PLANNING BOARD JOINT STRATEGIC PLANNING MEETING WITH CITY COUNCIL

Tuesday, October 18, 2022
4:00 PM
City Hall Council Chambers
300 West Crowell Street
Monroe, NC

Agenda

Item 1. **Call to Order – Roll Call**

- City Council
- Planning Board

Item 2. **New Unified Development Ordinance (UDO) and Zoning Text Amendment Discussion.**

Item 3. **Adjournment**

- City Council
- Planning Board

***ATTENTION BOARD MEMBERS*:**
Please contact Ashlyn Penegar at 704.282.4527 or Lisa Stiwinter at 704.282.4569 to confirm your attendance. Thank you.

cc: **Planning Staff**
Ashley Britt
Mujeeb Shah-Khan

City of Monroe
Where Heartland Meets High Tech

STAFF REPORT

TO:	City Council
VIA:	Brian Borne, City Manager
DATE:	October 18, 2022
FROM:	Lisa Stiwinter, Planning and Development Director
SUBJECT:	Discussion of the new Unified Development Ordinance (UDO) and Zoning Text Amendment Request.

SUMMARY STATEMENT

Planning Board and City Council are requested to consider and provide discussion on the new Unified Development Ordinance (UDO). Planning Board is also being requested to consider taking action to make a recommendation on the adoption of a zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 3.3.3: Board of Adjustment, Section 3.3.4: Planning Board and Section 3.4.20: Zoning Permit, Section 5.9: Mixed-Use Zoning District Parking Standard, Section 6.1.1: Floodplain and Floodway Districts, Section 7: Permissible Uses and Standards, Section 8.1: Subdivisions, Section 8.2: Signs, Section 8.3: Landscaping, Buffering, Fences and Walls, Section 8.4.2: Parking Requirements, Section 8.7.1: General Provisions, Section 10: Nonconformities, and Section 11: Definition of Terms of the UDO.

The new UDO was adopted by City Council at their April 12, 2022 meeting. The purpose was to develop a clear and user-friendly UDO that is consistent with city plans and policies and implements the relevant goals and recommendation of the Land Use and Transportation Plan.

REVIEW

The City's new Unified Development Ordinance (UDO) is a consolidated document that contains all of the City's land use and development requirements and serves 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.

The City of Monroe Planning staff has been working with the new UDO for approximately six (6) months now. Through working with the new UDO, it has been brought to Planning's staff attention that a zoning text amendment is required to provide clarifications, include missing language or slightly modify various Sections. Planning staff is proposing a zoning text amendment on the following Sections:

Zoning Text Amendment Sections:
Section 3.3.3-Board of Adjustment
Section 3.3.4-Planning Board
Section 3.4.20-Zoning Permit
Section 5.9-Mixed-Use Zoning District Parking Standards
Section 6.1.1-Floodplain and Floodway Districts
Section 7-Permissible Uses and Standards
Section 8.1-Subdivisions
Section 8.2-Signs
Section 8.3-Landscaping, Buffering, Fences and Walls
Section 8.4.2-Parking Requirements
Section 8.7.1-General Provisions
Section 10-Nonconformities
Section 11-Definition of Terms of the UDO

RECOMMENDATION

Planning staff recommends approval of a zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 3.3.3: Board of Adjustment, Section 3.3.4: Planning Board and Section 3.4.20: Zoning Permit, Section 5.9: Mixed-Use Zoning District Parking Standards, Section 6.1.1: Floodplain and Floodway Districts, Section 7: Permissible Uses and Standards, Section 8.1: Subdivisions, Section 8.2: Signs, Section 8.3: Landscaping, Buffering,

Fences and Walls, Section 8.4.2: Parking Requirements, Section 8.7.1: General Provisions, Section 10: Nonconformities, and Section 11: Definition of Terms of the UDO.

