. Parapet over the door.

Figure 8.7.7. Examples of Building Entries with Required Elements



- C. Active Use Areas.** Active use areas allow for increased pedestrian activity in the private realm and provide attractive, safe, and functional environments for the gathering of people. A list of potential active use area elements are provided below. If a new development chooses to implement an active use area, the standards of this

subsection shall apply.

1. New developments ranging from five-thousand (5,000) square feet to fifteen-thousand (15,000) square feet shall be required to include three (3) of the active use area elements listed below.
2. New development ranging from fifteen-thousand (15,000) square feet to twenty-five-thousand (25,000) square feet and multifamily dwellings shall be required to include four (4) active use area elements.
3. New development greater than twenty-five-thousand (25,000) square feet shall provide five (5) active use area elements.
4. The following is a list of acceptable active use elements:
 - a. Benches or public seating;
 - b. Café style tables and seating;
 - c. Large potted planters;
 - d. Gardens and landscaped open space;
 - e. Water features or fountains;
 - f. Public art installments;
 - g. Enhanced paving areas and pavers;
 - h. Galleries and arcades;
 - i. Pocket parks and gardens; and
 - j. Other design items to be approved by the Director.

Figure 8.7.8. Active Use Area Examples



D. **Streetwalls.** Streetwalls are required and must meet the below design standards:

1. **Required.**

- a. Where surface parking lots abut a public street right-of-way (or sidewalk), a streetwall shall be required on the setback line, or edge of parking lot pavement, as outlined in each respective district standard. A design alternative may be requested for a hedge.
- b. Streetwalls are required alongside boundaries of drive aisles along drive-through lanes.

2. **Streetwall Design Standards.**

- a. Streetwalls shall be constructed of brick, masonry, stone, wrought iron or other solid decorative materials. Wood, fencing, and chain link shall not be considered permitted materials for a streetwall.
- b. Streetwalls shall be a minimum three (3) feet and a maximum four (4) feet in height.
- c. Breaks in streetwalls may be permitted to allow for pedestrian or vehicular access, or tree protection.

Figure 8.7.9. Streetwall Example



E. **Pedestrian Access.**

1. A pedestrian path of at least six (6) feet shall be provided from any principal building entrance to the parking area serving the building. This requirement shall be fulfilled on private property and not within the right-

of-way. If a parking lot separates the principal building from an outparcel building, a pedestrian path or sidewalk shall be provided connecting the two through a direct link as illustrated in Figure 8.7.5.1.

2. Street crossings shall be required in accordance with the standards provided in the City of Monroe's *Standard Specifications and Detail Manual* and should be designed to draw special attention to alert vehicles to its location through signage, change in materials, paint, grade change, or a combination of these elements. Street crossings shall be required whenever:
 - a. A walkway intersects a vehicular area; or
 - b. A pedestrian walkway intersects a vehicular area within a development or along its frontage.
3. Crosswalks shall be marked in accordance with the standard *Manual on Uniform Traffic Control Devices* as provided by the Federal Highway Administration.

Figure 8.7.10. Crosswalks



4. **Design Alternative.** If site constraints which make the standards of pedestrian access impractical, the Director may approve a design alternative in which the main primary entrance does not face the right-of-way provided the following standards are met:
 - a. The main building entrance, when not facing the right-of-way, shall provide a safe and convenient access for pedestrians from the main building entrance to the right-of-way. The pedestrian way must

provide additional landscape amenities.

- b. Entrances which are oriented on a diagonal are permitted, provided that they are integrated with the overall architectural design, and not merely angled appendages or alcoves.
- c. Ground floor windows or window displays shall be provided along at least ten percent (10%) of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall. Customer entrances must have weather protection features, such as awnings, arcades, or vestibules.

8.7.5. INDUSTRIAL BUILDING DESIGN STANDARDS

A. **Design Standards.** Due to the nature of industrial uses and their locations, limited design standards are required for buildings housing industrial uses. Only the following design standards are required for buildings used for industrial uses as defined in this UDO:

1. **Industrial Building Facades.** Industrial building facades in any district shall:
 - a. Include windows and pedestrian features such as roof overhangs over identifiable public entrances to the building. Public entrances should be well defined through the use of projections, recesses, roof structures (such as overhangs or canopies) and other similar design elements.
 - b. Be faced in a compatible and consistent manner for any elevations fronting on a public or private street or where visible from an existing right-of-way.
2. **Blank Wall Length.** Maximum permitted blank wall length for industrial buildings shall be one-hundred (100) feet, or twenty-five percent (25%) of the building length, whichever is greater.
3. **Lighting.** Industrial use buildings and required parking areas shall not exceed a maximum thirty (30) feet fixture height and one-half (0.5) foot-candle intensity.
4. **Equipment and Loading Areas.** Equipment and loading areas shall comply with the following standards:
 - a. All building roofs are to be uncluttered; cooling towers, HVAC and ventilation fans, mechanical units, etc., should be either screened using a pitched roof facade or parapets, or constructed adjacent to the building and properly screened from view by either landscaping or the use of similar building materials.

- b. Ground-mounted equipment and mechanical equipment visible from a public right-of-way shall be screened from view by an opaque wall, landscaping, or a combination thereof.
 - c. Except where regulated otherwise, walls and landscaping shall have a minimum opacity of eighty-five percent (85%) and shall be the height of the equipment or facility plus six (6) inches.
 - d. Where the configuration of the building makes it impractical to locate the loading areas in the rear of the building, front or side loading areas may be proposed as a design alternative with additional screening or landscape requirements.
5. **Parking.** Parking for industrial use buildings shall comply with the following standards:
- a. Employee parking should be located on the sides or rear of buildings where practicable.
 - b. A design alternative may be requested to allow for employee parking in front.
 - c. If parking in the front is permitted, a Buffer Type 3, as defined in Section 8.3.5: Perimeter Buffer Standards, shall be required. The buffer shall comply with all standards of Section 8.3.5: Perimeter Buffer Standards.
6. **Foundation Plantings.** Foundation plantings shall be provided as follows:
- a. Required along a minimum of fifty percent (50%) of the building facing a public or private street.
 - b. Service and loading areas shall be excluded from these calculations.
 - c. The average width of the foundation planting bed must be a minimum of four (4) feet.

Plantings shall consist of evergreen and deciduous ornamental shrubs from the approved landscape materials list and must be planted at a minimum size of twenty-four (24) inches at time of installation.

8.7.11. Foundation Plantings



7. **Prohibited Elements.** The following design elements, which do not promote high quality development or redevelopment, are prohibited:
- a. Reflective surfaces;
 - b. Exposed and untreated block walls; and
 - c. Barbed wire and chain link fencing.

8.8. OPEN SPACE STANDARDS

8.8.1. PURPOSE AND INTENT

A. **Purpose and Intent.** The purpose of this Section is to require open space that encourages preservation of natural features and provides for recreational opportunities for the residents of the City of Monroe. Open space adds to the visual character of a development and provides active and passive recreational opportunities for residents, visitors, and users alike. Open space is an asset to the community and it is the intent of this Section to:

1. Define standards in which residential zoning districts, mixed-use zoning districts, commercial zoning districts, and planned districts shall dedicate a portion of area as open space;

2. Designate open space sizes, open space types, open space percentage requirements, and open space design standards; and
3. Define the minimum maintenance and ownership requirements for open spaces.

8.8.2. APPLICABILITY

- A. **Applicability.** Unless explicitly exempted, the standards in this Section shall apply to all new development and redevelopment in the City of Monroe. Individual single family dwellings not part of a new subdivision as defined in Section 8.1: Subdivision Regulations, are exempted from providing open space.

8.8.3. OPEN SPACE STANDARDS

- A. **Generally.** Open space shall be provided in compliance with this Section. Open space shall be categorized by *Open Space Sizes* (Section 8.8.3.B) and by *Open Space Types* (Section 8.8.3.C) and is subject to *Open Space Percentage Requirements* (Section 8.8.3.D) and *Open Space Design Standards* (Section 8.8.3.E).
- B. **Open Space Sizes.** Open space may consist of a variety of different sizes. For the purpose of this Section, open space sizes shall be defined as small, medium, and large. The acreage of open space sizes for each open space size is defined in Table 8.8.1.

Table 8.8.1. Open Space Sizes

Open Space Size	Acreage (Range)
Small	500 SF – 1.0 Acres
Medium	1.0 – 2.5 Acres
Large	2.5 Acres Or More

- C. **Open Space Types.** In addition to different sizes, open space may take different forms, dependent upon both the nature of the development and the land in which it is established. Because of their nature, open space types may be considered more than a single open space size (i.e., an open space type may be considered both a small and medium open space size). Open space includes the following open space types, as defined below:

1. **Small Open Space.**

- a. **Pocket Park.** Pocket parks are defined as a small open space. Pocket parks are primarily intended to provide small active or passive recreation opportunities and act as a gathering space for residents or customers. Features may include small shade structures, gazebos, seating areas, multi-purpose lawn space, playgrounds, community gardens, dog parks, trails, or natural elements such as a stream or pond.



2. **Medium Open Space.**

- a. **Amenity Center.** Amenity centers are defined as small or medium open spaces and include a combination of enclosed and open areas. Amenity centers provide recreational opportunities and are typically included in residential developments. Amenity centers may include features such as pools, splash pads, clubhouse, small scale recreational facilities such as pickleball, soccer, or shuffleboard, lawn games, and pavilions. Pavilions associated with an amenity center are open air structures that typically allow for shade, outdoor concerts, exhibits, and other activities commonly associated with neighborhood events. Designs of amenity centers and pavilions should be similar in architecture and material as the residential development.



- b. **Green.** Greens are defined as small or medium open spaces. Greens provides more informal, natural spaces supporting active or passive recreation opportunities. Greens are typically bounded by rights-of-ways and the fronts of buildings. Greens may provide features such as multi-purpose lawn space, lawn games, playgrounds or play spaces, and limited small scale recreational facilities such as pickleball or soccer.



- c. **Plaza.** Plazas are defined as small or medium open spaces. Plazas serves as a gathering place for civic, social, and commercial purposes. A plaza may contain a greater amount of impervious coverage than any other open space type. Plazas are typically located in the front or sides of a building or group of buildings and may not be located in the rear of the building or property. Pedestrian features such as shade structures, benches, tables, fountains, and public art are required.



- d. **Square.** Squares are defined as small or medium open spaces. Squares serve as a more formal open space type for gathering for civic, social, and commercial purposes. Squares are typically rectilinear in shape and are bordered on all sides by a vehicular right-of-way (public and private), which, together with building frontages, creates a definition and boundary. Features may include seating areas, pedestrian facilities, play areas, shade structures, gazebos, seating areas, playgrounds, public art, statues, and monuments.



3. Large Open Space.

- a. **Linear Park.** Linear parks are defined as medium or large open spaces. Linear parks may be formalized based on function (i.e., provide multimodal or connectivity opportunities). Linear parks typically take advantage of scenic environmental attributes and follow a natural feature including but not limited to a stream, wetland system, or man-made feature natural feature. Features may include natural environmental features such as streams, benches, picnic tables, lawn games, and shade structures.



- b. **Neighborhood Park.** Neighborhood parks are defined as medium or large open spaces.

Neighborhood parks are intended to be a substantial component of a development and provide formal or informal active and passive recreational activities opportunities.



Neighborhood parks

typically serve as a medium or large open space area for residential subdivisions, planned developments, and mixed-use centers.

D. **Open Space Percentage Requirements.** The minimum amount of open space required in a development shall be in accordance with this Section. Nothing in this Section shall restrict the development from providing more than the minimum required open space than what is required in this Section. The gross square footage of open space area shall be used in the calculation of open space percentage requirements. Vehicle use areas, streets, driveways, and sidewalks required per this UDO may not be used toward open space calculations unless explicitly stated in this Section. The amount of open space required shall be the greater of the following: 0.5 acres or the percentage identified in subsection (1), (2), (3) and (4) below.

- 1. **Residential Zoning Districts.** All new development subject to this Section within the traditional residential zoning districts as defined in Section 4.2: Residential Zoning Districts, shall require a minimum ten percent (10%) open space of the total development size. The required ten percent (10%) open space shall also comply with the following additional standards:

- a. **Less Than 50 Acres.** For residential developments less than fifty (50) acres in size, required open space shall include at least one (1) small open space type and one medium open space type, as defined in Section 8.3.3.C: Open Space Types. If the residential development is less than ten (10) acres, the development shall not require one (1) medium open space type, but shall still comply with the minimum ten percent (10%) open space requirement. A design alternative may be permitted by the Planning Director for one (1) large open space type.
- b. **Greater Than 50 Acres.** For residential developments greater than fifty (50) acres in size, required open space shall include at least one (1) small

or medium open space type and one (1) large open space type, or shall include one (1) small open space type and two (2) medium open space types, as defined Section 8.8.3.C: Open Space Types.

- i. For residential developments greater than fifty (50) acres in size, in addition to the required open space types, at least fifty (50) percent of homes must be within one-half (1/2) mile of a medium or large open space type.

2. **Mixed-Use Zoning Districts.** All new development subject to this Section within mixed-use districts as defined in Section 5: Mixed-Use Zoning Districts, shall require a minimum of fifteen percent (15%) open space of the total development size. The required fifteen percent (15%) open space shall also comply with the following additional standards:

- a. **Less Than 25 Acres.** For mixed-use developments less than twenty-five (25) acres, required open space shall include at least two (2) small open space types, as defined in Section 8.8.3.C above.
- b. **25-50 Acres.** For mixed-use developments greater than twenty-five (25) acres, but less than fifty (50) acres in size, required open space shall include at least two (2) small open space types and one (1) medium open space type, as defined in Section 8.8.3.C above.
- c. **Greater Than 50 Acres.** For mixed-use developments greater than fifty (50) acres in size, required open space shall include at least three (3) small open space types and two (2) medium open space types, as defined in Section 8.8.3.C above. Alternatively, three (3) small open space types may be substituted for one (1) medium open space type, however all percentage requirements shall be met.

3. **Commercial Zoning Districts.** All new development subject to this Section within non-residential districts as defined in Section 4.3: Commercial Zoning Districts, shall require a minimum of five percent (5%) open space of the total development size. The required five percent (5%) open space shall also comply with the following additional standards:

- a. **Less Than 25 Acres.** For commercial developments less than twenty-five (25) acres, required open space shall include at least one (1) small open space type, as defined in Section 8.8.3.C above.
- b. **25-50 Acres.** For commercial developments greater than twenty-five (25) acres, but less than fifty (50) acres in size, required open space shall

include at least one (1) small open space type and one (1) medium open space type, as defined in Section 8.8.3.C above.