Planning Board may take action on the following items:

Technical Text Amendment:

1. *Motion to recommend adoption of Resolution Approving/Denying Land Use and Transportation Plan Compliance for the "Technical" Text Amendment;*

If the Resolution of Land Use and Transportation 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, Section 3.3.3: Board of Adjustment, Section 3.3.4: Planning Board and Section 3.4.20: Zoning Permit, Section 5.9: Mixed-Use Zoning District Parking Standards, Section 6.1.1: Floodplain and Floodway Districts, Section 7: Permissible Uses and Standards, Section 8.1: Subdivisions, Section 8.2: Signs, Section 8.3: Landscaping, Buffering, Fences and Walls, Section 8.4.2: Parking Requirements, Section 8.7.1: General Provisions, Section 10: Nonconformities, and Section 11: Definition of Terms of the UDO*

If the Resolution of Land Use and Transportation 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 text amendment*

Landscaping Buffering Text Amendment:

1. *Motion to recommend adoption of Resolution Approving/Denying Land Use and Transportation Plan Compliance for the "Landscaping Buffering" Text Amendment;*

If the Resolution of Land Use and Transportation 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, Section 8.3.5: Perimeter Buffer Standards*

If the Resolution of Land Use and Transportation 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 text amendment*

Attachments:
1. R-2022-68 Land Use Plan Compliance (Technical)
2. O-2022-70 (Technical)

3. R-2022-69 Land Use Plan Compliance (Landscaping Buffers)
4. O-2022-71 (Landscaping Buffers

RESOLUTION APPROVING LAND USE AND TRANSPORTATION PLAN COMPLIANCE
R-2022-69

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-301, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 3.3.3: Board of Adjustment, Section 3.3.4: Planning Board and Section 3.4.20: Zoning Permit, Section 5.9: Mixed-Use Zoning District Parking Standards, Section 6.1.1: Floodplain and Floodway Districts, Section 7: Permissible Uses and Standards, Section 8.1: Subdivisions, Section 8.2: Signs, Section 8.3: Landscaping, Buffering, Fences and Walls, Section 8.4.2: Parking Requirements, Section 8.7.1: General Provisions, Section 10: Nonconformities, and Section 11: Definition of Terms of the Unified Development Ordinance (UDO) is consistent with the Land Use and Transportation Plan. The proposed zoning text amendment is a reasonable use and in the public interest because it serves to codify and update zoning standards and regulations that serves to implement the relevant goals and recommendations identified in the Land Use and Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance to amend Sections 3.3.3: Board of Adjustment, Section 3.3.4: Planning Board and Section 3.4.20: Zoning Permit, Section 5.9: Mixed-Use Zoning District Parking Standards, Section 6.1.1: Floodplain and Floodway Districts, Section 7: Permissible Uses and Standards, Section 8.1: Subdivisions, Section 8.2: Signs, Section 8.4.2: Parking Requirements, Section 8.7.1: General Provisions, Section 10: Nonconformities, and Section 11: Definition of Terms.

Adopted this 18th day of October, 2022

_____
Richard A. Yercheck, Planning Board Chair

Attest:

_____
Ashlyn Penegar, Secretary to Planning Board

ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2022-70

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 §157.3.3.3 BOARD OF ADJUSTMENT" as follows:**

§157.3.3.3 BOARD OF ADJUSTMENT

A. **Appointment and Terms of Board of Adjustment.**

1. **Generally.** The Board of Adjustment (BOA) shall consist of seven (7) regular members.
   a. Six (6) members of the BOA shall be residents of the city and shall be appointed by City Council; one member shall be a resident of the extraterritorial zoning jurisdiction (ETJ). ETJ members shall be appointed in accordance with G.S. §160D-307. Board of Adjustment members representing the extraterritorial area shall have equal rights, privileges, and duties in all matters coming under the Board's purview.

Section 2. **Amend Section §157.3.3.4 "PLANNING BOARD" as follows:**

§157.3.3.4 PLANNING BOARD

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

1. **Generally**. The Planning Board (PB) shall consist of seven (7) regular members.
   a. Six (6) members shall be residents of the City of Monroe and shall be appointed by City Council; one member shall be a resident of the extraterritorial zoning jurisdiction (ETJ). ETJ members shall be appointed in accordance with G.S. §160D-307. Planning Board members representing the extraterritorial area shall have equal rights, privileges, and duties in all matters coming under the Board's purview.

Section 3. **Amend Section §157.34.20 "ZONING PERMIT" as follows:**

§157.3.4.20 ZONING PERMIT

A. **Purpose.** A zoning permit is required for development that does not require an engineered site plan. 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 a Zoning permit. 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 including swimming pools;
4. Home occupations;
5. Family care homes;
6. Group homes;
7. Intermediate homes;
8. Childcare homes;
9. Change of Use/Occupancy for businesses;
10. Additions to structures including residential, commercial, and industrial;

Section 4. **Amend Section §157.5.9 "MIXED-USE ZONING DISTRICT PARKING STANDARDS" as follows:**

§157.5.9 MIXED-USE ZONING DISTRICT PARKING STANDARDS

A. **Generally**. Parking requirements for mixed-use districts shall refer to the parking requirements defined in Section 8.4: Parking and Loading. In addition to the parking requirements in Section 8.4 the following shall apply to mixed-use districts:

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.