- c. **Greater Than 50 Acres.** For commercial developments greater than fifty (50) acres in size, required open space shall include at least two (2) small open space types and one (1) medium open space type, as defined in Section 8.8.3.C above.

4. **Planned Developments.** Planned developments shall comply with this Section and Section 4.5: Planned Districts.

- a. **Planned Commerce Development (PCD).** PCD'S shall require a minimum twenty-five percent (25%) open space. PCD's shall incorporate at least two (2) small open space types and one (1) medium open space type, as defined in Section 8.8.3.3.C above.

- b. **Planned Unit Development (PUD).** PUD'S shall require a minimum thirty-five percent (35%) open space. PUD's shall comply with the following additional standards:

- i. **10-25 Acres.** For PUD's greater than ten (10) acres, but less than twenty-five (25) acres in size, required open space shall include at least two (2) small open space types and one (1) medium open space types, as defined in Section 8.3.3.C above.
- ii. **25-50 Acres.** For PUD's greater than twenty-five (25) acres in size, but less than fifty (50) acres in size, required open space shall include at least two (2) small open space types, two (2) medium open space types, and one (1) large open space type, as defined Section 8.3.3.C above.
- iii. **Greater Than 50 Acres.** For PUD's greater than fifty (50) acres in size, required open space shall include at least four (4) small open space types, three (3) medium open space types, and one (1) large open space type, as defined in Section 8.3.3.C above. At least fifty percent (50%) of homes must be within one-half (1/2) mile of a medium or large park.

E. **Open Space Design Standards.** The design and incorporation of open space in a development shall comply with the following standards:

- 1. **Distribution.** Open space shall be, to the maximum amount practicable with respect to environmental considerations and subdivision design, evenly distributed throughout the development.

2. **Distance.** No two open space types shall be adjacent or within 1/4 mile radius of another open space.
3. **Frontage.** All open space shall have at least fifty (50) feet of frontage on at least one (1) public street within the development in which the open space resides.
4. **Consolidation.** Required open space requirements shall not be consolidated to meet the standards of this Section. It is the intent of this Section to require multiple open space types of varying sizes in each development per Section 8.8.3.D: Open Space Percentage Requirements.
5. **Active and Passive Features.** A minimum of twenty-five percent (25%) of all required open space shall be dedicated and designed to allow for active recreation features. Active recreation and passive features are identified in Table 8.8.2 below. Table 8.8.2 includes, but is not be limited to, those features identified. The Planning Director may administratively approve similar features which keep with the intent of the listed active or passive recreation features.
 - a. Active recreation is defined as recreational features, often requiring equipment and taking place at prescribed places, sites or fields, which allow for the active recreational needs of residents or users of the development which they serve.
 - b. Passive recreation is defined as recreational features that do not require prepared facilities like sports fields or pavilions and require minimal disruption to a site. These include such activities as walking paths and other features defined in Table 8.8.2.

Table 8.8.2 Active and Passive Features

Active Features	Passive Features
Lawn Games and Concrete Gaming Tables	Walking Trails
Hard Courts (Pickleball, Tennis, Etc.)	Boardwalks
Playgrounds	Gardens
Swimming Pools and Splash Pads	Greens
Athletic Fields (Soccer, Baseball, Etc.)	Picnic Areas
Clubhouse, Pavilions, Amenity Centers	Lakes and Ponds

Exercise Facilities	Benches and Seating Areas
Plazas	Lawns and Natural Areas
	Greenways

6. **Topography.** The average slope of land for active recreation shall not exceed seven-and-one-half percent (7.5%), while the average slope for passive recreation shall not exceed fifteen percent (15%).
7. **Accessibility.** Open space shall be located and designed to be easily accessible for residents and users of the development. Open spaces shall make accommodations to provide universal designs that may be enjoyed by different target users and provide for ADA accessibility.
8. **Public Seating.** Public seating shall be required. Public seating shall be adequate for the anticipated demand of the intended use of the open space and reflective of the number of dwelling units within a development.
9. **Receptacles.** Refuse receptacles are required at each entrance and gathering space.
10. **Stormwater.** A maximum twenty-five percent (25%) of total required open space may be stormwater facilities. Only wet stormwater facilities may be counted toward this requirement. Dry pond facilities shall not be counted toward this requirement. Any stormwater facility used toward such requirement shall be publicly accessible and must be a public edge, through improved or primitive trails. For the purposes of this Section, improved and primitive trails are defined below:
 - a. **Improved Trail.** An improved trail shall be defined as a clearly marked, paved, impervious trail.
 - b. **Primitive Trail.** A primitive trail shall be defined as an unpaved, pervious trail that consists of mulch, crushed stone or similar material.
11. **Environmentally Sensitive Lands and Floodplains.** A maximum twenty percent (20%) of total required open space may be environmentally sensitive lands such as wetlands, protected stream buffers, and floodplains.
12. **Ponds and Lakes.** A maximum of five percent (5%) of total required open space may be ponds and lakes not associated with stormwater retention if at least twenty-five percent (25%) of the shoreline is a public edge. Public access shall be

provided that is equivalent to the access provided to private landowners around the lake.

13. **Parking.** A limited amount of parking spaces may count toward open space requirements.

- a. **Small.** Small open spaces shall not count any parking as part of its open space calculation.
- b. **Medium.** Medium open spaces may count up to five (5) parking spaces as part of its open space calculation.
- c. **Large.** Large open spaces may count up to ten (10) parking spaces as part of its open space calculation.

14. **Multi-Phased Developments.** In multi-phased developments, open space shall be provided for each phase in an amount sufficient to satisfy the open space requirements for the subject phase of development and all preceding phases of development.

15. **Landscape Section.** Any landscaping of open spaces shall be in accordance with Section 8.3: Landscaping, Buffering, Fences and Walls.

F. **Greenways.** Greenways preserve and create open space, encourage physical fitness, provide alternative means of transportation, create opportunities for outdoor recreation, and provide connectivity between open spaces, schools, cultural sites, neighborhoods, and other commuter destinations. Where land is designated as part of The City's adopted greenway/bikeway system, development shall comply with the City's adopted *Greenway/Bikeway Master Plan*. Optionally, new development may also provide additional greenways and connections to greenways in accordance with the standards of this Section.

1. **Greenway Design.** All greenways shall be a minimum of ten (10) feet wide within a dedicated right-of-way or public easement of at least twenty (20) feet. Greenway connectors shall be a minimum of six (6) feet wide.
2. **Topography.** Greenways and connectors should be designed to fit the contours of the land and should minimize removal of significant trees.
3. **Accessibility.** All greenways shall be designed to accommodate a variety of users including walkers, joggers, cyclists, and similar modes of pedestrian movement.
4. **Paving.** Greenways shall be improved trails of impervious materials. The Planning Director may approve a design alternative for portions of a greenway to be primitive trails, provided a written narrative and illustration of the proposed design alternative is submitted for review.

5. **Public Access.** All greenways and greenway connectors shall be maintained for public access, whether by easement or by public dedication.
 6. **Amenities.** For land designated as part of the City's adopted greenway/bikeway system, greenways shall provide basic amenities for targeted users. Such greenways shall provide at least three (3) of the following: drinking fountains, restrooms, trash receptacles, benches, bicycle racks, and shade structures. Way station facilities may also be considered for greenways. These facilities may also include small buildings/kiosks containing exhibits and minor food provisions. Land not designated as part of the City's adopted greenway/bikeway system is not required to meet this requirement.
 7. **Open Space Considerations.** Land area dedicated as a greenway shall be credited towards applicable open space percentage requirements in this Section. Greenways are considered to be a passive feature.
- G. **Ownership of Open Space.** Open space is intended to remain under private ownership (i.e. not under City ownership) while still being available for public use by residents and users of a development. Ownership of open space shall remain with the owner of the land unless one of the following circumstances exist:
1. **Homeowners Association (HOA)/Property Owners Association (POA).** Open spaces may be owned in common by the owners of a development through a recognized owners association (or similar ownership association).
 2. **Nonprofit.** Open spaces may be conveyed to a nonprofit organization (i.e., a conservation group, land trust, etc.) for management. The nonprofit shall be required to manage and maintain the open space.
- H. **Maintenance of Open Space.** The owner of open space shall be required to maintain the open space. This shall include regular maintenance of vegetation as well as infrastructure components (stormwater facilities, paths, impervious surfaces, amenities, etc.). Failure to maintain the open space in a good and safe condition (i.e. meeting the standards for maintenance of landscaping in Section 8.3: Landscaping, Buffering, Fences and Walls), shall result in potential penalty by the City, pursuant to Section 1.1.10 of this UDO.
- I. **Conservation Subdivisions.** For developments that exceed the minimum requirements of this Section, this UDO allows for the design and implementation of conservation subdivisions, as defined in Section 8.1: Subdivision Regulations. Conservation subdivisions are configured to protect and preserve floodways, wetlands, woodlands, and existing open space. Because of their unique nature, conservation subdivisions may allow for development flexibility to build on smaller lots when open space is provided that

exceeds the minimum standards of this Section. Conservation subdivisions may only be permitted in compliance with the standards of Section 8.1.2.D: Conservation Subdivision.

8.9. LIGHTING

- A. **Purpose and Intent.** The purpose of this Section is to regulate the intensity of exterior lighting and establish standards to minimize the adverse impacts of excessive light intensity. The intent of these standards is to:
1. Prevent light from non-residential and multifamily developments from excessively illuminating other properties and street rights-of-way;
 2. Permit exterior lighting at the minimum levels necessary for public safety;
 3. Provide for safety of motor vehicles and pedestrians; and
 4. Prevent light pollution into the night sky.
- B. **Applicability.** The standards of this Section shall apply for non-residential, multifamily and industrial buildings/developments, including off-street parking facilities and loading/unloading areas.
- C. **Exemptions.** The following are exempted from the standards of this Section:
1. Lighting exempt under state or federal law;
 2. FAA required lighting for telecommunication devices or buildings;
 3. Temporary lighting used by emergency services;
 4. Security lighting, which is controlled by activity centers, so long the duration is fifteen (15) minutes or less;
 5. Lighting used underwater for swimming pools, fountains or spas; and
 6. Temporary residential lighting used in decoration.
- D. **Height.**
1. Light fixtures shall be a maximum thirty (30) feet for the lighting of vehicle use areas (such as parking lots and streets).
 2. Light fixtures shall be twelve (12) to fifteen (15) feet in height for pedestrian oriented areas such as sidewalks, pathways, plazas, and public gathering places. Figure 8.9.1: Light Fixture Height, below, illustrates the maximum allowed height of lighting within a vehicle use area as compared to the maximum allowed height of lighting in pedestrian-oriented areas.

Figure 8.9.1. Light Fixture Height



- E. **Lighting Location.** Lighting fixtures shall be located within landscaped areas when practical, may not impede pedestrian flows, and be placed to ensure a consistent patterns of light.
1. **Parking Area Lighting Location.** The height of light fixtures within a parking area shall be arranged so that the tallest fixtures are in the center of the parking area, and the lowest heights are at the perimeter of the parking area.
 2. Light fixtures height shall not exceed thirty (30) feet within the center of a parking area and shall decrease height to twelve (12) to fifteen (15) feet at the boundary of the parking area.
 3. To avoid conflict in layout, parking lot lighting must be coordinated with the parking lot's landscaping. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination. Figure 8.9.2: Parking Area Lighting, illustrates a typical arrangement of parking area lighting with the tallest light fixtures decreasing toward the edge of property.

Figure 8.9.2. Parking Area Lighting



F. **Lighting Intensity Standards.** Figure 8.9.3: Specific Lighting Standards, defines specific standards for lighting intensity based upon the land use involved. Values are presented in allowable foot-candles (fc) maintained (measured horizontally) at grade and are to be averaged throughout the site to avoid hot spots and ensure minimum values at the edge of the development area.

Figure 8.9.3. Specific Lighting Standards

Use	Minimum	Maximum
Pedestrian Areas/Sidewalks	0.2 fc	1.0 fc
Building Entries	1.0 fc	10.0 fc
Street Lighting	0.2 fc	1.0 fc
Open Parking Areas	0.2 to 0.9 fc	3.6 fc
Playgrounds	NA	5.0 fc
Site Perimeter	NA	0.5 fc

G. Lighting Standards for Unique Uses.

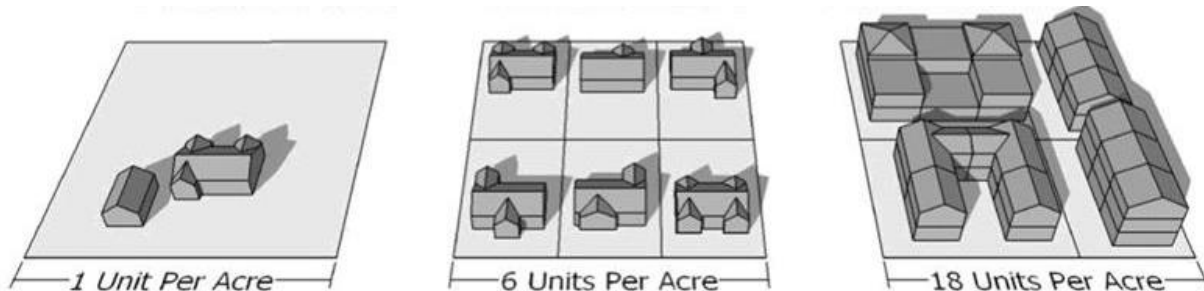
1. **Sports Fields.** Lighting for sports fields and outdoor courts is generally in excess of general outdoor lighting levels. Recreation lighting levels established by Illuminating Engineering Society of North America (IESNA) are to be used as the standard. Higher lighting levels for tournament or high league play are sometimes required and must be approved by the Planning and Development Director or designee. All sports fields or tennis/basketball courts must meet the following minimum standards:
 - a. Fixtures must be fitted with manufacturer's glare control package.
 - b. Lighting shall be extinguished no later than one hour after the event ends.
 - c. Fixtures must be designed with a sharp cutoff and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted.
 - d. Sports fields may have lighting fixtures a maximum eighty (80) feet in height.
2. **Convenience Store with Fuel Pumps.** For convenience stores with fuel pumps (i.e. gas station), all light fixtures mounted on the lower surface of canopies must be fully shielded in and of themselves (canopy edges do not qualify as shielding). Light fixtures mounted on canopies may be recessed so that lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to seventy degrees (70°) or less from vertical.
 - a. The light source shall be metal halide, low pressure sodium or high-pressure sodium (maximum of 150 watts).
 - b. Lighting levels shall be no greater than twenty lumens (20.0 fc) under the canopy.
 - c. Areas outside service station pump island canopy shall be illuminated so that the maximum horizontal luminance at grade level is no more than ten lumens (10.0 fc).