Section 5. **Delete Section §157.6.1.1 "FLOODPLAIN AND FLOODWAY DISTRICTS" as follows:**

§157.6.1.1 FLOODPLAIN AND FLOODWAY DISTRICTS

<u>Section 6.</u> **Amend Section §157.7.1 "TABLE OF PERMISSIBLE USES" as follows:**

§157.7.1 TABLE OF PERMISSIBLE USES

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 'x' is not permitted 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	**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	X	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	P	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

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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	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	X	S	X	X	X	X	P	X	X	X	X	X	X	X	7.2.4.I
Student Housing	X	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	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	S	X	X	X	X	X	X	X	X	X	X	X	X	X	7.2.4.L

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Public and Institutional Uses																		
Schools (Elementary/Middle)	P	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	P	X	X	P	P	P	P	P	P	P	P	7.2.5.B
University, College, and Vocational School	X	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	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	X	S	S	S	X	X	X	P	X	P	P	P	P	X	7.2.5.E
Correctional Facility	S	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	P	7.2.5.G
Regional Utility Facility	S	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	P	7.2.5.I
Religious Institutions	P	P	P	P	P	P	P	X	X	P	P	X	P	P	P	X	X	7.2.5.J

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Commercial Uses																		
General Retail Sales, Less Than 10,000 SF	X	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	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	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	X	S	X	X	X	P	X	X	X	X	P	X	7.2.6.D
Personal Services	X	X	X	X	P	P	P	P	X	P	P	P	P	P	P	P	P	7.2.6.E
Lodging – Hotel and Motel	X	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	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	X	S	P	X	X	X	X	X	X	X	X	X	X	7.2.6.H
Fortune Telling	X	X	X	X	X	S	S	X	X	X	X	X	X	X	X	X	X	7.2.6.I

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Indoor Recreation	X	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	X	S	S	X	X	P	X	X	X	X	X	X	7.2.6.K
Restaurant	X	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	X	S	P	S	X	P	P	X	X	P	P	P	P	7.2.6.M
Bar/Tavern/Nightclub	X	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	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	X	P	S	X	X	P	X	X	X	X	X	X	7.2.6.P
Minor Vehicle Service	X	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	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	X	S	P	P	X	X	P	X	P	P	P	P	P	7.2.6.S
Car Wash	X	X	X	X	X	S	P	X	X	X	P	X	X	P	P	P	X	7.2.6.T

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Funeral Home	X	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	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	X	7.2.6.W
Day Care Center/Adult Care	S	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	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	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	X	P	X	X	X	P	X	S	S	S	S	X	7.2.6.AA
Office/Medical Uses																		
Professional Office	X	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	X	P	P	P	P	X	P	P	P	P	P	P	P	P	7.2.7.B

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Personal & Financial Services with Drive-Through	X	X	X	X	P	P	P	P	X	X	P	P	P	P	P	P	P	7.2.7.C
Hospital	X	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	X	P	P	P	X	X	P	P	P	P	P	P	P	P	7.2.7.E
Rehabilitative Clinic	X	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	X	P	S	P	X	X	X	P	P	P	P	P	P	P	7.2.7.G
Industrial Uses																		
Light Industrial & Manufacturing	X	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	X	P	P	X	X	X	X	X	X	X	X	7.2.8.B
Wholesale Trade	X	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	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	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	X	P	P	X	X	X	X	X	X	X	X	7.2.8.F

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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**
Mini-Warehouse/Self Storage	X	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	X	S	P	P	X	P	X	X	X	X	X	X	7.2.8.H
Outdoor Storage	X	X	X	X	X	X	S	P	P	X	X	X	X	X	X	X	X	7.2.8.I
Mining	S	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	X	P	X	X	X	X	X	X	X	X	7.2.8.K
Other Uses																		
Animal Shelter/Kennel	S	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	X	S	X	X	X	X	X	X	X	X	X	7.2.9.B
Agricultural Activities	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	7.2.9.C
Market & Produce Stands	S	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	P	Sec. 9
Wireless Communication, Limited Support Structure	P	P	P	P	P	P	P	P	P	P	P	X	X	P	P	P	P	Sec. 9