8.10. STANDARDS OF MEASUREMENT

8.10.1. DENSITY AND INTENSITY

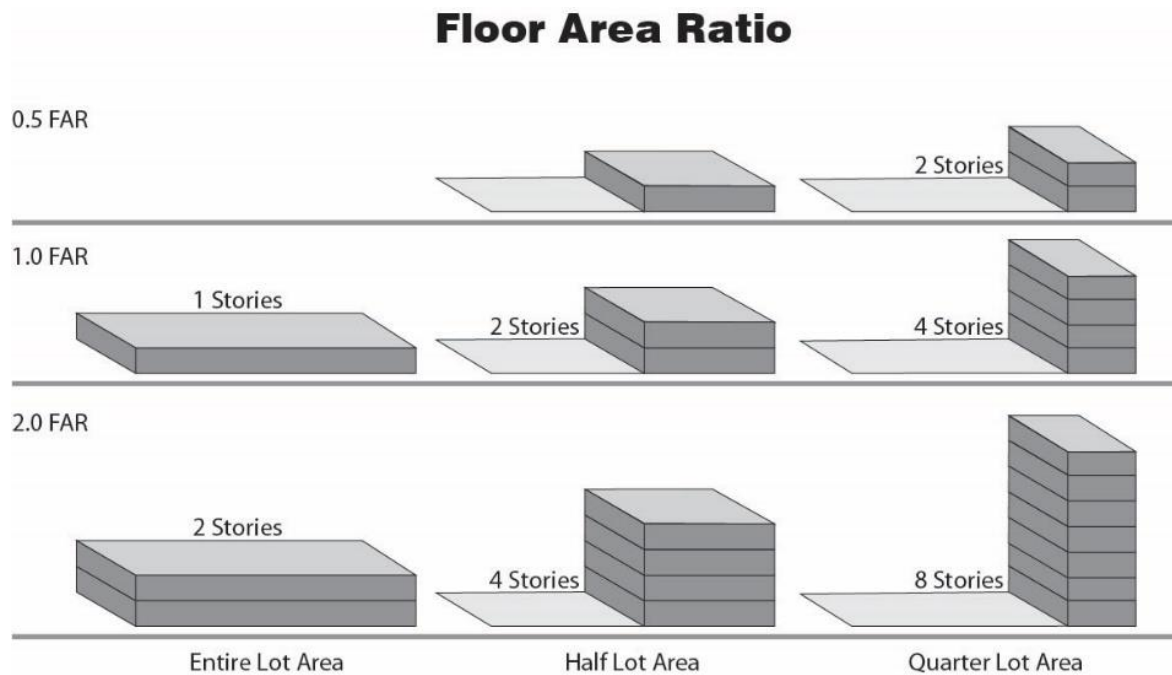
- A. **Residential Density.** The City has defined ten (10) character areas in the adopted Land Use Plan, Forward Monroe, which are defined by a variety of residential densities (density) and intensities.
- B. **Calculation of Density.** Residential density shall be measured by dwelling units per gross acre (du/ac). For example, if a development of one-hundred (100) acres is entitled to ten (10) dwelling units per acre, the maximum permitted density within the development is one-thousand (1000) dwelling units.
1. All residential densities denoted in the adopted Forward Monroe plan are not guaranteed by right. The appropriate allocation of density shall encourage sustainable development.
 2. Subdivision, zoning, and site plan review criteria and procedures shall assure that density is consistent with established residential development patterns and provides equitable use of the land.
 3. For legal lots of record existing as of the effective date of this UDO, densities less than the minimum density requirements defined in Forward Monroe are permitted.
 4. Residential Density is calculated as gross density, where the gross acreage includes all lands within the parcel boundaries.

Fig 8.10.1. Density



- C. **Non-Residential Intensity Defined. Floor Area Ratio (FAR).** Non-Residential Development ("Intensity") is measured in Floor Area Ratio (FAR). FAR is calculated by dividing the total size of the building/structure (in square feet) by the total size (in square feet) of the lot on which the building is located. For example, a 5,000-square foot building on a 10,000 square foot lot equals an FAR of 0.5.

Figure 8.10.2. Floor Area Ratio Graphic



8.10.2. STANDARDS OF GENERAL APPLICABILITY

Standards of general applicability shall include the subsections below. These standards shall be defined and make up the requirements of each district’s development standards table.

- A. **Building Height.** *Building Height* shall be defined by stories rather than a specific height expressed in feet; however each story shall have maximum height limitations expressed in feet. The measurement of a “story” shall be defined in Section 4.1.4.A.2 below. Height is limited to a maximum story allowance in each district’s standard development table.

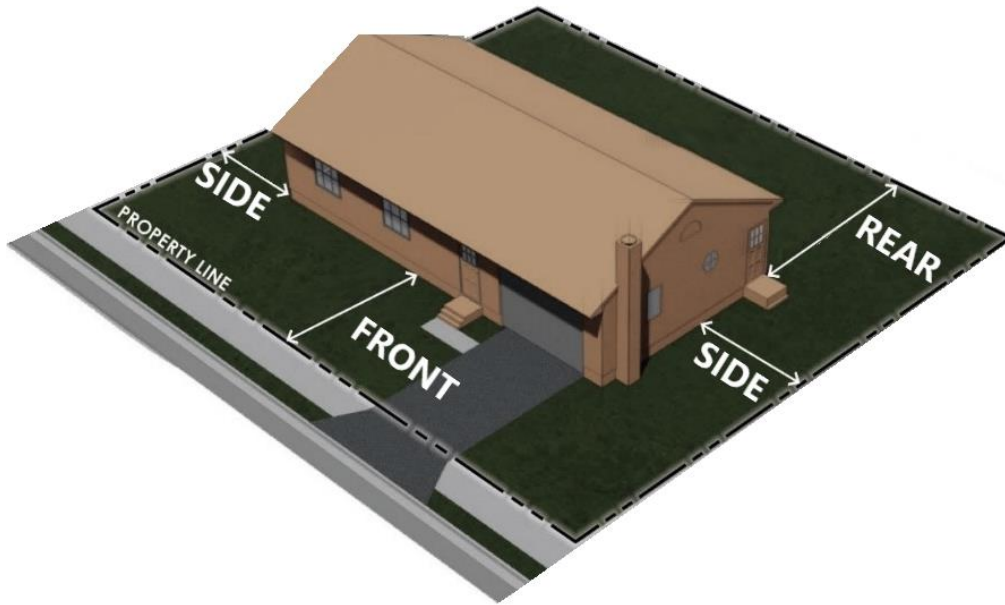
Figure 8.10.3. Building Height Illustrations



- 2. Measurement of Story.** For the purpose of calculating heights of a story, the ground floor (i.e. first story) of a structure shall be a maximum of fifteen (15) feet. Additional stories shall be a maximum of twelve (12) feet for each individual story. Building heights are limited through the district development standards table for each district. To allow for a wide variety of building designs, requests to modify the allowable height of stories, so long as the maximum permitted height of the structure is not exceeded, may be permitted via a design alternative.
- a. Habitable Space.** Stories are understood to also include the habitable space of a building excluding rooflines, architectural features or similar. If there is habitable space on the rooftop of a structure (i.e. an active eating area, pool, or rooftop lounge), it is understood this shall constitute a story as defined in this UDO. Non-habitable rooftop elements, such as cornices, porch roofs, turrets, towers, or dormers, are limited to ten (10) feet in height. Non-habitable rooftop structures, such as structures used for sheltering mechanical and electrical equipment, tanks, elevators and related machinery, shall be limited to fifteen (15) feet in height, not including base floor elevation (B.F.E.)
- B. Building Placement (Setbacks).** *Building Placement (Setbacks)*, shall be measured from the nearest part of the applicable building, structure or sign, measured perpendicularly to the lot line or street right-of-way line. Setbacks are designated by a front setback requirement, side setback requirements, and a rear setback requirement. Provisions for setbacks for accessory structures are made in each respective district below, or in Section 7: Permissible Uses and Standards, of the UDO for each respective use. It is understood, for the purpose of calculating setback requirements and yards, three configuration of lots exist: interior lots, corner lots, and through lots. A lot which abuts a cul-de-sac street design, featuring a radial primary street yard, shall measure its primary street setback at the point in which the side and front lot lines would have met without rounding.

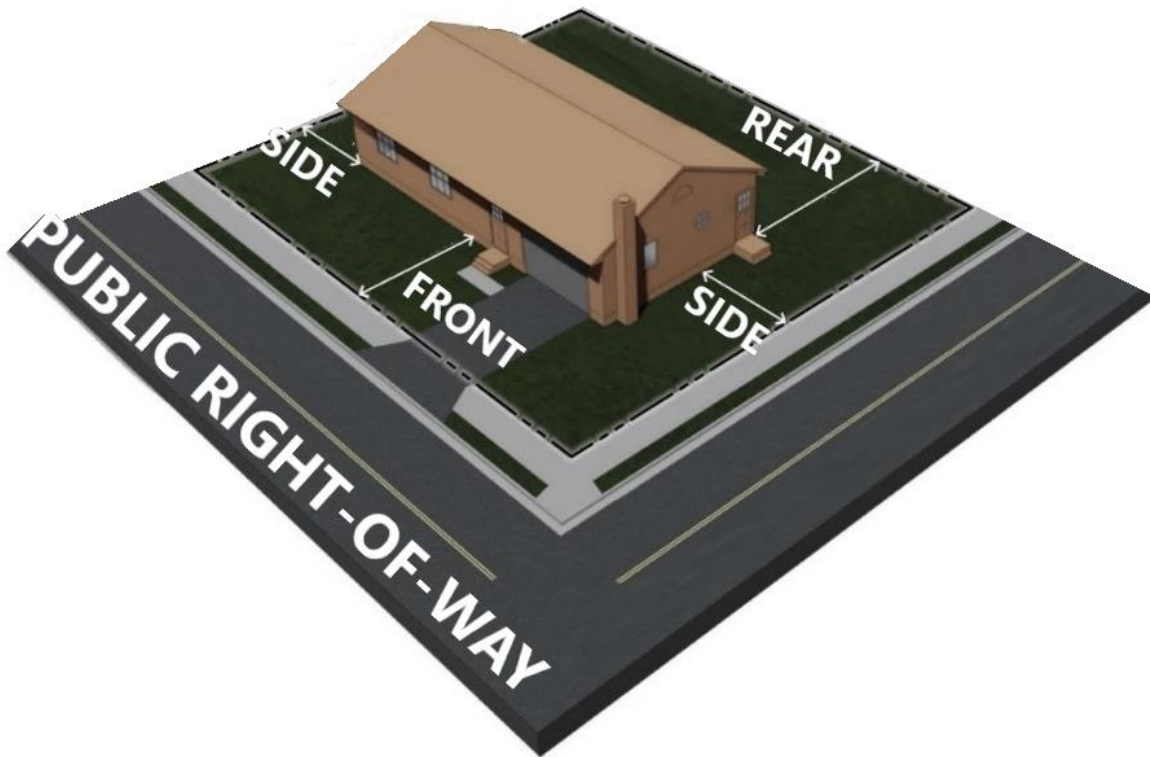
1. **Interior Lot.** A lot bounded by a street on only one side. For the purpose of setbacks and yards, the street yard shall be recognized as the primary (i.e. front) yard. An interior lot shall have one primary front yard, two side yards, and one rear yard. Orientation of the home, driveway and entrances shall be required respective of the primary front yard.

Figure 8.10.4. Setback – Interior Lot



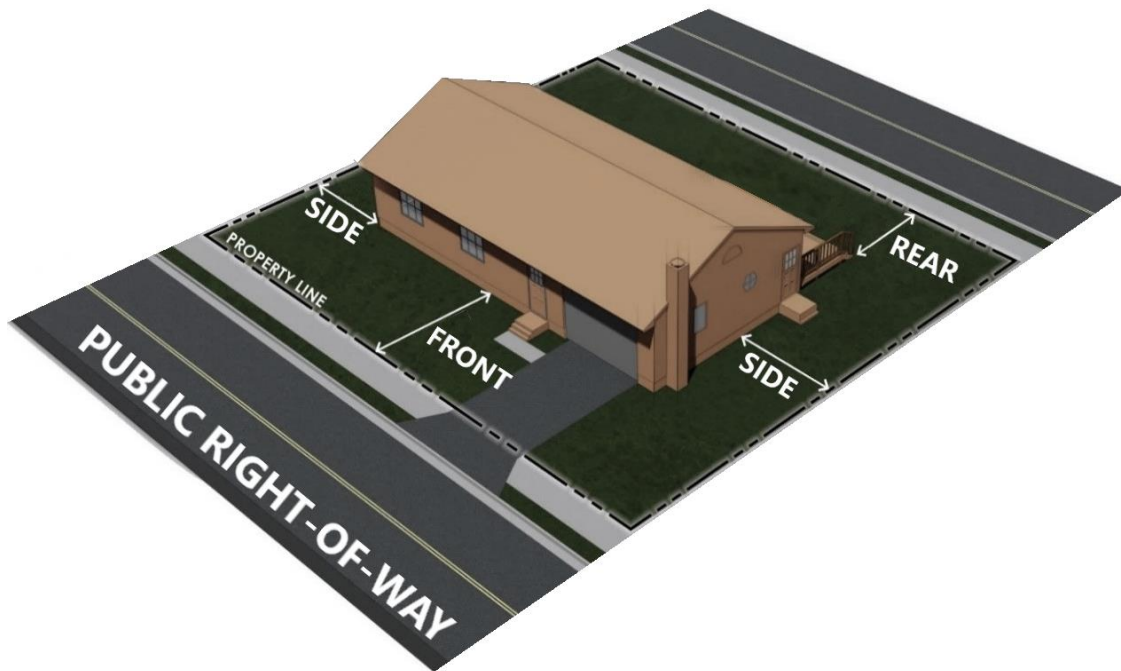
2. **Corner Lot.** A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit for new home, to designate its primary front yard, which shall dictate its front setback requirement. Orientation of the home, driveways and entrances on the lot shall be required respective of the primary front yard, but may also be permitted on a non-primary front yard. Additional side yard setbacks may be required for corner lots.

Figure 8.10.5. Corner Lot



3. **Through Lot.** A lot which has frontage on two parallel streets. Each through lot shall be required to designate its primary front yard, which shall dictate its front setback requirements. Orientation of the house, driveways and entrances on the lot shall be required in the primary front yard and may not be permitted on a non-primary front yard. Additional side or rear yard setbacks may be required for a through lot. If one of the streets is designated as a local street or alleyway, garage access may be permitted from the local street or alleyway.

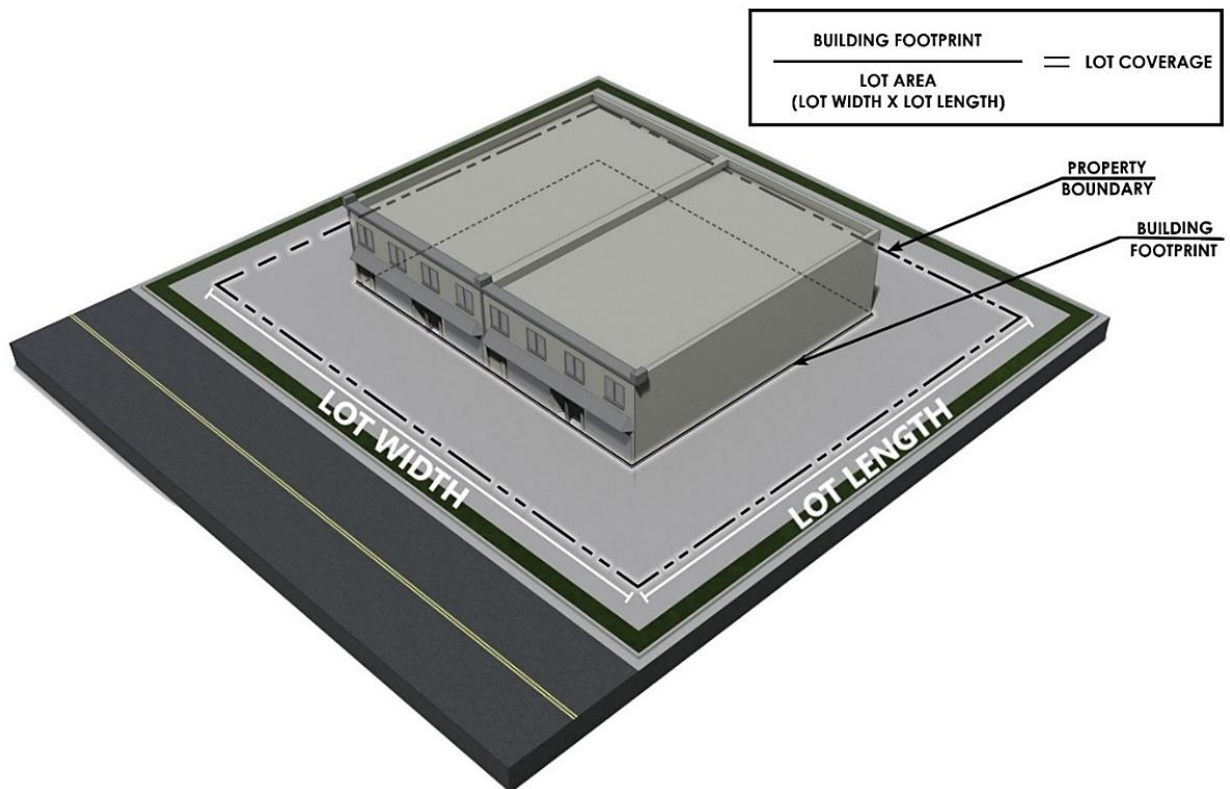
Figure 8.10.6. Setback – Through Lot



C. **Lot Measurements.** Lot requirements shall include the following terms defined:

1. **Lot.** Lots are parcels of land, either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership or possession or for development.
2. **Lot Width.** Lot width is the distance between the side lot lines (generally running perpendicular to a street) measured at the primary street property line along a straight line or along the chord of the property line.
3. **Lot Length.** Lot length is the distance between the front and rear property lines measured along a line midway between the side property lines.
4. **Coverage.** Lot coverage is the minimum and maximum area of a lot that is permitted to be covered by roofed structures. Lot coverage does not include paved areas such as parking lots, driveways or pedestrian walkways.

Figure 8.10.7. Lot Measurements

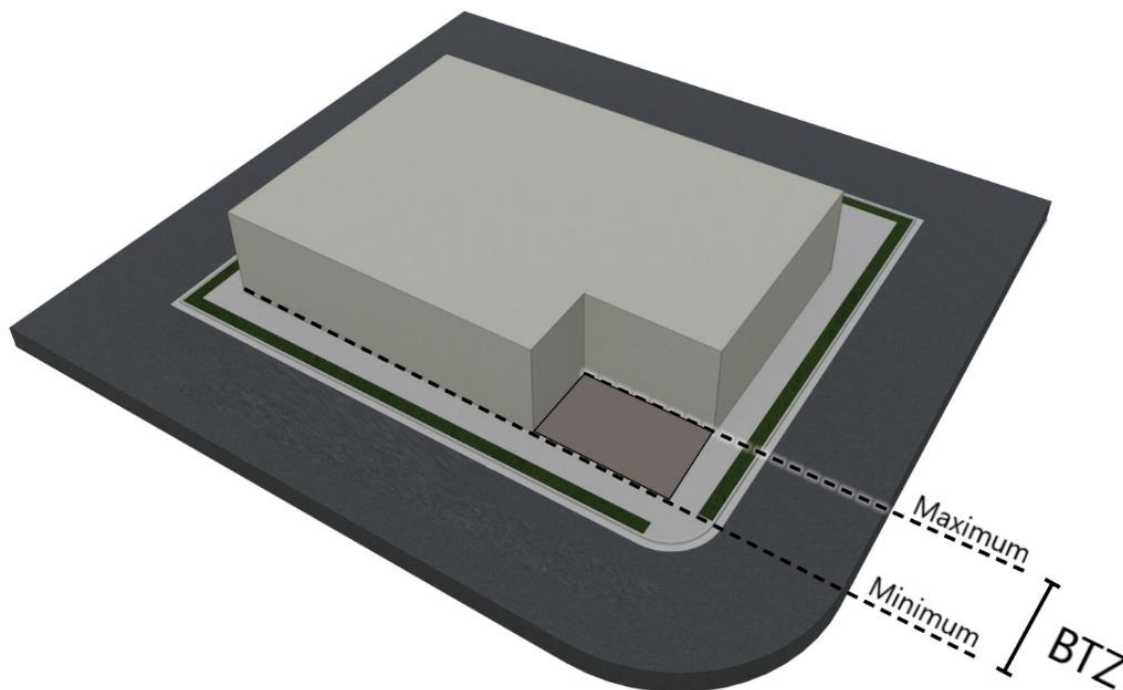


D. Equipment Considerations. Mechanical, electrical, and plumbing equipment (including air-conditioning and pool equipment) are exempt from side and rear yard requirements, but shall not be located any closer than three (3) feet from the property line.

E. Building Placement.

1. Each mixed-use zoning district shall define standards for building placement in the form of a Build-To Zone (BTZ).
2. The BTZ shall include a range of distances, expressed as a minimum and maximum setback, and is defined as the range at which construction of a building façade is to occur on the lot.
3. The BTZ runs parallel to the property line, ensuring a uniform building façade along the street.
4. The BTZ shall include a front/street, side, and rear measurement requirements.

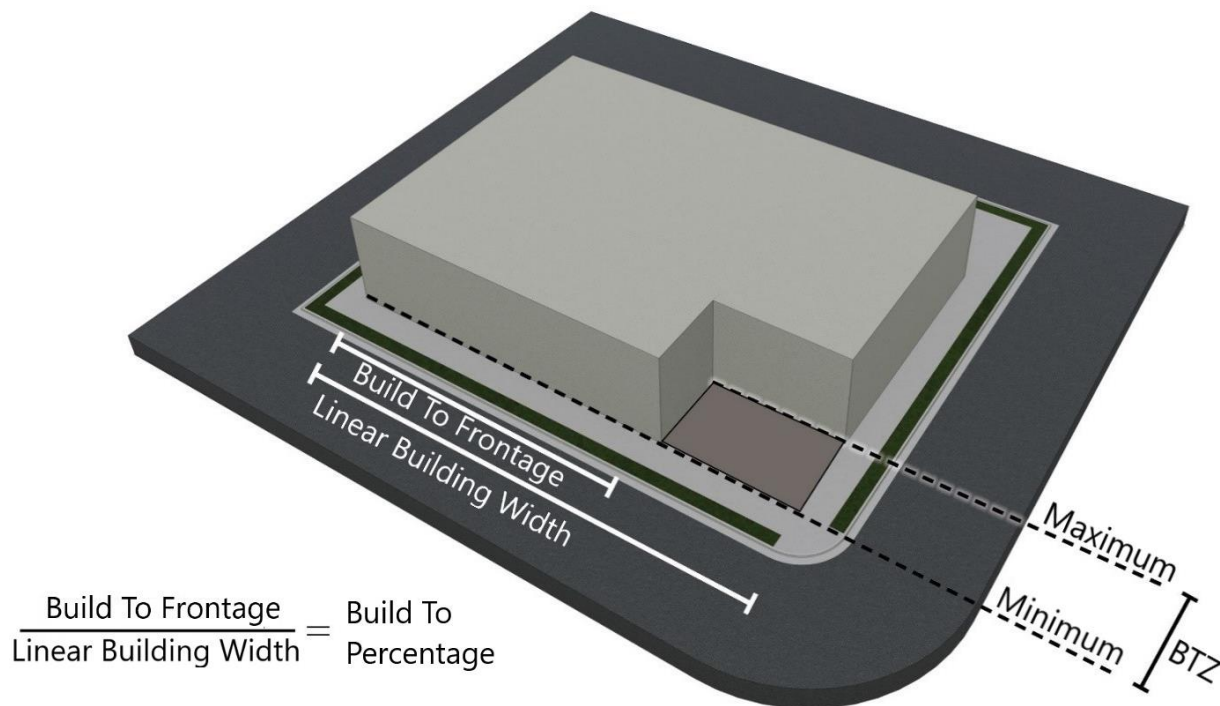
Figure 8.10.8 Building Placement



F. **Frontage.** Frontage, also referred to as the Build To Percentage Requirement, defines the percentage of the width of the building in relationship to the width of the lot. Frontage dictates what percentage of the linear distance of the building facade that must be located along the lot width.

1. **Active Use Areas.** *Active Use Areas* are defined as those areas along a frontage that provide for active uses such as a forecourt, courtyards, opportunities for outdoor dining, merchandise display, and/or shared gardens. Active use areas are encouraged and may be used to achieve frontage requirements. See Section 8.7.6: Pedestrian Considerations and 8.8.3.C: Open Space Standards for additional standards for active use areas.

Figure 8.10.9. Frontage



Section 9. **Amend Section §157.9 “WIRELESS TELECOMMUNICATIONS” as follows:**

§157.9 WIRELESS TELECOMMUNICATIONS

9.1. DEFINITIONS

A. For the purpose of this Section, all definitions in N.C.G.S. § 160D-9-31 shall apply unless otherwise defined below. The words "shall" and "will" are mandatory, and "may" is permissive.

1. *Antenna* means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services or other communications services.
2. *Applicant* means a person who submits an application, who may be the property owner or agent of the wireless provider.
3. *Application* means a request submitted by an applicant to the City for a permit for a wireless telecommunication facility.
4. *City* means the City of Monroe, North Carolina, a municipal corporation organized and existing under the laws of the State of North Carolina.
5. *Collocation*. The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, water support structures, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term does not include the installation of new utility poles or wireless support structures.
6. *Eligible Facilities Request*. A request for modification of an existing wireless support structure or base station that involves collocation of new transmission equipment or replacement of transmission equipment, but does not include a substantial modification.
7. *Micro Wireless Facility* means a small wireless facility having dimensions no larger than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and an exterior Antenna, if any, no longer than eleven (11) inches.
8. *Public Right-of-Way* means land in which the City owns the fee or has an easement required for use as a transportation facility.
9. *Small Wireless Facility* means a wireless facility that meets all of the following qualifications:

- a. Antennas associated with the facility are located inside an enclosure of no more than six (6) cubic feet in volume.
 - b. All other wireless equipment associated with the facility is cumulatively no more than twenty-eight (28) cubic feet in volume.
 - c. The following types of associated equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.
10. *Stealth Design* means a method of camouflaging any support structure, antenna, wireless telecommunications facilities, or other ancillary supporting communications facility.
11. *Substantial Modification* means the mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the following criteria:
- a. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet.
 - b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the support structure via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than twenty (20) feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
 - c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.
12. *Utility Pole* means a pole or similar structure used in whole or in part by the City or a private organization or private property to provide communications services, electric distribution, lighting, traffic control, signage or similar functions.
13. *Wireless Provider* means a wireless infrastructure provider or a wireless services provider.

14. *Wireless Facilities* means equipment at a fixed location which enables wireless telecommunications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, wireless support structures, associated equipment.

9.2. PURPOSE AND INTENT

- A. **Purpose and Intent.** It is the intent of this Section to comply with N.C.G.S. § 160D, Article 9, Part 3 Wireless Telecommunication Facilities, applicable state and federal law, and establish standards for the siting of wireless telecommunication facilities within the City. The City, through this Section, will allow wireless providers the opportunity to locate wireless telecommunication facilities, wireless telecommunication support structures, and small wireless facilities within its jurisdiction in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the citizens of Monroe and its extraterritorial jurisdiction. No wireless facility, support structure, or small wireless facility shall be constructed, nor altered, from and after the effective date of this Section, except in conformance to the provisions stated herein. This Section intends to:
1. Protect residential districts and uses from potential adverse impacts;
 2. Encourage collocation. It is the policy of the City to limit the number of wireless facilities needed within its jurisdiction. To accomplish this, the City requires collocation whenever possible and permits support structures of sufficient height to allow space for multiple antennas. Small wireless facilities, which may negate the need for additional wireless support structures, are encouraged;
 3. Comply with all applicable state and federal law; and
 4. Ensure that wireless telecommunication facilities, support structures and small wireless facilities in public rights-of-way do not inhibit the safety of pedestrians or obstruct sight distance triangles.
- B. **Applicability.** The provisions of this Section shall apply to all wireless telecommunication facilities, unless specifically exempted in this Section. All wireless telecommunication facilities, support structures and small wireless facilities shall comply with this UDO, applicable Federal Aviation Administration (FAA) regulations, Federal Communications Commission (FCC) regulations, and any other state or federal government regulations.
- C. **Exemptions.** The following shall be exempted from the standards in this Section, but shall be required to comply with all other relevant standards in the UDO:

1. Amateur radio antennas operated by FCC-licensed amateur radio operators with an overall height of fifty (50) feet or less;
2. Satellite dish antennas, other than broadcast, which may only be developed in accordance with the provisions of this UDO;
3. Replacement or modification of antennas, appurtenances or other equipment with facilities that are substantially similar or of the same or smaller size, and that does not substantially change the physical dimensions of the wireless telecommunications facility when viewed from ground level from surrounding properties;
4. Wireless communications facilities, support structures, or small wireless facilities erected as a temporary use, that receive a temporary use permit.
5. Wireless communications facilities, support structures or small wireless facilities erected upon the declaration of a state of emergency by a federal, state, or local government.
6. Emergency communication support structures owned by a public agency that is wholly or in part used for public safety or emergency communication purposes.
7. Small wireless facilities located in an interior structure or upon the site of any stadium or athletic facility. This subsection does not apply to a stadium or athletic facility owned or otherwise controlled by the city. This subsection does not prohibit the enforcement of applicable codes.
8. Private easement agreements between private parties. Any and all rights for the use of a right-of-way are subject to the rights granted pursuant to an easement between private parties.
9. Wireless telecommunications facilities in the rights-of-way of state-maintained highways or City rights-of-way by a provider authorized by state law to operate in the rights-of-way of state-maintained highways or city rights-of-way.