TABLE 7.1. - TABLE OF PERMISSIBLE USES

"P" = Permitted, "S" = Special Use Permit Required, "X" = 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**
Wireless Communication, Minor Support Structure	S	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	X	S	S	X	X	X	X	X	X	X	X	Sec. 9
Solar Farms	S	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	X	S	X	X	X	X	S	S	X	X	X	P	7.2.9.G

Section 7. **Amend Section §157.7.2.4 "RESIDENTIAL USES" as follows:**

§157.7.2.4 RESIDENTIAL USES

7.2.4. RESIDENTIAL USES

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. Lot width must be a minimum of 20-feet wide for townhomes.
    b. 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.

Section 8. **Amend Section §157.7.2.6 "COMMERCIAL USES" as follows:**

§157.7.2.6 COMMERCIAL USES

7.2.6. COMMERCIAL 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 by a C-C Rezoning as described in Section 4.6: Conditional Zoning.

Section 9. **Amend Section §157.7.5 "ACCESSORY USES AND ACCESSORY STRUCTURE" as follows:**

§157.7.5 ACCESSORY USES AND ACCESSORY STRUCTURES

7.5. ACCESSORY USES AND ACCESSORY STRUCTURES

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

1. Shall only be allowed when a principal use/ primary building exists.

2. 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;
    c. Not involve operations or structures inconsistent with the character of the primary use or principal structure served; and
3. Shall be consistent with all standards in the district for the principal use except as otherwise noted.
4. Are not permitted to be located or placed in any recorded easement and or required perimeter buffer as defined in Section 8.3 Landscaping, Buffering, Fences and Walls.
5. Shall comply with maximum building coverage requirements. Multiple structures are permitted; however, in no instance shall an accessory use and or structure exceed (in total) the heated square footage of the principle structure.
6. Are limited to a maximum thirty-five (35) feet in height or the height of the primary structure, whichever is lesser.
7. 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.
8. Accessory uses and structures (except fences, walls, or facilities associated with outdoor dining) shall not be located between the front of the principal structure and the front lot line.
9. Setbacks:
    a. Within a residential district, shall not be located closer than ten (10) feet to a property line,
    b. Within a non-residential district, shall meet the district setback standards.

<u>Section 10.</u> Amend Section §157.8.1.5 "PERFORMANCE GUARANTEES AND BONDS" as follows:

§157.8.1.5 PERFORMANCE GUARANTEES AND BONDS

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.
   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. **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.

D. **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.
   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.

E. **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. The subdivider may request a one-time reduction in the financial guarantee not to exceed 50% of the original amount of the guarantee once at least 50% of the required improvements have been made. Steps 1,2, and 3 of the process outlined above are repeated for this process.

F. **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.

Section 11. **Amend Section §157.8.1.7 "SUBDIVISION STANDARDS" as follows:**

§157.8.1.7 SUBDIVISION STANDARDS

8.1.7. SUBDIVISION STANDARDS

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:

4. **Flag Lots**. Flag lots are not permitted.
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, a private access easement may be utilized. A

private access easement shall not serve more than two (2) residential lots. Access easements shall be legally disclosed. The private access easement shall have a minimum overall width of eighteen (18) feet with a minimum twelve (12) foot wide paved access drive leading to each lot and have adequate provisions for utility services and emergency response.

F. Required Buffers. Required buffers shall be consistent with Section 8.3 of this UDO. Required perimeter buffer yards shall be platted as common areas and may be included in open space requirements in this UDO.

Section 12. Amend Section §157.8.2.2 "GENERAL STANDARDS" as follows:

§157.8.2.2 GENERAL STANDARDS

8.2.2. GENERAL STANDARDS

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 and GI**. Changeable copy may be permitted only in the General Business (GB) and General Industrial (GI) 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.

Section 13. **Amend**

Section §157.8.2.5 "PERMITTED SIGN TYPES" as follows:

§157.8.2.5 PERMITTED SIGN TYPES

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
	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	P	P	P	P	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										

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					

Section 14. **Amend Section §157.8.3.6 "PARKING AREA BUFFERS AND LANDSCAPING" as follows:**

§157.8.3.6 PARKING AREA BUFFERS AND LANDSCAPING

8.3.6. PARKING AREA BUFFERS AND LANDSCAPING

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. Parking area buffers shall be credited toward the perimeter buffer requirement along the portion of the lot line parallel to the to the parking lot perimeter buffer. If the perimeter buffer is equal or 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.