D. Wireless Telecommunication Facility Types.

1. **Wireless Telecommunication Facilities.** Equipment at a fixed location which enables wireless telecommunications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, and associated equipment.
2. **Wireless Telecommunication Facility Support Structures.** Wireless telecommunication facilities that take the form of a support structure (commonly referred to as a “tower”), whether monopole, lattice, guyed or similar. All support structures shall comply with the provisions of this UDO and state and federal law. Support structures shall be reviewed consistently with state and federal law.

- a. **Major Wireless Telecommunication Facility Support Structure.** Any new wireless telecommunication facility support structure greater than one-hundred-and-fifty (150) feet in height (maximum two-hundred (200) feet in height).
 - b. **Minor Wireless Telecommunication Facility Support Structure.** Any new wireless telecommunication facility support structure one-hundred-twenty (120) to one-hundred-fifty (150) feet in height.
 - c. **Limited Wireless Telecommunication Facility Support Structure.** Any new wireless telecommunication facility support structure below one-hundred-twenty (120) feet in height.
3. **Small Wireless Facilities.** Wireless facilities not in the form of a telecommunication facility or support structure, small cell wireless facilities typically consist of compact wireless telecommunication technology which exists inside an enclosure of no more than six (6) cubic feet in volume.

9.3. SUPPORT STRUCTURE APPROVAL PROCESS

- A. **Application.** Special use permits may be required for support structures where required per Section 7.1: Table of Permissible Uses. When a special use permit is required, a complete application for a special use permit shall consist of a completed application form, a site plan, and documentation prepared and sealed by a professional engineer registered in North Carolina sufficient to address necessary requirements (including collocation) per state and federal law. The special use permit shall be reviewed in accordance with Section 3.4.9: Special Use Permit and the provisions of this Section.
- B. **Additional Review Procedures.**
 1. In addition to the review procedures provided for in Section 3.4.9: Special Use Permit, the Board of Adjustment (BOA) may consider the support structure's harmony with the surrounding area, its compatibility with adjacent properties, and the availability or lack thereof of other more suitable sites. The aesthetic effects of the support structure, as well as any mitigating factors concerning the aesthetics, may be used to evaluate the application. In reaching a decision, the BOA may request the height, design, screening, placement, or other characteristics of the support structure be modified.
 2. The review of support structure shall comply with all state and federal law and shall be completed within one-hundred-fifty (150) days (or timeframe mandated under federal law, if amended).

3. Denials shall be provided to the applicant in writing and provide details as to the reason for denial.
- C. **Findings of Fact.** In addition to any criteria for Special Use Permits, per Section 3.4.9: Special Use Permit, the BOA shall make the following findings of fact:
1. The use will not interfere with any of the surfaces provided under FAA Regulation 14 CFR Part 77 surrounding the Charlotte-Monroe Executive Airport or affect the radio and navigation signals of the operating ground and airborne equipment in the vicinity of the Airport.
 2. For any support structure proposed to be located in a residential zoning district, as identified in Section 4.2: Residential Zoning Districts, or within five-hundred (500) feet of the nearest property line of a legal conforming residential use, the applicant has submitted substantial evidence that the support structure cannot, by technical necessity, be located more than five-hundred (500) feet from the nearest property line of a legal conforming residential use.
 3. For any support structure proposed to be located in a nonresidential zoning district and within five-hundred (500) feet of the nearest property line of a legal conforming residential use or residential zoning district, the applicant has submitted substantial evidence that the support structure cannot, by technical necessity, be located more than five-hundred (500) feet from the nearest property line of a legal conforming residential use or residential zoning district.
 4. The height of the support structure, as proposed, is required to: (1) provide a reasonable level of service; or (2) meet the collocation requirements of this Section; or (3) prevent the need for another support structure in the search area.

9.4. STANDARDS

A. Specific Standards

1. **Major Support Structure.** Any new wireless telecommunication facility support structure greater than one-hundred-fifty (150) feet in height shall comply with the following standards:
 - a. A valid Special Use Permit is required.
 - b. The support structure must be constructed to have the capacity to support at least three collocations.
 - c. Maximum height is two-hundred (200) feet.
 - d. Permitted support structure types include monopole, lattice or guyed.
 - e. Stealth designs are not required.

- f. In no case shall a new wireless telecommunication facility support structure be permitted in the DC-MX district, DG-MX district, a locally designated historic district, a National Register Historic District, or within five-hundred (500) feet of a property listed on the National Register of Historic Places. Major support structures may only be allowed in permitted districts per Section 7.1: Tables of Permissible Uses.
 2. **Minor Support Structure.** Any new wireless telecommunication facility support structure one-hundred-twenty (120) to one-hundred-fifty (150) feet in height.
 - a. The support structure must be constructed to have the capacity to support at least two collocations.
 - b. Maximum height is one-hundred-fifty (150) feet.
 - c. Permitted support structure types include monopole, lattice or guyed.
 - d. Stealth design is not required.
 - e. Minor support structures may only be allowed in permitted districts per Section 7.1: Tables of Permissible Uses.
 3. **Limited Support Structure.** Any new wireless telecommunication facility support structure below one-hundred-twenty (120) feet in height.
 - a. The support structure must be constructed to have the capacity to support at least one collocation.
 - b. Stealth design is required. Tree stealth design is not permitted.
 - c. Permitted support structure types include monopole, lattice, or guyed.
 - d. Limited support structures may only be allowed in permitted districts per Section 7.1: Tables of Permissible Uses.
- B. General Standards.** The following standards shall be required:
1. **Collocation Opportunities.** Applicants must submit a notarized statement signed by the owner, or its legal representative, of the number of collocation sites on the wireless telecommunication facility support structure which will be made available. A declaration that such site will be negotiated in good faith at reasonable terms to other wireless providers is also required. Documentation sealed by a professional engineer registered in North Carolina is required to demonstrate that the support structure has sufficient structural integrity for the intended users and collocations.
 2. **Aesthetics.** To minimize the visual impact of new wireless telecommunication facility support structures, the following requirements shall apply:
 - a. Wireless telecommunication facilities shall not be lighted unless specifically required by the FAA. If FAA lighting is required, strobe lights

shall be avoided unless specifically required by the FAA. Lighting of all facilities in any district shall be directed toward the support structure and/or equipment shelters.

- b. Two-way and microwave antennas shall be located inside accessory buildings when technically possible.
 - c. Outdoor storage of equipment or other related items is prohibited on wireless telecommunication facility sites.
- 3. **Fencing.** In order to secure the site from unauthorized use, an eight (8) foot high fence shall be constructed around any support structure and all ancillary structures housing equipment. The gate into the fenced area shall be located so that it is not easily visible from a public street or adjacent residence.
- 4. **Screening.** Screening is required along all exterior sides of the fence, excluding the gate.
 - a. Screening shall be located outside and parallel to the perimeter of the security fencing.
 - b. Such screening shall consist of evergreen shrubs or trees or any combination thereof planted in such numbers and intervals which will provide an opaque screen within two years.
 - c. All plantings shall be at least three (3) feet in height at the time of planting and capable of reaching a height of six (6) feet within two (2) years. The owner of the property and the owner of the support structure shall be jointly and severally responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris, to keep plantings healthy, and to keep planting areas neat in appearance. Vegetation and plant material shall be maintained and replaced when necessary.
- 5. **Signage.** Signage is required to identify the facility as a “no-trespassing area” and to provide a current emergency contact, telephone number, site address and other information as required by applicable federal, state, or local laws. Signage shall meet the following standards:
 - a. No advertising signs are permitted on a support structure site where the support structure is the principal use of the property.
 - b. No advertising signs are permitted within or on the fence securing the support structure site.
 - c. No advertising signs are permitted to be located anywhere on a support structure.

- d. Signs for the purpose of safety and information, not legible from a public right-of-way or adjacent residential lots, are permitted within the fenced area of any support structure site.
 - e. Freestanding signs are prohibited.
- 6. **Lot Size.** Support structure sites must be a minimum of 10,000 square feet in size or meet the minimum lot size for the district in which it is located, whichever is greater. A support structure site shall include the entire legal parcel on which the support structure is located, even if the support structure is an accessory use of the property. When support structures are located as accessory uses, any undeveloped/un-impervious requirements which apply to the property must continue to be met for the property as a whole. In addition, if the principal use requires a minimum lot size, then the minimum lot size for the support structure shall be in addition to the minimum lot size established for the principal use.
- 7. **Interference or Obstruction with Public Safety Telecommunications.** New wireless telecommunication service shall not obstruct existing or proposed public safety telecommunication facilities. All applications for new service shall be accompanied by a certification obtained by the applicant from the City Chief of Police, Union County Sheriff and Union County Emergency Management Director that the support structure and ancillary wireless telecommunication facilities are not expected to interfere or obstruct such public facilities. In the event interference or obstruction does occur with public safety telecommunication facilities, it shall be the responsibility of the owner of the commercial wireless telecommunication facility creating the interference or obstruction to make all necessary repairs and/or accommodations to alleviate the problem.
- 8. **Setbacks.** All support structures, including ancillary structures and guy wires, must meet a minimum fifty (50) feet setback requirement. Major wireless telecommunication facility support structures may have greater setback requirements as part of any Special Use Permit approval.
- 9. **Certifications Required.** Prior to the release of any occupancy permit or certificate for a support structure site, the applicant must submit federal/local documentation that the support structure complies with (or is not subject to) all requirements of the FCC, the National Environmental Policy Act (NEPA), and State Building Code requirements. In addition, prior to approval, the applicant shall submit a copy of any FAA comments for review by staff.
- 10. **Placement of Antennas on Existing Buildings.** An antenna may be attached to a commercial or multifamily building in accordance with the following standards:

- a. Antennas shall not extend above a height twenty percent (20%) higher than the highest point of the building or structure;
 - b. Antennas visible from the street shall be omni-directional, screened, or be camouflaged to minimize appearance; and
 - c. All other equipment shall be located within the building or screened to prevent off-site views.
- 11. **Rights-Of-Way.** Per N.C.G.S. § 160D-936, a wireless provider shall be required to repair all damaged caused by their work on rights-of-way.
- 12. **Abandonment.** Whenever a support structure ceases to be in active operation for more than one-hundred-eighty (180) days, it shall be considered abandoned and removed by the owner of the support structure or the owner of the property.
 - a. The owner of the property and the owner of the support structure shall be jointly and severally responsible for the removal of an abandoned support structure.
 - b. The City Council may grant a one-time extension equal to one-hundred-eighty (180) days whenever it finds that such an extension will not compromise the public health, safety, or welfare and that such extension is not solely for the purpose of delaying the cost of removing the support structure.
 - c. Whenever a support structure is abandoned, the owner of the support structure shall notify the City's Planning and Development Department within thirty (30) days following abandonment.

9.5. EXISTING SUPPORT STRUCTURES

- A. **General.** All support structures which existed prior to the adoption date of this UDO, and which do not meet the requirements of this Section, shall be permitted to continue as legal non-conforming structures, but shall not be modified except in accordance with this Section.
- B. **Modification.** Minor modifications, including ordinary maintenance performed on a nonconforming wireless facility or support structure, may be permitted so long such maintenance does not represent a Substantial Modification (as defined in this Section).
 - 1. Substantial Modifications shall require a zoning permit, per Section 3.4.20: Zoning Permit, and approval by the Director.
 - 2. An Eligible Facilities Request (as defined in this Section) shall not constitute a Substantial Modification and shall be approved by the City, per N.C.G.S. § 160D-934.

3. Collocation of wireless telecommunications facilities on an existing nonconforming wireless support structure shall not constitute a Substantial Modification, but shall be reviewed and approved in accordance with the site and development plan process as stated in Section 3.4.17. Qualified collocation applications can be reviewed for conformance with site plan and building permit requirements, but are not otherwise subject to zoning requirements

9.6. SMALL WIRELESS FACILITIES

- A. **Applicability.** The placement of small wireless facilities (including micro wireless facilities) in all cases are subject to the standards of this UDO and require a zoning permit, per Section 3.4.20: Zoning Permit.
- B. **Standards.** A small wireless facility shall meet all of the standards below:
 1. The small wireless facility shall not extend more than ten (10) feet above the highest point of the vertical structure;
 2. Any antenna shall be capable of fitting in an enclosure a maximum of six (6) cubic feet;
 3. Associated equipment for a small wireless facility shall maintain a maximum volume of twenty-eight (28) cubic feet;
 4. The small wireless facility shall not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation or law;
 5. The small wireless facility shall comply with any applicable FCC emissions standards;
 6. The small wireless facility shall comply with any applicable local building codes in terms of design, construction and installation; and
 7. The small wireless facility shall not contain any commercial advertising.
- C. **City Utility Poles.** If small wireless facilities are installed on City utility poles, the City shall not enter into an exclusive agreement or arrangement with any person for the right to attach equipment to City utility poles. Any rates or fees for collocations on City utility poles must be nondiscriminatory regardless of the services provided.
- D. **Right-of-Way Use Permit.** If a small wireless facility is placed within the public right-of-way, in addition to a zoning permit, a right of way permit shall be required. The City may deny a right-of-way use permit for a small wireless facility if the proposed facility:
 1. Interferes with the safe operation of traffic control equipment;
 2. Interferes with sight visibility lines for transportation or pedestrians;

3. Interferes with compliance of the Americans with Disabilities Act or similar federal or state mandated provisions regarding pedestrian access of movement; or
4. Fails to comply with applicable standards of this UDO and Standard Specification and Detail Manual.

E. Application Review Criteria

- a. Applications for small wireless facilities shall be processed and reviewed within forty-five (45) days from the date an application is considered to be complete. The applicant and City may mutually agree to a longer review period.
- b. Construction of any approved small wireless facility shall commence within six (6) months of its approval date. The small wireless facility shall be activated for use within one (1) year from the right-of-way use permit issuance date.
- c. City approval is not required for routine maintenance, replacement of existing small wireless facilities which are substantially similar, or installation or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles.