Section 15. **Amend Section §157.8.3.7 "STREET YARD BUFFER" as follows:**

§157.8.3.7 STREET YARD BUFFER

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 1) 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.

Section 16. **Amend Section §157.8.4.2 "PARKING REQUIREMENTS" as follows:**

§157.8.4.2 PARKING REQUIREMENTS

8.4.2. PARKING REQUIREMENTS

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.

Section 17. **Amend Section §157.8.7.1 "GENERAL PROVISIONS" as follows:**

§157.8.7.1 GENERAL PROVISIONS

8.7.1. GENERAL PROVISIONS

B. Applicability. This Section is applicable to:

1. New non-residential buildings exceeding two-thousand five-hundred (2,500) square feet
2. New multifamily dwelling developments;
3. New single family developments and duplexes that provide voluntary consent; and
4. New industrial developments.

Section18. **Amend Section §157.10.3 "NONCONFORMING USES" as follows:**

§157.10.3 NONCONFORMING USES

10.3. NONCONFORMING USES

D. Abandonment or Discontinuance. If a nonconforming use is discontinued or abandoned for 180 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 180 days or more, shall constitute a termination of nonconforming use.

Section 19. **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.

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 center for helping former drug addicts, prisoners, psychiatric patients, or others adjust to life in general society.

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.

MANUFACTURED HOME. A structure as defined in G.S. 143-145(7)

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. See Manufactured 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 confirms 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 with 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:

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.

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 8th day of November, 2022

Attest: Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk

RESOLUTION APPROVING LAND USE AND TRANSPORTATION PLAN COMPLIANCE
R-2022-68

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-301, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.3: Landscaping, Buffering, Fences and Walls of the Unified Development Ordinance (UDO) is consistent with the Land Use and Transportation Plan. The proposed zoning text amendment is a reasonable use and in the public interest because it serves to codify and update zoning standards and regulations that serves to implement the relevant goals and recommendations identified in the Land Use and Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance to amend Section 8.3: Landscaping, Buffering, Fences and Walls.

Adopted this 18th day of October, 2022

_____
Richard A. Yercheck, Planning Board Chair

Attest:

_____
Ashlyn Penegar, Secretary to Planning Board

ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2022-71

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 §157.8.3.5 "PERIMETER BUFFER STANDARDS" as follows:**

§157.8.3.5 PERIMETER BUFFER STANDARDS

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	**10' Width** **3 Trees** **20 Shrubs Per 100 LF**	**10' Width** **3 Trees** **20 Shrubs Per 100 LF**	**10' Width** **3 Trees** **20 Shrubs Per 100 LF**
2	**20' Width** **3 Trees Per 100 LF** **40 Shrubs Per 100 LF** **6' Fence (Optional)**	**20' Width** **4 Trees Per 100 LF** **30 Shrubs Per 100 LF** **6' Fence (Optional)**	**20' Width** **5 Trees Per 100 LF** **15 Shrubs Per 100 LF** **6' Fence (Optional)**
3	**25' Width** **3 Trees Per 100 LF** **1 Understory Trees Per 100 LF** **50 Shrubs Per 100 LF** **6' Fence, wall, or berm**	**25' Width** **4 Trees Per 100 LF** **2 Understory Trees Per 100 LF** **30 Shrubs Per 100 LF** **6' Fence, wall, or berm**	**25' Width** **4 Trees Per 100 LF** **3 Understory Trees Per 100 LF** **20 Shrubs Per 100 LF** **6' Fence, wall, or berm**
4	**50' Width** **4 Trees Per 100 LF** **2 Understory Trees Per 100 LF** **60 Shrubs Per 100 LF** **6' Fence, wall, or berm**	**50' Width** **5 Trees Per 100 LF** **3 Understory Trees Per 100 LF** **40 Shrubs Per 100 LF** **6' Fence, wall, or berm**	**50' Width** **5 Trees Per 100 LF** **4 Understory Trees Per 100 LF** **25 Shrubs Per 100 LF** **6' Fence, wall, or berm**
5	**100' Width, 8 Trees Per 100 LF, 4 Understory Trees Per 100 LF, Continuous Hedge, 8' Wall OR Fence, 5' High Berm**		

Additional Standards:

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)