F. Abandonment

- a. As authorized by N.C.G.S. § 160D-935(g), whenever a small wireless facility ceases to be in active operation for more than one-hundred-eighty (180) days, it shall be considered abandoned and removed by the wireless provider.
 - a. For purposes of this subsection, a small wireless facility shall be deemed abandoned at the earlier of the date that the wireless provider indicates that it is abandoning such facility or the date that is one-hundred-eighty (180) days after the date that such facility ceases to transmit a signal, unless the wireless provider gives the City reasonable evidence that it is diligently working to place such facility back in service.
 - b. The City Council may grant a one-time extension equal to one-hundred-eighty (180) days whenever it finds that such an extension will not compromise the public health, safety, or welfare and that such extension is not solely for the purpose of delaying the cost of removing the small wireless facilities.
- b. The wireless provider shall be responsible for the removal of a small wireless facility.
- c. Whenever a small wireless facility is abandoned, the wireless provider shall notify the City's Planning and Development Department within thirty (30) days following abandonment.

- d. Should the wireless provider fail to timely remove the abandoned small wireless facility, the City may cause such wireless facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless provider.

9.7. COLLOCATION STANDARDS.

- A. A Wireless Provider, shall, whenever possible, enter into joint use agreements with the City and other parties, for collocation, provided that the terms of such agreements are satisfactory to the Wireless Provider.
 1. Nothing shall mandate that the Wireless Provider enter into joint use agreements with parties other than the City or an agency of the City. However, prior to placement of any new or additional wireless facilities in the Public Rights-of-Way, a Wireless Provider is required to certify in writing to the City that it has made appropriate inquiry to all existing utilities and other entities possessing a right to occupy the Public Rights-of-Way as to the availability of right-of-way that it could reasonably utilize to meet its needs, and that no such facility is available or planned at a reasonable cost by any other entity on the time schedule reasonably needed.
 2. The Wireless Provider shall not be permitted to perform any placement or maintenance of wireless facilities in those segments of the Public Rights-of-Way where there exists vacant or available collocation of facilities.
 3. Collocations shall require an application on a form designated by the City. Decisions on these applications must be made within forty-five (45) days of receipt of a completed application. Notice of any deficiencies in a collocation application must be provided within forty-five (45) days of submission of an application.

Section 10. Amend Section §157.10 “NONCONFORMITIES” as follows:

§157.10 **NONCONFORMITIES**

10.1. GENERAL APPLICABILITY

- A. **Intent.** Due to the establishment of this UDO, there exists uses of land, structures, lots of record, and site features that were lawfully established prior to the adoption of this UDO that may not be conforming. The purpose and intent of this Section is to allow and regulate the continued existence of such instances that do not conform to the provisions of this UDO.
- B. **Determination of a Nonconformity.** The burden of establishing that a nonconformity lawfully exists shall be the responsibility of the person who owns or rents the property upon which the nonconformity exists. Evidence that may be used to prove the legal status as a lawful nonconformity may include approved permits, construction plans, and records of previously approved regulations.
- C. **Ownership Changes.** No change of title or possession of property shall be construed to prevent the continuance of a nonconformity.
- D. **Increases in a Nonconformity.** A nonconformity shall not be expanded, intensified, or enlarged except as provided by this Section.

10.2. NONCONFORMING LOTS

- A. **Generally.** No use or structure shall be located on a nonconforming lot of record established after the adoption of this UDO except in accordance with this Section.
- B. **Nonconforming Lot Area or Width.** Legally established lots (including platted lots) predating the adoption date of this UDO that do not conform to the minimum lot standards set forth in this UDO may be used as if they are conforming. However, no new use that has a greater lot size requirement than the UDO established minimum lot size is permissible on a nonconforming lot. Development on a nonconforming lot shall comply with the following standards:
 - 1. **Conforming Structures on Nonconforming Lots.** If a structure is legally conforming and meets all standard requirements in this UDO, the structure may be continued, enlarged, or reconstructed in any way that is in conformance with this UDO.

2. **Nonconforming Structures on Nonconforming Lots.** Nonconforming structures established on nonconforming lot(s) shall follow the provisions of Section 10.4: Nonconforming Structures.
- C. **Changes to Nonconforming Lot.** The boundaries, lot lines, shape, or size of a nonconforming lot may only be changed if it makes the lot more conforming.

10.3. NONCONFORMING USES

- A. **Generally.** Any lawfully existing nonconforming use may continue on the same land area and on the same floor area. Except as provided in this Section, nonconforming uses may not be increased in extent (either in square footage or intensity of use).
- B. **Change of Use.** A nonconforming use may not be changed to any use other than a permitted use in the zoning district where located. A use shall be deemed to have been changed when an existing nonconforming use has been terminated and a permitted use has commenced. A change of use from an existing nonconforming use to a permitted use shall require the following:
 - a. Parking and loading areas shall be improved to the minimum standards specified in Section 8.4: Parking and Loading, of this UDO.
 - b. Landscaping and buffering shall be provided, as defined in Section 8.3: Landscaping, Buffering, Fences and Walls, of this UDO, to the greatest extent possible.
 - c. Nonconforming signs shall be removed from the property and replaced with conforming signs.
- C. **Nonconforming Uses Within a Completed Building.** Nonconforming uses may be extended throughout any portion of a completed building if the building was designed to accommodate such a use. A nonconforming use may not be extended to additional structures or to land area outside the structure.
- D. **Abandonment or Discontinuance.** If a nonconforming use is discontinued or abandoned for 365 days or more, the use shall not be reestablished or resumed. Operation of the use without a license or permit required by the City or State, for 365 days or more, shall constitute a termination of nonconforming use.

10.4. NONCONFORMING STRUCTURES

- A. **Nonconforming Structures Containing a Conforming Use.** Any lawful nonconforming structure containing a conforming use may continue in accordance with this Section. Any enlargement of a nonconforming structure containing a conforming use shall comply with

all required setbacks in this UDO and other applicable regulations, and may not create any additional dwelling units, create new nonconformities, or increase the extent of existing nonconformities. A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless upon relocation it conforms to the requirements of this UDO.

B. Nonconforming Structures Containing a Nonconforming Use. A nonconforming use that is contained within a nonconforming structure is subject to subsection 10.3: Nonconforming Uses. Nonconforming structures shall meet the requirements defined in Section 10.4.A above.

C. Minor Repairs and Maintenance. Minor repairs to, and routine maintenance on, nonconforming structures shall be allowed. Minor repairs and routine maintenance shall mean repairs and maintenance that are necessary to maintain a nonconforming structure in a safe condition and to protect against hazards to the safety of surrounding areas and uses. Major repairs, defined as repairs exceeding fifty (50) percent or more of the value of the nonconforming structure, are subject to Section 10.4.D below.

D. Major Repair, Damage or Destruction. Reconstruction of a nonconforming structure that is in need of more than a minor repair as defined in 10.4.C above, or is destroyed, is subject to the following standards:

1. **Damage of 50% or More of Value.** Except for single family dwellings, if the nonconforming structure is damaged or destroyed to an extent which constitutes fifty (50) percent or more of its assessed value, the structure may be repaired or rebuilt, and the use re-established, only in conformity with the regulations of this UDO. Any related new construction, including off-street parking, landscaping, signage and other similar features shall be in accordance with this UDO.
2. **Damage of Less Than 50% of Value.** If the nonconforming structure is damaged to an extent which constitutes less than fifty (50) percent of the assessed value, the structure may be repaired or rebuilt to its previous form, and the previous use re-established, if a building permit is obtained. The building permit must be obtained and repairs must begin within one (1) year of the damage. Repairs should be active and diligently pursued to completion, with a maximum two (2) years to complete.
3. **Single Family Dwellings.** A nonconforming single family dwelling which is damaged or destroyed to an extent of fifty (50) percent of assessed value or more may be rebuilt to its previous permitted form.

Section 11. Amend Section §157.11 “DEFINITION OF TERMS” as follows:

§157.11 DEFINITION OF TERMS

Except where specific definitions are used within a specific Section of the UDO for the purpose of such Sections, the following terms, phrases, words, and their derivations shall have the meaning given herein when not inconsistent with the context. Principal uses, which correspond with the Permissible Use Table, are defined in Section 7, Permissible Uses and Standards, of this UDO.

A

ABANDONMENT. The termination or relinquishment of property or use for a continuous period.

ABC STORE. An establishment run by the Alcoholic Beverage Control Board selling alcoholic beverages.

ABUTTING. The condition of two parcels of land having a common property line or boundary, including cases where two or more parcels of land adjoin at a corner, but not including cases where parcels of land are separated by a street, water body or right-of-way.

ACCESS. The right or ability of pedestrians and vehicles to enter and leave a lot or development.

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 subordinate or incidental structure, of which the use is incidental to the principal structure and is located on the same lot as the principal structure.

ACCESSORY USE. A use that is incidental, appropriate, and subordinate to the principal use of land or buildings and located on the same lot. Accessory uses are allowed by right in conjunction with the primary use unless stated otherwise in these regulations.

ADA (AMERICANS WITH DISABILITIES ACT). Civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life.

ADAPTIVE REUSE. The rehabilitation or renovation of existing buildings or structures for any use other than its current use.

ADJACENT PROPERTIES. A parcel or lot of land that shares part of a common lot line or boundary with another parcel or lot of land (or would abut if not for the presence of a street, waterbody or right-of-way).

ADULT CARE. An assisted living residence, in compliance with G.S. 131D, in a structure other than a single family dwelling in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or for scheduled needs, through formal written agreement with licensed home care or hospice agencies.

ADULT ESTABLISHMENT. Adult bookstore, adult motion picture theater, adult mini-motion picture-theater, adult live entertainment business, massage business, or other such adult establishment as outlined in G.S. § 14-2-2.10 and in [Chapter 112](#) of the City of Monroe Code of Ordinances.

AGENT. A person who has legal, authorized consent to act upon another's behalf.

AIRPORT. Charlotte-Monroe Executive Airport.

AIRPORT ELEVATION. The highest point of the airport's useable landing area measured in feet above mean sea level (679.0 feet).

ALLEY. A local access service way providing a secondary means of public access to abutting property, typically used for service access to the back or side of properties.

ALTERATION. Any change in the construction, repair, size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location or use.

AMORTIZATION. The process of providing for a timed expiration or extinction of a use which is not in compliance with this UDO.

ANTENNA. Communication equipment designed to transmit or receive electronic signals for all types of wireless telecommunication services and devices.

APPLICATION. A form designed by the City on which a development review process submission occurs.

APPROACH SURFACE. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope.

AREA OF SHALLOW FLOODING. A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land within the floodplain subject to a 1% or greater chance of flooding in any given year.

AWNING. A plastic, canvas or metal shade structure, often foldable, covered over a storefront or doorway.

B

BALANCE OF WATERSHED. That part of a water supply watershed area that does not lie within a critical area.

BAR. Any business or commercial establishment which is devoted primarily to the retailing and on-premises consumption of alcoholic beverages (not made on-site) and which is licensed by the state to dispense or sell alcoholic beverages. May be subject to locational requirements. See Bar/Tavern/Nightclub in use-definitions.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

BASEMENT. The lowest level or story which has its floor sub grade on all sides.

BERM. An earthen mound designed to separate, screen and buffer adjacent uses or site features.

BEST MANAGEMENT PRACTICES (BMP'S). Measures or practices utilized to reduce pollution entering surface waters. May be structural or nonstructural and take the form of a process or planning.

BLOCK. Land within an area bounded by streets on all sides.

BONA FIDE FARM. Any land which actively engages in a substantial way in the commercial production or growing of crops, plants, livestock, or poultry.

BUFFER. A buffer is a specified land area located parallel to and within the outer perimeter of a lot or parcel. A buffer shall contain the required planting, landscaping, berm, fence or wall, or any combination required as set forth in this UDO.

BUILDING. A structure having a roof supported by walls for the shelter or support of persons, animals and goods.

BUILDING HEIGHT. For the purpose of calculating heights of a story, the ground floor (i.e. first story) of a structure shall be a maximum of 15 feet. Additional stories shall be a maximum of 12 feet for each individual story. Building heights are limited through the district development standards table for each mixed-use district. To allow for a wide variety of building designs, requests to modify the allowable height of stories, so long as the maximum permitted height of the structure is not exceeded, may be permitted.

C

CALIPER. A horticultural method of measuring the diameter of a tree trunk. This measurement is taken at six inches above ground level for trees up to four inches in caliper. For larger trees, measurement of **CALIPER** shall be taken at twelve inches above ground level.

CANOPY. A permanent structure attached to a building for the purpose of providing shelter or shade or as a decorative feature. A canopy is not completely enclosed.

CANOPY TREE. A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet, and which meets the specifications of the American Standards for Nursery Stock published by the American Association of Nurserymen.

CERTIFY. Whenever this UDO requires that some agency certify the existence of a fact or circumstance, such certification shall be made in any manner that provides reasonable assurance of the accuracy of the certification.

CERTIFICATE OF APPROPRIATENESS. A permit issued by the Historic District Commission granting an applicant approval for the alteration, change, demolition, relocation, excavation, or new construction of contributing site, structure, landmark, noncontributing structure, or noncontributing site. Shall comply with all standards defined in G.S. 160D-9-47. See Section 3.4.13 for the **CERTIFICATE OF APPROPRIATENESS** review process.

CIRCULATION. The ability of a vehicle to utilize portion of the vehicle use area used for access to parking or loading areas, or other facilities on the lot.

CITY. The City of Monroe, North Carolina.

CLUSTER DEVELOPMENT.

COPY. The linguistic or graphic content of a sign.

COUNCIL. The City Council of the City of Monroe, North Carolina.

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.

CRITICAL ROOT ZONE (CRZ). A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. **CRZ** is one foot of radial distance for every inch of tree diameter measured at 4.5 feet above ground level, with a minimum of eight feet. For significant trees, the formula changes to 1.5 feet for every inch of tree diameter at 4.5 feet above ground level, with a minimum of 12 feet.

CROWN. See "Canopy".

D

DECIDUOUS. A plant or tree with foliage that is shed annually.

DEDICATION. Giving or dedicating land or infrastructure improvements to the City for their operation and maintenance.

DENSITY. The maximum number of residential dwelling units permitted per gross acre of land. In determining density, a fractional unit shall not entitle an additional unit.

DEVELOPER. Any person engaged in land, site or building development.

DEVELOPMENT. Any man-made changes to real property, including but not limited to buildings, filling, grading, paving, or storage of equipment or materials.

DRIP LINE. An imaginary vertical line extending from the outermost portion of the tree's canopy to the ground.