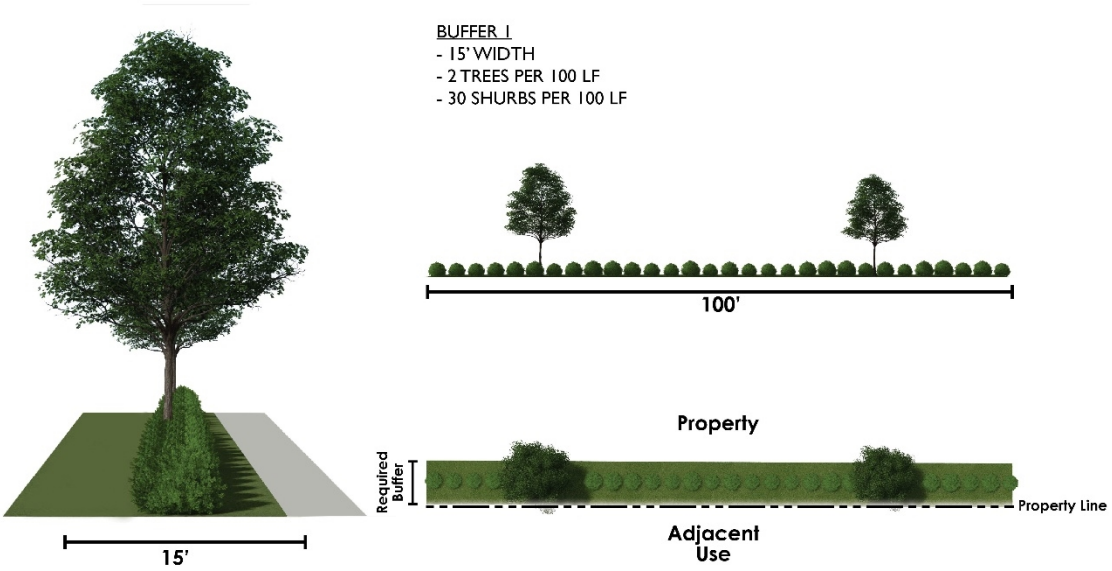


Figure 8.3.2. Perimeter Buffer Type 2 (Illustrative Example)

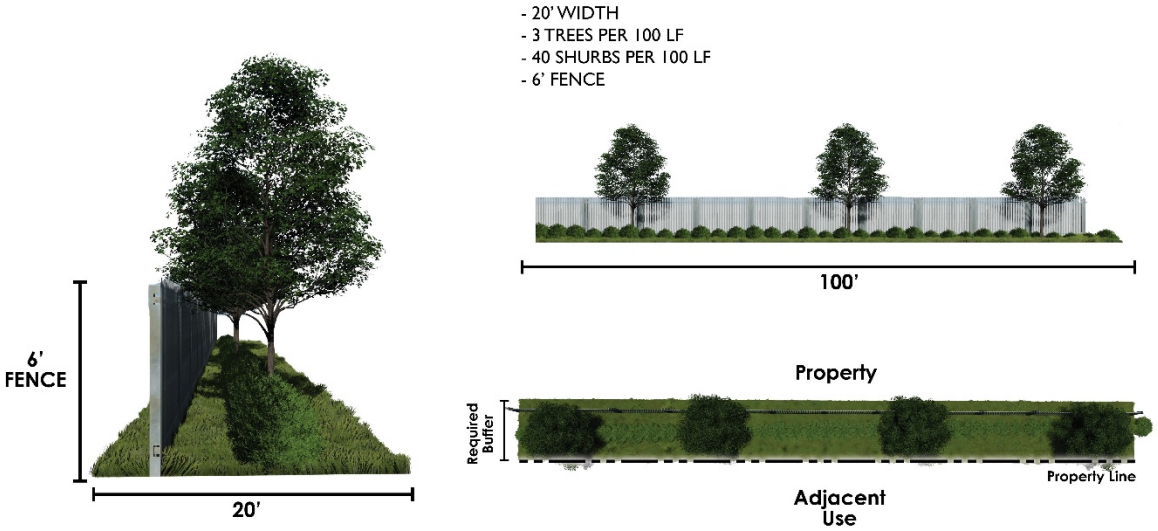


Figure 8.3.3. Perimeter Buffer Type 3 (Illustrative Example)