DRIVEWAY. That portion of the vehicle use area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

DWELLING UNIT. An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

E

EASEMENT. The right to use or occupy real property of another owner for a purpose.

EASEMENT, PRIVATE ACCESS. A privately owned and maintained right-of-way created by express grant or reservation in an instrument of record in the Union County Register of Deeds, which connects directly to a publicly maintained and dedicated street that provides vehicular access to no more than two lots.

ELECTRONIC GAMING OPERATIONS. Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance or skill, including sweepstakes, and where cash, 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. This does not include any lottery approved by the State of North Carolina.

ENTERTAINMENT. Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities.

ERECT. To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

EVERGREEN. A plant with foliage that persists year-round.

EXPENDITURE. A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding, contractual commitments to make future expenditures, as well as any other substantial changes in position.

EXTRA TERRITORIAL PLANNING JURISDICTION (ETI). That portion of the City's planning jurisdiction that lies outside the corporate limits of the city.

F

FAÇADE. The exterior wall of a building facing a lot line or right-of-way, from the grade to the eave or highest point of a roof. Facades may be on the front, side or rear of the building.

FAMILY.

1. One or more persons related by blood, adoption or marriage living together as a single housekeeping unit. All degrees of kinship are computed as provided in G.S. § 104A-1.
2. The following are not included in the determination of occupancy limits defined above:
 - a. Five or fewer foster children placed in a family foster home licensed by the State of North Carolina.
 - b. A bona fide live-in health care provider providing medical and personal care services to a resident.
 - c. A live-in nanny providing child care services to a resident child.

FAMILY CARE HOME. An adult care home having two to six residents in accordance with G.S. 131D.

FEDERAL COMMUNICATIONS COMMISSION (FCC). The government agency responsible for regulating telecommunications in the United States.

FLAG. Any fabric, or bunting containing distinct colors, patterns or symbols, used as an ornamental flag or as a symbol of government, political subdivision, corporation or business or other entity.

FLEA MARKET. An open-air market for new and/or second-hand articles and goods sold by one or more merchants which is conducted on an open, non-residential lot. Yard sales conducted by individuals shall not be considered flea markets.

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been defined as Zone A.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard, and the risk premium zones applicable to the city.

FLOOD INSURANCE STUDY. The official report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN. Any land area susceptible to be inundated by water from the base flood. As used in this UDO, the term refers to that area designated as subject to flooding from the base flood (100-year flood) on the “Flood Boundary and Floodway Map” prepared by the U.S. Department of Housing and Urban Development.

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 foot. As used in this UDO, the terms refers to that area designated as a floodway on the “Flood Boundary and Floodway Map” prepared by the U.S.

Department of Housing and Urban Development, a copy of which is one file in the planning department.

FLOOR. The top surface of an enclosed area in a building (including basement).

FLOOR AREA RATIO (FAR). FAR is calculated by dividing the total size of the building/structure (in square feet) by the total size (in square feet) of the lot on which the building is located.

FOOD TRUCK. Food trucks are defined as a licensed, motorized vehicle or mobile food unit licensed by the NC State Division of Motor Vehicles, designed and equipped to serve food and beverages

FRESH PRODUCE STAND. A temporary stand intended to allow for the sale of fresh produce and homemade baked goods. Typically an accessory use to agricultural activities.

FRONTAGE. The length of a building or use abutting a street, parking area, or other means of customer access.

G

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, government employment offices, public assistance offices, motor vehicle licensing.

GROSS FLOOR AREA. The sum in square feet of all floors of a building measured from the exterior face of the exterior walls.

GROUND COVER. Any plant material that reaches an average height of not more than 12 inches.

GROUND LEVEL. The finished grade of a parcel of land.

GROUP HOME DAY SERVICE. A Mental Health Facility, as licensed under the state, which provides only day services.

GROUP HOME – 24 HOUR SERVICE. A Mental Health Facility, as licensed under the state, which provides 24 hour service care.

H

HALFWAY HOUSE. A licensed home for persons released from restrictive confinement, where supervision and rehabilitation is provided to the resident.

HARDSHIP. An extenuating circumstance that places an unreasonable or disproportionate burden on an applicant or landowner.

HAZARD TO NAVIGATION. An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.

HEIGHT LIMITS. For the purpose of determining the height limits in all zones set forth in the Airport Overlay and shown on the zoning map, the datum shall be a mean sea level elevation unless otherwise specified.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

HISTORIC TREES. Selected trees placed on a City inventory based on age, species, location, health and historic significance.

HOA (HOMEOWNER ASSOCIATION). An organization that makes and enforces rules for a subdivision, planned community, or condominium building.

HOME OCCUPATION. The use of a dwelling unit on the same lot for a commercial activity that is clearly subordinate to the principal use of the dwelling unit for residential purposes. Home occupations are an accessory use to a residential primary use and do not allow customers to come to and from.

HORIZONTAL SURFACE. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

I

INGRESS. Access to a building or site.

INTERIOR LANDSCAPING. Landscaping required within the parking lot perimeters, including the planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles, except those with no parking spaces to either side.

INTERMEDIATE CARE HOME. An Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID) is an institution that:

1. Functions primarily for the diagnosis, treatment or rehabilitation of individuals with intellectual disabilities or with a related condition
2. Provides ongoing evaluation, planning, 24-hour supervision, coordination and integration of health or rehabilitative services in a residential setting

INTERMEDIATE CARE FACILITY. An institutional facility maintained for the purpose of providing accommodations for more than seven persons needing ongoing evaluation, planning, 24-hour supervision, coordination and integration of health, treatment, rehabilitative services in a residential setting

J

JUNK YARD. Any 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.

JURISDICTION. A geographic area of a municipal body in which that body has control or power to make legal decisions and judgements.

K

KENNEL. A commercial operation that:

1. Provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian); or
2. Engages in the breeding of animals for sale.

L

LAND DEBRIS. Stumps, limbs, leaves, concrete, brick, or uncontaminated earth commonly associated with land development activities, construction, grading, or paving of land.

LANDFILL. A facility for disposal of solid waste on land in a sanitary manner in accordance with the minimum standards of the State of North Carolina wherein “solid waste” as defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

LANDSCAPING. The improvement of a lot or land with plant material. Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structure and areas left in their natural state.

LANDSCAPING PLAN. A plan, drawn to scale, which shows dimensions and details of the requirements of this Section. Such plan can be drawn by a landscape architect, engineer, arborist, architect, and the like.

LARGER THAN UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

LEVEE. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LOADING AREA. That portion of the vehicle use area used to allow for the loading and unloading of goods or materials from a vehicle.

LOT.

1. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.
2. If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to

prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

3. The permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this UDO.

LOT, CORNER. A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit for new home, to designate its primary front street yard, which shall dictate its front setback requirement. Orientation of the home, driveways and entrances on the lot shall be required respective of the primary front street yard, but may also be permitted on a non primary street yard.

LOT, EXISTING (LOT OF RECORD). A lot which has been recorded at the Union County Registry prior to the adoption of this UDO.

LOT, FLAG. A lot which has an irregular shape where the buildable portion of the lot is connected to its street frontage by an arm. The arm width may be less than the minimum required lot width.

LOT, RESIDUAL. Any tract of land which exceeds ten acres in size resulting from a subdivision.

LOT, THROUGH. A lot which has frontage on two parallel streets. Each through lot shall be required to designate its primary front street yard, which shall dictate its front setback requirements. Orientation of the house, driveways and entrances on the lot shall be required in the primary front yard and may not be permitted on a non primary street yard.

LOT AREA. Lot Area is the lot width multiplied by the lot length. Minimum lot areas shall exclude rights-of-way.

1. When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street; and
2. In a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for the purposes of computing the lot shall be the inside boundary of the traveled portion of that road.

LOT WIDTH. Lot Width is the distance between the side lot lines measured at the primary street property line along a straight line of the property line. Lot width may be averaged between the front lot width and rear lot width.

LOWEST FLOOR. The lowest floor or the lowest enclosed area (including basement).

M

MAJOR PRUNING. Removal of over 20% of a tree's canopy, tree topping, or disturbance of over 10% of the tree's root system.

MECHANICAL EQUIPMENT. Equipment used for AC, Pool, HVAC or associated uses.

MIXED-USE. The combination of either commercial, office, industrial and residential uses within a single building or within one single development. Mixed-use development may be vertically integrated within a single building or horizontally integrated where a development contains two or more buildings and/or uses.

MOBILE HOME. A dwelling unit that:

1. Is not constructed in accordance with the standards set forth in the City of Monroe Building Code;
2. Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and
3. Exceeds 40 feet in length and eight feet in width.

MOBILE HOME, CLASS A. A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

1. The home has a length not exceeding four times its width;
2. The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
3. The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
4. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
5. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

MOBILE HOME, CLASS B. A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A mobile home.

MOBILE HOME, CLASS C. Any mobile home that does not meet the definitional criteria of a Class A or Class B mobile home.

MOBILE HOME PARK. A dwelling unit constructed in accordance with the standards set forth in the City of Monroe Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home (except that the modular home meets the City of Monroe Building Code) or a series of panels or room sections transported on a truck and erected or joined together on the site.

MODULAR HOME. A sectional dwelling consisting of two or more units which are factory fabricated and transported to the home site where they are put on a permanent foundation and joined to make a single family house. All such modular homes shall meet all single family home requirements of the current volume of the North Carolina Uniform Residential Building Code.

MULTIFAMILY DEVELOPMENT. A tract of land planned and developed as an integral unit in a single development operation or in a definitely programmed series of development operations.

N

NONCONFORMING LOT. A lot of record that was lawful at the date it was established but no longer conforms to standards in this UDO.

NONCONFORMING PROJECT. Any structure, development, or undertaking that is incomplete at the effective date of this UDO and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

NONCONFORMING USE. A use which was lawful on the date it was established, but is no longer a permitted use within that zoning district.

NONPRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in no precision instrument approach procedure has been approved or planned.

O

OBSTRUCTION. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 6.5, Airport Overlay, of this UDO.

OCCUPANCY. The act of residing or using a premises, lot, building or dwelling.

OFFICE. An establishment or building in which activities conducted in an office setting occur and generally focus on business, government, professional, medical or financial services.

OPACITY. A measurement which indicates the degree of visibility.

OPEN SPACE. Lands set aside for a development, not individually owned, designed for the common use or enjoyment, not including lands occupied by streets, rights-of-way, or off-street parking.

ORDINANCE. A legislative enactment by the City of Monroe, North Carolina.

OUTPARCEL. A lot in a multi-tenant development which may not have access from a public road. The lot is part of a larger development or commercial subdivision.

OWNER. The legal owner of land, including a mortgagee or vendee in possession, trustee, or commercial lessee.

P

PARAPET. A false front or wall extension above the roofline of a building.

PARCEL. Land which has been or which is proposed to be used, developed, or built upon as a unit under single ownership.

PARKING AREA. A parking area shall be defined as any surface area used for off-street parking, storage or display of vehicles, areas for loading and unloading goods, and service areas and drive-throughs.

PARKING AREA AISLES. A portion of the vehicle accommodations area consisting of lanes providing access to parking spaces.

PARKS AND OPEN AREAS. Uses focusing on natural areas consisting of mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

PERENNIAL WATERS. All streams, lakes, rivers, and other bodies of water shown as perennial on the most recent versions of U.S.G.S. topographic maps, or as determined by NC DENR Division of Water Quality.

PERSON. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

PERVIOUS SURFACE. A surface that presents an opportunity for precipitation to infiltrate into the ground.

PLANNED UNIT DEVELOPMENT (PUD). A development constructed on a tract under single ownership, planned and developed as an integral unit, and consisting of a combination of uses on land.

PLANNING JURISDICTION. The area within the city limits as well as the area beyond the city limits within which the city is authorized to plan for and regulate development.

PLANTING YARD. Area where required plantings are located.

POA (PROPERTY OWNERS ASSOCIATION). A governing body that may encompass HOAs and various mix of property types that supports other associations and their members.

PRACTICABLE. No practical or feasible alternative exists, as determined by the City. Economic considerations may play a role in determining what is **PRACTICABLE** but shall not be the primary or overriding factor determining what is **PRACTICABLE**.

PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PREMISES. Any property owned, leased or controlled by the person actively engaged in business at that location.

PRIMARY SURFACE. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the **PRIMARY SURFACE** extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the **PRIMARY SURFACE** ends at each end of that runway.

PRINCIPAL USE (PRIMARY): A predominant or primary use of a lot. A use listed in the Table of Permissible Uses.

PRINCIPAL STRUCTURE (PRIMARY): The structure where the principal use occurs.

PRIVATE CLUB. An establishment as defined in G.S. § 18B-1000(5) that is eligible to hold an ABC permit from the State of North Carolina.

PUBLIC AND INSTITUTIONAL USES. The use of land, buildings or structures for a public, non-profit, or community purposes and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, civic clubs, public hospitals and government buildings.

PUBLIC WATER SUPPLY SYSTEM. Any water supply system furnishing potable water to ten or more dwelling units or businesses or any combination thereof.

R

RAIL TRANSPORTATION AND SUPPORT FACILITIES. An area of land, including any related support facilities, used for switching, storing, moving, repairing, and weighing of railroad cars, trains, or engines.

REAL PROPERTY. All land, buildings and other fixtures attached thereto.

RECREATION (ACTIVE). Recreational features, often requiring equipment and taking place at prescribed places, sites or fields, which allow for the active recreational needs of residents or users of the development which they serve.

RECREATION (PASSIVE). Recreational features that do not require prepared facilities like sports fields or pavilions and require minimal disruption to a site.

REDEVELOPMENT. Any installation of improvements, new construction, or reconstruction on a lot or site which already has pre-existing uses.

REFUSE COLLECTION (AREA). A container or area surrounding a container dedicated to the collection and temporary storage of refuse or solid waste.

REQUIRED DRAINAGE CHANNEL. The theoretical stream bed section which is required to discharge the runoff from a 100-year storm.

RESERVE STRIP. A strip of land (usually only a few feet wide) owned privately, and set aside around a subdivision in order to prevent access to adjoining property by way of public streets.

RESIDUAL LOT. See **LOT, RESIDUAL.**

RESOURCE RECOVERY FACILITY. A facility in which garbage, minerals, glass, tin cans, paper, rags, and other materials are reclaimed or converted into energy.

RETAIL SALES AND SERVICE. Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.

RIGHT-OF-WAY. Land located within and adjoining the streets, roads and highways within the City, which rights-of-way are owned or maintained by the City or State.

ROOF AREA. A single, unbroken, contiguous plane, measured at perpendicular slope.

ROOF, FLAT. The external covering of a building having a 2(v):12 (h) slope or less.

ROOF LINE. The highest continuous horizontal line of a roof. On a sloping roof, the **ROOFLINE** is the principal ridgeline or the highest line common to one or more principal slopes of roof. On a flat roof, the **ROOFLINE** is the highest continuous line of a roof or parapet.

ROOF, PITCHED. The external covering of a building having a slope greater than 2 (v):12 (h).

ROOM RENTING. A single family residential structure in which the renting of rooms shall be clearly incidental and secondary to the single family use of the structure.

ROOT PROTECTION ZONE. Generally 18 to 24-inches deep at a distance from the trunk equal to one-half of its height or to its drip line, whichever is greater.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

S

SATELLITE DISH. An apparatus capable of receiving communications signal from a transmitter relay located in planetary orbit.

SCHOOL. An institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academics, or business, technical, trade schools. Includes public, private, charter and community schools. See use-definitions for Schools (Elementary/Middle), Schools (High/Senior), and University, College, and Vocational School.

SCREENING. A method of visually shielding or obscuring one abutting or nearby structure from another by fencing, walls, berms, or densely planted vegetation. Screens are typically vertical objects providing visual separation.

SETBACK. The required distance measured from both the property line and the street right-of-way to the nearest part of the building, structure and/or sign.

SHADE TREE. Usually a deciduous tree, rarely an evergreen, planted primarily for its high crown of foliage or overhead canopy.

SHOPPING CENTER. Two or more uses planned, developed and managed as a unit and related in location, size and type of shop to the needs of the trade area which is being serviced.

SHOPPING CENTERS. Shall be construed to include all out parcels, whether or not developed.

SHRUB. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

SIDEWALK. A paved area running parallel to the street intended for pedestrian use and travel, providing access to adjacent streets and land.

SIGN. Any device, object, fixture, display, placard or structure, which uses color, form, graphics, illumination, projected images, architectural style or design with text, or writing to advertise, attract attention, announce the purpose of, or identify the purpose of any person or entity or to communicate information of any kind to the public. The term **SIGN** includes sign structure.

SIGN AREA. The total square foot area of a sign area which contains the message being conveyed.

SIGN FACE. The part of the sign that is or can be used to identify, display, advertise, communicate information, or for the visual representation, which attracts or intends to attract the attention of the public for any purpose.

SIGN HEIGHT. Vertical distance measured from ground level nearest the base of the sign to the highest point on the sign.

SIGN PERMIT. A permit issued that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

SIGN STRUCTURE. Any structure which is designed specifically for the purpose of supporting a sign, which has supports or which is capable of supporting a sign. The definition shall include any decorative covers, braces, wires, supports, or other components attached to or placed around the **SIGN STRUCTURE**.

SIGN, ABANDONED. A sign and associated sign structure that the sign owner has failed to operate or maintain for a period of 180 days or longer. The following conditions shall be considered as the failure to operate or maintain a sign:

1. A sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed; or
2. A sign which is blank.

SIGN, ADVERTISING. Sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity, entertainment, or real or personal property.

SIGN, CONSTRUCTION. A temporary on-premise sign identifying the ongoing construction activity during the time that a building permit is active and prior to completion of the work for

which the permit was issued, containing sign copy that is limited to the ongoing construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the site.

SIGN, DILAPIDATED. A sign that is that has been poorly maintained, is in a state of disrepair or similar that poses a public safety hazard or is difficult to read.

SIGN, DIRECTIONAL. An on-site sign providing direction or information to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises, and not displaying a commercial message, e.g., “entrance”, “exit”, “caution”, “no parking”, “one way only”, “no trespassing”, and the like.

SIGN, DOUBLE-FACED. A single sign with items of information relating to the same business on both sides of the sign and mounted as a single structure.

SIGN, DRIVE-THROUGH MENU. A sign placed so as to be viewed from a drive-through lane and which contains only a listing of the products, with prices, offered for sale by the business on which the sign is located and which may provide a mechanism for ordering the products while viewing the sign.

SIGN, ELECTRONIC CHANGEABLE FACE. A sign, display, or device, or portion thereof, which electronically changes the fixed display screen composed of a series of lights, including light emitting diodes (LED’s), fiber optics, or other similar new technology where the message change sequence is accomplished immediately. Electronic changeable face outdoor advertising signs include computer programmable, microprocessor controlled electronic or digital displays that display electronic, static images, static graphics, or static pictures, with or without textual information.

SIGN, FLASHING. A sign, which permits light to be turned on or off intermittently more frequently than once per five seconds.

SIGN, FREESTANDING. A sign supported by structures or supports that are placed on or anchored in the ground or at ground level and which are independent of any building or other structure. A **FREESTANDING SIGN** will be allowed as a monument sign in its allowed district, but may never be constructed as a single pole sign. A **FREESTANDING SIGN** is not a single pole/pylon Sign.

SIGN, GOVERNMENTAL. A sign posted by various local, state, and federal agencies, such as regulatory signs, welcome signs, seasonal signs/banners/decorations, and traffic control signs.

SIGN, IDENTIFICATION. A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or professional of an occupant or the name of any building on the premises.

SIGN, ILLUMINATED. Any sign or portion thereof, which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign.

SIGN, INTERNALLY ILLUMINATED. A sign where the source of the illumination is inside the sign and light emanates through the message of the sign rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that:

1. Are filled with neon or some other gas that glows when an electric current passes through it; and
2. Are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered **INTERNALLY ILLUMINATED SIGNS**.

SIGN, LIGHTED. A sign lighted only by light cast upon the sign from an external light source.

SIGN, NONCONFORMING. A sign, which does not conform to the regulations provided in this UDO.

SIGN, OFF-PREMISE or OFF-SITE. Any sign relating in its subject matter to commodities, accommodations, services or activities on a premise other than the premises on which the sign is located.

SIGN, PERMANENT. Any sign which, when installed, is intended for permanent use. Banner and banner like materials are not considered **PERMANENT SIGNS**.

SIGN, POLE/PYLON. A detached sign erected and maintained on a single mast, or pole and not attached to any building but not including ground-monument or freestanding monument signs.

SIGN, PORTABLE. Any sign, banner, or poster that is not permanently attached to the ground or structure.

SIGN, REAL ESTATE. A sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed temporarily.

SIGN, ROOF. Any sign erected and constructed wholly on or over the roof of a building, which is supported by the roof structure, or any sign that extends in whole or in part above the roofline of a building.

SIGN, SAFETY RELATED Any sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A **SAFETY RELATED SIGN** includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

SIGN, STATUTORY. A sign required by any statute or regulation of the State of North Carolina or the United States.

SIGN, STREET ADDRESS. Any sign denoting the street address of the premises on which it is attached or located.

SIGN, STRIP LIGHTING. Any sign that features electric lighting by means of long glass tubes that are fluorescent lamps or neon, typically placed along the edges or strips of a canopy, building, or structure.

SIGN, TEMPORARY. A sign that:

1. Is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign; or
2. Is intended to remain on the location where it is erected or placed for a period of not more than 15 days.

SIGN, WIND. A sign, which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include ribbons, spinners, streamers or captive balloons; however, the term wind sign shall not include flags or feather banners.

SIGN, WINDOW. Any sign mounted in any fashion on the interior or exterior of the surface of a window.

SIGHT VISIBILITY TRIANGLE. *May also be referred to as a Sight Triangle.* A triangular shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection (see specifications for Sight Visibility Triangle in the City of Monroe Standard Detail Manual..

SITE WALLS. Retaining walls.

SPECIAL EVENTS. Temporary events undertaken that is not part of an establishment or group's daily activities. Examples include grand opening sales, fundraising, festivals, and tent revivals.

SPECIAL-USE PERMIT. A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this UDO as well as any additional requirements by the Board of Adjustment.

STORAGE. Facilities providing separate storage areas for personal or business use designated to allow private access by the tenant for storing or removing personal property.

STORAGE UNIT. Transport trailers, cargo containers, storage trailers, mobile storage facilities, sea/land containers, and similar structures designed for conveyance and used primarily for storage of goods and materials. Storage Units are not intended to be used a permanent storage facilities in residential districts.

STORM, TEN-YEAR. The surface runoff resulting from a rainfall of intensity expected to be equaled or exceeded, on average, once in ten-years, and of a duration which will produce the

maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORM, 25-YEAR. The surface runoff resulting from a rainfall of intensity expected to be equaled or exceeded, on average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORM, 100-YEAR. The surface runoff resulting from a rainfall of intensity expected to be equaled or exceeded, on average, once in 100 years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STREET. A public street or a street with respect to which an offer of dedication has been made. Types of **STREETS** are identified in the City of Monroe Standard Specifications and Detail Manual.

STREET TREE. A tree with a crown which provides shade to the portion of the street on which it is planted.

STREET, ARTERIAL. A federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic from one area to another; a thoroughfare.

STREET, COLLECTOR. A public way designed primarily to connect residential streets with arterial streets and/or to provide direct connection between two or more arterial streets and which may be designed to carry significant volumes of vehicular traffic having neither origin nor designation on the street.

STREET, HALF. A proposed vehicular travel way intended to be developed by constructing one-half of a required multi-lane width with the remainder to be provided at some future date.

STREET, MINOR. A public way used primarily for providing direct access to abutting properties. **MINOR STREETS** are further classified as:

1. *Residential.* Those streets whose primary function is to provide direct access to residential property;
2. *Commercial-industrial.* Those streets whose primary function is to provide direct access to commercial-industrial property; and
3. *Cul-de-sac.* A short minor street having one end open to traffic and the other end permanently terminated with a vehicular turnaround. The maximum length of a cul-de-sac is 1,200 feet.

STREET, PRIVATE. A vehicular travel-way not dedicated as a public street.

STREETSCAPE. An area that abuts or is contained within a public or private street right-of-way that may contain sidewalks, street furniture, landscaping or trees, and similar features.

STRUCTURE. Anything constructed or erected.

SUBDIVISION. The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets. See Section 8.1, Subdivision Regulations, for subdivision design standards and regulations.

SUBDIVISION, MAJOR. Any subdivision other than a minor subdivision, involving any of the following:

5. The creation of more than a total of four lots;
6. The creation of any new public streets;
7. The extension of a public water or sewer system; or
8. The installation of drainage improvements through one or more lots to serve one or more lots.

SUBDIVISION, MINOR. Any subdivision that does not qualify as a major subdivision.

SWIMMING POOL. An above or in ground structure filled with water for the purpose of recreation and swimming.

T

TEMPORARY DWELLING. A residence (which may be a mobile home) that is:

1. Located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster;
2. Located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intended to live in such permanent residence when the work is completed; or
3. Located on a non-residential construction site and occupied by persons having construction or security responsibilities over such construction site.

TOPPING. The severe cutting back of limbs to stubs three inches in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree.

TRACT. The term **TRACT** is used interchangeably with the term lot, particularly in the context of subdivisions, where one **TRACT** is subdivided into several "lots".

TRANSITIONAL SURFACES. These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the aides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. **TRANSITIONAL SURFACES** for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TRANSPORTATION FACILITIES. Facilities for loading, unloading, and transferring passengers, baggage, and incidental freight between modes of transportation. These uses include bus terminals, railroad stations, public transit stations, taxi cab facilities, and other similar uses.

TRAVEL TRAILER. A structure that:

1. Is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle); and
2. Is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a mobile home.

TREE. A large, woody plant having one or several self-supporting stems or trunks and numerous branches.

U

UNDERSTORY TREE. A species of tree which normally grows to a mature height of 15 to 35 feet in height, and meets the specifications of the American Standards for Nursery Stock published by the American Association of Nurserymen.

URGENT CARE. A medical walk-in clinic or facility designed to provide emergency care for injuries or illness.

USE. The activity or function that actually takes place or is intended to take place on a lot.

UTILITIES. Public or private infrastructure serving a limited or regional area.

UTILITY FACILITIES, COMMUNITY OR REGIONAL. All utility facilities other than neighborhood facilities.

UTILITY FACILITIES, NEIGHBORHOOD. Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, are located in or near the neighborhood where such facilities are proposed to be located.

UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

V

VARIANCE. A grant of permission by the Board of Adjustment that authorizes the recipient to do that which, according to the strict letter of this UDO, the recipient could not otherwise legally do.

VEGETATIVE COVER. Grasses, shrubs, trees, and other vegetation, which holds and stabilizes soils.

VEHICLE USE AREA. That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures.

W

WASTE. Materials to be disposed resulting from consumption or developmental activity.

WASTE TRANSFER STATIONS. An area and/or building used to unload and temporarily store solid waste (for a period of less than 90 days) for the subsequent delivery of the solid waste to another transfer site, storage site, or disposal site. Such uses may involve intermediate processing such as compaction, sorting, or shredding. In addition to transferring solid waste, a waste transfer station may also include facilities for drop-off of recyclable materials.

WATERSHED. The entire land area contributing surface drainage to a specific point (for example, the water supply intake).

WHOLESALE SALES. On-premises sales of goods primarily to customers engaged in the business of reselling the goods. See Wholesale Trade in use-definitions.

WOODED AREA. An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

Y

YARD. Unoccupied space on a lot with a building between a building and property line.

YARD SALE. A temporary sale of personally owned goods on a yard (also referred to as a **GARAGE SALE**). **YARD SALE** may occur on a residential lot (no temporary use permit required) or a non-residential lot (a temporary use permit is required).

Z

ZONING MAP. The official zoning map of the City of Monroe. See Section 1.2.1. Official Zoning Map.

ZONING PERMIT. A permit issued by the land-use administrator that authorizes the recipient to make use of property in accordance with the requirements of this UDO.

Section 12. This Ordinance shall be effective upon adoption.

Adopted this 14th day of September, 2021.

Attest:

Bobby G. Kilgore, Mayor

Bridgette H. Robinson, City Clerk

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2021-50**

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157 ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Section 1. Adopt §157.1.2.1 OFFICIAL ZONING MAP

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 14th day of September, 2021.

Attest:

Bobby G. Kilgore, Mayor

Bridgette H. Robinson, City Clerk

CITY OF MONROE
RESOLUTION APPROVING LAND DEVELOPMENT PLAN COMPLIANCE
UNIFIED DEVELOPMENT ORDINANCE AND ZONING MAP UPDATE
R-2021-62

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment for property located within the City limits of Monroe further described below property is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identified a vision including Land Use Character Areas. The Character Areas form the basis of the proposed zoning districts. The land uses within the proposed zoning districts are consistent with what was adopted in the Land Use and Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe adopts the Resolution Approving Land Development Plan Compliance for property located within the City limits of Monroe.

Adopted this 10th day of August, 2021.

Attest:

MaryAnn Rasberry, Chair

Maryann Brown, Secretary to Planning
Board