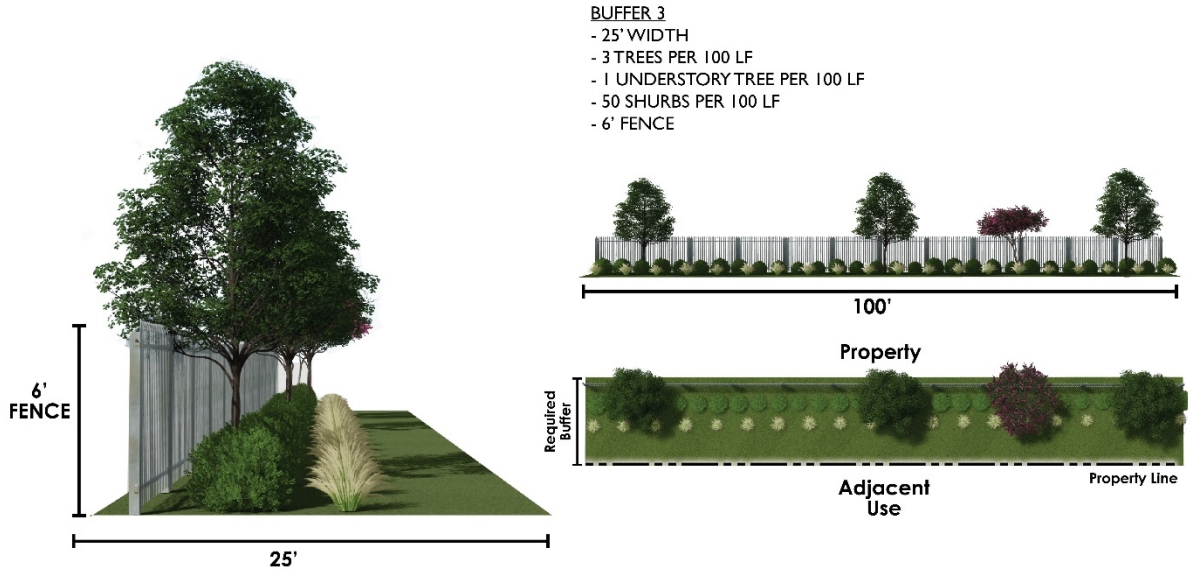


Figure 8.3.4. Perimeter Buf e 4 (Illustrative Example)

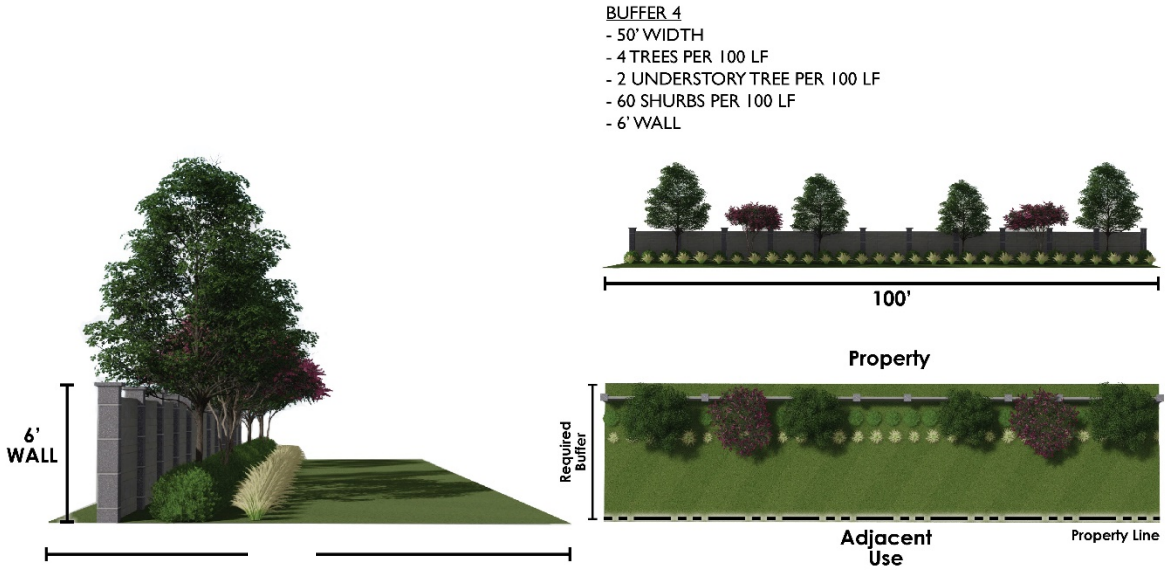
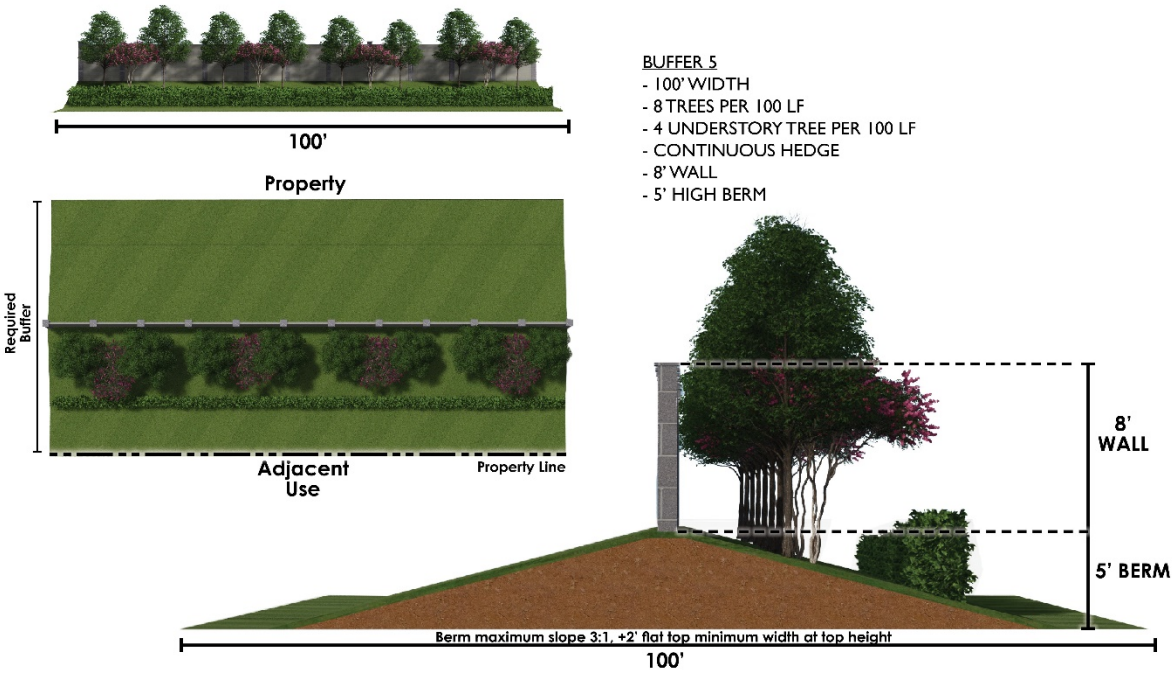


Figure 8.3.5. Perimeter Buffer Type 5 (Illustrative Example)



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	**RR**	**RLD**	**RMD**	**RHD**	**OM**	**NB**	**GB**	**GI**	**HI**	**PUD**	**PCD**	**CC-MX 1 CC-MX2 RC-MX**	**MD-MX**
RR	2	2	3	4	4	4	4	4	5	3	4	4	4
RLD	2	2	3	4	4	4	4	4	5	3	4	4	4
RMD	3	3	3	4	4	4	4	4	5	3	4	4	4
RHD	4	4	4	3	4	4	4	4	5	3	3	4	3
OM	3	3	3	3	1*	3	3	3	4	3	3	4	3
NB	4	4	4	3	3	1	3	3	4	3	3	3	3
GB	4	4	4	4	3	3	1	4	4	4	3	2	3

GI	4	4	4	4	4	4	4	1	1	4	4	4	3
HI	5	5	5	5	5	5	5	1	1	5	5	4	4
PUD	3	3	3	3	3	3	3	4	5	3	3	4	4
PCD	4	4	4	3	3	3	3	4	5	3	3	2	3
CCMX-1 &2 RC-MX	4	4	4	4	4	3	2	4	4	4	2	-	-
MD-MX	4	4	4	3	3	3	3	3	4	4	3	-	-

Additional Buffer Type Standards

1. OM to OM *: If the adjacent OM property is single-family residential, the subject property must provide a Type 2 buffer.
2. If the subject property being developed is adjacent to another jurisdiction, the required buffer type will be chosen by the Planning Director.
3. If the subject property being developed is a proposed conditional district or is adjacent to existing conditional district, the required buffer type will be chosen by the Planning Director.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 8th day of November, 2022

Attest: Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk