

Minutes
 Catawba County Board of Commissioners
 Regular Session, Monday, February 5, 2007 9:30 a.m.

Appointments

Home and Community Care Block Grant – Lead Agency on Aging – Social Svc.	531	02/05/07
Home and Community Care Block Grant Advisory Board	531	02/05/07
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Recommendation for appointment to WPCOG Aging Advisory Committee	531	02/05/07

Budget

Mental Health Budget Revision	531	02/05/07
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Champions of Education

Program Overview	531	02/05/07
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Closed Session

To consider the qualification/performance of an individual public officer or employee	532	02/05/07
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Mental Health

Budget revisions	531	02/05/07
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Ordinance 2007-01 – Repealing chapters, articles and divisions of Code	499	02/05/07
Ordinance 2007-02 – Repealing Official Zoning Atlas, replacing with Unified Development Ordinance General and Overlay Zoning maps	500	02/05/07

Planning

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Resolutions

Recognizing Sibongiseni Buthelezi, participant in ILGM/ICMA Fellowship Program	530	02/05/07
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Tax

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The Catawba County Board of Commissioners met in regular session on Monday, February 5, 2007 at 9:30 a.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Barbara G. Beatty and Commissioners Dan Hunsucker, Glenn E. Barger and Lynn M. Lail.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Joellen Daley, Assistant County Manager Lee Worsley, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 9:30 a.m.

2. Commissioner Dan Hunsucker led the Pledge of Allegiance to the Flag.
3. Commissioner Lynn M. Lail offered the invocation.
4. Commissioner Glenn E. Barger made a motion to approve the minutes of the Regular Meeting of January 16, 2007. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed everyone present. She recognized Glenn Fulbright who is a Soil and Water Conservation Officer.
6. Comments for Items not on the Agenda. Tom Sigmon came forward at this time but spoke on the UDO and his comments will be included under that public hearing, There were no other comments on items not on the agenda.
7. Public Hearings:
 - a. & b. – Reconvening of Public Hearings on Unified Development Ordinance and the adoption of New Official Zoning Maps based on Small Area Plans and Unified Development Ordinance.

Chair Barnes stated the two public hearings would be conducted at the same time. She opened the public hearing and asked those who had signed in to come forward and speak.

Thomas Sigmon – Maiden – requested the non-conforming manufactured home subdivision criteria be changed from three lots to two lots. He questioned why the criteria was three lots and how the number was determined. He said the UDO criteria for non-conforming manufactured home subdivisions would be very hard on him and cause him loss of income.

Tracy Warlick – Hickory – Thanked the Board and staff for their hard work on the UDO. Mr. Warlick said he was speaking on behalf of the Land Use Development Board which is comprised of the Hickory/Catawba Valley Association of Realtors, Hickory Homebuilders Association and the Chamber of Commerce. He expressed the Land Use Board's appreciation for the Board and staff working with them on the ordinance and they believed it was a good document and a good place to start.

Randy Hefner – Hickory – He stated he had made his living in manufactured housing business and is a realtor and a member of the Manufactured Housing Association. He said he thought the UDO was pretty good but he felt the overall welfare of the County was not looked at. He wondered who had made up the advisory committees and said he felt they did not do the job they should have done. He said he felt like people were being put on reservations with the proposed clustering. He asked the Board to look harder and deeper into the UDO proposals.

Tony Massarelli – Easley, SC – Regional Manager with Clayton Homes – represents a good part of the manufactured home business in the County. He said he was speaking on behalf on the manufactured home owners and those who hoped to own a manufactured home. He spoke in opposition to the ordinance. He was opposed to the manufactured home overlay district and stated it severely restricted the placement of homes and discriminated against those who live in manufactured homes.

Don Parham – Sherrills Ford – He commended the Board and staff for putting together a plan that is workable. He said he saw no discrimination – he saw planning for the future. He specifically recognized Mary George as someone who had worked extremely hard on the project.

Chair Barnes then asked for any others who wished to speak. Hearing and seeing no one, she closed the public hearing. She said it may have been the longest public hearing in Catawba County's history.

Chair Barnes stated the process had been worthwhile and the Board had heard from a lot of people and the Board had worked with the Planning staff and they had been very responsive to the issues

that citizens had raised. Chair Barnes noted the number of changes that had been made in response to concerns and she hoped people had taken advantage of the County website to review those changes. She said the ordinance was a document that was not frozen in stone and one that was fluid. She said the Board would monitor the results from the ordinance and make amendments when necessary. She asked if there were any issues or clarifications requested by any of the Commissioners.

Vice-Chair Barbara Beatty asked if there was anything that could be done to assist Mr. Sigmon. Jacky Eubanks, Planning Director, came forward and said the Planning staff had met with Mr. Sigmon and reviewed all his options. He clarified there was a provision for individual lots and after 6 months without a mobile home, that non-conforming cover expired. He said they had encouraged Mr. Sigmon to get a building/zoning permit by the close of business on February 5, 2007 and that would give him six more months to find a tenant for his lots under non-conforming use. Both Chair Barnes and Mr. Eubanks explained the three lot minimum for subdivisions was throughout the County and the three lot figures was determined due to the issue of roadways and roadway cuts.

Chair Barnes said she knew that all the Commissioners had spent a great deal of time asking questions and clarifying the all issues including conditional use and special uses and developed the greatest amount of flexibility. She said the ordinance had been reviewed by attorneys who work on a daily basis in this area to ensure the ordinance met the letter of the law as the Statutes in North Carolina require.

Commissioner Hunsucker said he appreciated the work of all the advisory groups and the citizens who came out to give the Board input on the ordinance and said the Board and staff had really worked to make it as fair and equitable as possible.

Commissioner Barger said they had struggled with the document for over seven years when the work with the small area plans was included. He said it may not be a perfect document but it was a document in motion and it would change when necessary. He went on to say the Board appreciated the input they had had and the ability the Board had had to go back and look at some of the issues and add flexibility.

Vice-Chair Beatty said they appreciated all the time from the citizens and the staff. She said she had worked harder on this document than on any other project since she had been on the Board for the last 10 years. She said not everyone was going to agree with every part of the ordinance but there had been compromise throughout the process. She said it was a work in process and she looked forward to hearing feedback.

Chair Barnes made the motion to adopt the February 5, 2007 version of the Unified Development Ordinance and also adopt the General and Overlay Zoning Maps and asked that the text and maps have an effective date of February 6, 2007. In doing so, the following ordinances were to be adopted:

Ordinance No. 2007-001

BE IT ORDAINED that the following chapters, articles and divisions of the Catawba County Code be repealed:

Chapter 2: Article IV. Division 3: Board of Adjustment
Chapter 2: Article IV. Division 6: Planning Board
Chapter 16: Article II. Removal and Disposal of Abandoned and Junked Motor Vehicles
Chapter 26: Manufactured Home Parks (in its entirety)
Chapter 36: Subdivisions (in its entirety)
Chapter 40: Article III: Wireless Telecommunications Facilities Siting
Chapter 44: Zoning (in its entirety)

and those sections are hereby replaced with the Catawba County Unified Development Ordinance, dated February 5, 2007, codified into Chapter 44 – Unified Development Ordinance adopted this 5th day of February, 2007, effective the 6th day of February, 2007.

(note the following ordinance was revised to include required changes)

Ordinance No. 2007-002

BE IT ORDAINED that the Official Zoning Atlas of Catawba County is hereby repealed and is replaced with the Unified Development Ordinance General and Overlay Zoning Maps, dated February 5, 2007, along with the following amendments:

The following seven PIN parcels are zoned R-80 as further depicted in the attached map which is also adopted and incorporated herein as a part of this ordinance:

3698-04-74-3141
4609-02-97-0884
4619-01-17-6406
4619-01-26-6940
4619-01-18-1763
4609-04-93-8888
4607-16-92-7839

PIN parcel 4619-04-61-6962 is split-zoned with the majority contiguous portion of the parcel zoned R-80 and the smaller detached portions of the parcel south and east of Oakwood Circle zoned R-30 as further depicted in the attached map which is also adopted and incorporated herein as a part of this ordinance.

PIN parcel 4607-16-83-2252 is split-zoned with the majority contiguous portion of the parcel zoned R-80 and the northwest detached portion located on Lake Norman zoned R-30; the detached portion south of NC Hwy. 150 zoned R-30 and the detached portion north of NC Hwy. 150 zoned R-80 in part and RC in part as further depicted in the attached map which is also adopted and incorporated herein as a part of this ordinance.

PIN parcel 4607-16-73-6008 is split zoned with a portion of the parcel zoned R-80 and a portion zoned RC as further depicted in the attached map which is also adopted and incorporated herein as a part of this ordinance.

The General and Overlay Zoning Maps along with the amendments are adopted the 5th day of February, 2007 and effective the 6th day of February, 2007, and are the County's Official Zoning Maps which will be maintained on the Catawba County Geographic Information System.

This the 5th day of February, 2007.

In addition to the above, the following policies were to be adopted with the Unified Development Ordinance:

- 1) All storage/shipping containers in residential areas existing at the date of adoption of the UDO are grandfathered and are allowed to remain so long as they are not moved to any other lot of record.
- 2) Existing non-permitted businesses in residential districts are allowed **up to 2 years** to come into compliance with the UDO through one of the following:
 - a. Apply and receive a special use permit as a cottage business
 - b. Apply and be approved for a rezoning to an appropriate general zoning district

- c. Apply and be approved for a rezoning to an appropriate conditional zoning district.

It is the County's intention to **expedite** rezoning requests that are subject to this policy.

- 3) Enhance the code enforcement program through the addition of another code enforcement officer and corresponding attorney time.
- 4) As family and minor subdivision survey plats and non-residential site plans are approved administratively, this policy is to clarify that those plats and plans turned in prior to the close of business on February 5, 2007 which meet the requirements at the time submitted, with the exception of technical corrections, will be reviewed under the regulations in place prior to the adoption of the UDO. Any plats or plans turned in on or after February 6, 2007 will be reviewed under the new regulations as adopted.

Chair Barnes said this was the motion before the Board and asked for any changes to the motion. County Manager J. Thomas Lundy said the Board was aware there had been discussions with MAG and Crescent regarding four parcels in the Sherrills Ford area and an interim agreement had been signed. Staff was in the process of trying to finalize a development agreement and part and parcel of that was density on those four parcels. Staff had just talked with Attorney Tom Terrell (attorney retained by the Board for these negotiations) and he suggested that those four parcels be exempted from the UDO and leave them at their current zoning threshold until the development agreement was executed so that the County could ensure that the County obtain the density distribution desired. If the Board were to go forward with the zoning, then the density on the land that MAG wanted to develop would go by a matter of right from 350 to almost 900. Mr. Lundy said it was important to keep those four parcels tied together so that the trade-offs were not lost since they were inter-related. Mr. Terrell was meeting with representatives of both MAG and Crescent to finalize the details and they would have to do a rezoning application anyway and at that time, if the development agreement was signed, then the density could be determined at that time. Mr. Eubanks advised the Board this could be accomplished by indicating those four parcels were zoned R-80 (2 acre) which is where the County was today with school capacity but with adopting the UDO, school capacity goes away and the densities on the zoning maps would be adopted. He suggested the way to keep the subject parcels at the current density was to rezone them to R-80. Chair Barnes clarified the recommendation was to exclude the four parcels from the UDO and zone them R-80, - Mountain Creek, the Village Center at Slanting Bridge, the Key Harbor property and the Terrapin Creek property. Vice-Chair Beatty asked what the results would be if this was not done and Mr. Eubanks replied that hypothetically they could come back with higher densities and the County could not get the concessions and amenities in the negotiations that had been going on in good faith. County Manager Lundy said this rezoning to R-80 would still leave MAG and Crescent's options open to do what they have said they wanted to do but also leaves the County's options open. Chair Barnes asked County Attorney Debra Bechtel if she had any comments regarding this matter. Attorney Bechtel said she thought what Attorney Terrell had suggested made sense and was legal.

Commissioner Lail recommended the motion be changed. Chair Barnes included in her motion zoning R-80 four parcels that are owned by Crescent and MAGland including Key Harbor, the Village Center, Terrapin Creek and Mountain Creek.

Don Parham asked several questions regarding the density of these parcels.

Chair Barnes stated they had a motion before the Board. The motion carried unanimously. Chair Barnes stated the UDO had been adopted and the effective date was February 6, 2007. She recognized the entire Planning staff for their work.

The following is a breakdown of the revisions which had taken place since July 28, 2006:

**Unified Development Ordinance (UDO)
Revisions From Board of Commissioners' Work Sessions
and Other Minor Technical Amendments
(July 29, 2006 – January 2, 2007)**

Following are revisions to the July 28, 2006 draft of the UDO, which include the recommendations contained in the Board of Commissioner's August 2006 memo (referred to as items "A-I) and conclusions from the Board's work sessions on 1-acre zoning, cottage businesses and affordable housing. The term "Current" below refers to the July 28, 2006 version of the UDO. The section notation after the titles refers to the section(s) in the UDO where the recommended change(s) can be found.

Hotels and Motels – Table 44-430.2 (deleted from prohibited uses)

Current

Hotels and motels are prohibited in the Mixed Use Corridor Overlay (MUC-O)

Recommended Change

Hotels and motels are proposed to be allowed in the Mixed Use Corridor Overlay (MUC-O)

Rationale for the Change

Similar uses such as restaurants cater to the traveling public and are generally located along high traffic major corridors.

Sidewalk as Open Space – Sec. 44-543(c)(1)

Current

Sidewalks are allowed to count toward the required open space on one-to-one square foot basis.

Recommended Change

Sidewalk area would count as a two-to-one credit toward open space. For example, for every 1 square foot of sidewalk construction, 2 square feet of open space would be credited. This applies to mandatory as well as optional sidewalks.

Rationale for the Change

Due to the cost of sidewalk construction, it is equitable to give additional credit for sidewalks. It furthers the goal of creating walkable communities.

Campgrounds in a Residential District – Sec. 44-645

Current

The area requirement and the setbacks for campgrounds allowed in the residential districts are 25 acres with a 300-foot perimeter setback. The minimum space allowed for each tent, cabin or vehicle space is 3000 square feet with no dedicated area for active or passive recreation.

Recommended Change

The area requirement and the setbacks for campgrounds allowed in the residential districts would be 5 acres with a 100-foot perimeter setback. The minimum space allowed for each tent, cabin or vehicle space would be reduced to 1500 square feet with an additional 1500 square feet per space to be dedicated for active or passive recreation.

Rationale for the Change

The area and setback requirements match the requirement for campgrounds allowed in the commercial districts as a permitted use. The 5-acre minimum requirement is also consistent with mobile home parks and cluster subdivisions. Open space is advantageous due to the nature of a campground facility.

Campgrounds in a Commercial District – Sec. 44-612

Current

The minimum space allowed for each tent, cabin or vehicle space is 3000 square feet with no dedicated area for active or passive recreation.

Recommended Change

The minimum space allowed for each tent, cabin or vehicle space would be reduced to 1500 square feet with an additional 1500 square feet per space to be dedicated for active or passive recreation.

Rationale for the Change

Open space is advantageous due to the nature of a campground facility.

Marinas – Sec. 44-618 (commercial), Sec. 655 (residential) and definitions

Current

A marina is defined as a facility for storing, servicing, fueling and selling of convenience foods or articles, berthing and securing of boats.

Recommended Change

Expand the definition to include retail sale of boats and campgrounds as permitted accessory uses to the marina. Where campgrounds are planned as part of a marina in a residential or commercial operation, a minimum of 7 acres is required.

Rationale for the Change

A marina by definition allows storing, servicing, fueling, berthing and securing of boats and selling of convenience foods or articles. It is therefore appropriate to include retail sales. A majority of marinas in surrounding counties allow retail sales of boats. Camping as an accessory activity to marinas is a compatible recreational use.

Planned Development – Single Story Buildings Greater than 75,000 Square Feet – Sec. 44-443.03(b)(5) and 44-443.15(a)

Current

Not addressed.

Recommended Change

A vacated building plan and an adaptive reuse plan must be submitted at the site plan approval stage. Storefront lengths greater than 60 feet must include recesses and projections of 4 feet or more, from the primary building line, which total at least 33% of the storefront length along sides facing public streets.

Rationale for the Change

Adaptive reuse plans will help prevent future blighted or abandoned large-scale buildings. The architectural requirements will soften the visual impact of long wall expanses, by creating character along the front of big box buildings.

Storage/Shipping Containers – Sec. 44-623

Current

Temporary storage containers (PODS) are allowed in residential areas within the front yard for a period of 7 days. The use of shipping containers for permanent storage is prohibited in residential areas.

Permanent storage containers are allowed within commercial and industrial districts with setbacks, screening, roof pitch and exterior finish construction standards.

Recommended Change

The existing Zoning Ordinance in effect is silent on the use of storage containers as an accessory structure. The State Building Code does not recognize “containers” as structures and therefore building permits are not issued. A grandfathering policy should be implemented which states that existing containers are allowed to remain but no additional containers can be placed in residential districts as of the effective date of the UDO.

In residential areas: Allow temporary storage containers (PODS) for a period of 7 days. The time-period can be extended in cases deemed as a hardship as defined by the Planning Director.

Within commercial and industrial districts: Eliminate the requirement for roof pitch, exterior finish construction standards and the 10-foot separation from the principal structure. A “704 placard” must be displayed when storing hazardous, toxic or explosive substances. Also, clarify that the storage

container must be “**totally**” screened when located in commercial and industrial districts, allowing for access to the unit.

Rationale for the Change

By requiring storage containers to be totally screened in commercial and industrial districts, it is not necessary to address the construction standards for the units.

Rural Preservation (2-Acre vs. 1-Acre Zoning)

The small area plans recommended a 2-acre density for approximately 50% of the County, primarily concentrated south of I-40. This strategy was to take the place of the school capacity regulations adopted in 1999.

While the small area plans recommended that approximately 50% of the County have a density of 2-acres, there has been a request for smaller parcel sizes. By adding higher standards for developments, 1-acre lot sizes can be allowed without compromising the rural integrity of the County. In developing the higher standards for the one-acre zoning, it was determined that it was appropriate to include higher standards for all residential zoning districts.

One-acre lot sizes allow County officials to be stewards of our land, balance the rural preservation interests recommended by the small area plans with the needs of the development community and homeowners to maintain affordable property values and insure housing opportunities for homebuyers. The one-acre proposal allows property owners of larger tracts of land more flexibility, marketability and profit than would be available under lower density zoning.

Following is a breakdown of the standards based on the one-acre zoning and those that would apply to all zoning districts subject to the type and size of subdivision. The rationale for the Rural Preservation section follows the changes related to the MUC-O on page 8.

□ **All Family, Minor and Major Conventional Subdivisions in 1-acre Zoning District:**

Setbacks – Table 44-404-1 (R-40 district) and definitions for existing external and internal subdivision roads

Current:

The setback is 30 feet along the road frontage.

Recommended Change:

One of the following must be provided:

- The setback would be 80 feet along all existing external road frontage and 30 feet along all new interior roads;
- If 500 feet of road frontage is available, a 40-foot setback containing a 30-foot wide berm with accompanying landscaping along all existing external road frontage; or
- If 500 feet of road frontage is available, a 40-foot setback containing a 30-foot wide solid landscaped screen along all existing external road frontage.

For existing vacant lots of record on existing external road frontage, the 80-foot setback requirement must be met if land area is available that can accommodate the house, septic system and well. If the required setback cannot be achieved, then the average setback of the surrounding housing units should be utilized in order to obtain uniformity; however, in no case can the minimum yard setback be less than 30 feet.

Existing vacant lots of record on internal subdivision roads must meet a minimum 30-foot front setback.

□ **All Family, Minor and Major Conventional Subdivisions in all Residential Zoning Districts:**

Stream Buffers – Sec. 44-503(g)

Current:

Not addressed for perennial streams outside of NC Department of Environment and Natural Resources buffer regulations on the Catawba River.

Recommended Change:

Require the retention of vegetation in a 30-foot wide segment adjoining all perennial streams, as defined on the USGS topographic maps. Allowance for and access to water dependent structures and activities is allowed along with the clearing of nuisance vegetation.

Clear Cutting – Sec. 44-503(f)

Current:

Not addressed.

Recommended Change:

Clear cutting is prohibited in subdivisions with the exception of improvements to include the housing units, accessory structures, necessary roads, septic systems, wells, public utilities and active recreation. The clearing of nuisance vegetation is allowed.

Rural Preservation-Overlay (RP-O) District – Setback – Sec. 44-435

Current:

Eight roads are included in the RP-O District requiring a 100-foot setback from the right-of-way for major subdivisions only.

Recommended Changes:

Apply to existing lots and all new subdivisions (family, minor and major).

For existing vacant lots of record on the existing external RP-O road, the 100-foot setback requirement must be met if land area is available that can accommodate the house, septic system and well. If the required setback cannot be achieved, then the average setback of the surrounding housing units should be utilized in order to obtain uniformity; however, in no case can the minimum yard setback be less than 30 feet. Existing vacant lots of record on internal subdivision roads within the RP-O must meet a minimum 30-foot front setback.

One of the following must be provided for new subdivision lots:

- The setback would be 100 feet along all existing external RP-O road frontage and 30 feet along all new interior subdivision roads;
- If 500 feet of RP-O road frontage is available, a 50-foot setback containing a 30-foot wide berm with accompanying landscaping along all existing external RP-O road frontage; or
- If 500 feet of RP-O road frontage is available, a 50-foot setback containing a 30-foot wide solid landscaped screen along all existing external RP-O road frontage.

Add NC Hwy. 16 South to the eight roads listed in the RP-O District in order to preserve right of way for the future widening of NC Hwy. 16 South.

Mixed Use Corridor-Overlay (MUC-O) Standards – Sec. 44-430.02(b)(2)

Current:

The MUC-O standards apply to five road segments.

Recommended Change:

Add three rural commercial nodes on NC Hwy. 16 South located at the intersections of:

- 1) Bethany Church Road/Smyre Farm Road;
- 2) Balls Creek/Providence Mill Road; and
- 3) Buffalo Shoals Road

These nodes are added to require higher commercial development standards on this major corridor.

□ **Major Conventional Subdivisions (4 or more lots or new road construction) in all Residential Zoning Districts**

Street Trees – Sec. 44-523(h)(2)

Current:

Not addressed.

Recommended Change:

Require 2-inch caliper street trees for every 50-foot of road frontage, including corner lots where existing roads intersect with new subdivision roads. The retention of existing vegetation could be used to meet this requirement.

Open Space – Sec. 44-543(b)

Current:

2500 square feet of open space is required for each lot for subdivisions of 25 lots or more.

Recommended Changes:

Require 2500 square feet of open space for all major subdivisions, regardless of size.

Provide an option for a payment in-lieu of providing on-site open space. The payment is based on the tax value of an equivalent 2500 square feet of open space per lot. The fee in lieu of is payable to the Parks Trust Fund for development of capital projects included in the Parks Master Plan or other accepted plans.

Road Connectivity – Sec. 517(b)(2)

Current:

Road connectivity is required unless the extension encroaches into a floodplain, or unless topographic constraints, natural features or other limitations would prohibit the practical connectivity as determined by the Subdivision Review Board.

Recommended Change:

Require a reciprocal agreement between all subdivisions party to the interconnectivity for road maintenance responsibilities unless or until the roads are taken over by NC Department of Transportation.

Low-Level Lighting for Residential Developments – Sec. 44-522(e)

Current:

Low-level light intensity standards are required for commercial development but not for residential subdivisions.

Recommended Change:

When lighting is provided in subdivisions, it must be low-level intensity and consist of uniform fixtures in order to reduce light pollution and improve the aesthetics.

□ **Major Conventional Subdivisions of 50 or more lots in all Residential Zoning Districts**

Planned Development – Sec. 44-443.01(e) and 44-443.02

Current

Not addressed

Recommended Change

Require subdivisions of 50 or more lots to be subject to a rezoning for a Planned Development where amenities can be negotiated at a higher standard. The amenities could include public open space, trails, bicycle paths, conservation easements, traffic improvements, buffering and connectivity.

Turn Lanes Along Road Frontage – Sec. 44-443.16(b)

Current

Not addressed

Recommended Change

Require turn lanes along the road frontage, subject to NCDOT approval.

□ **Major Cluster Subdivisions**

Rural Preservation-Overlay (RP-O) Cluster Requirement – deleted from Sec. 44-435

Current:

Mandatory clustering is required along the following three roads on the RP-O district:

- 1) Startown Road (SR 1005) north of Settlemyre Bridge Road (SR 1165) to the County's planning jurisdiction and south of NC Hwy. 10 to US Hwy. 321;
- 2) Sigmon Dairy Road (SR 2013); and
- 3) Rome Jones Road (SR 2012).

Recommended Change:

Clustering is optional along these three roads.

□ **Revision to Zoning Maps (see zoning maps)**

Delete Two-Acre Zoning on Maps

Current

Approximately 50% of the County is zoned for 2-acre lot sizes.

Recommended Change

Amend the zoning map to replace 2-acre zoning with 1-acre zoning.

Amend RP-O on Zoning Maps

Current

Eight roadways are designated as RP-O.

Recommended Change

Amend the zoning map to add NC Hwy. 16 South to the eight roads in the RP-O District in order to preserve right of way for the future widening of NC Hwy. 16 South.

Amend MUC-O on Zoning Maps

Current

Five roadways are designated as MUC-O.

Recommended Change

Amend the zoning map to add the following three rural commercial nodes on NC Hwy. 16 South to the MUC-O District:

- 1) Bethany Church Road/Smyre Farm Road;
- 2) Balls Creek/Providence Mill Road; and
- 3) Buffalo Shoals Road

Rationale for the Changes:

By adding higher standards for developments, 1-acre lot sizes can be allowed while balancing the rural integrity of the County. One-acre lot sizes allow County officials to be stewards of our land, balance the rural preservation interests recommended by the small area plans with the needs of the development community and homeowners to maintain affordable property values, and insure housing opportunities for homebuyers. The one-acre proposal allows property owners of larger tracts of land more flexibility, marketability and profit than would be available under lower density zoning.

Home Occupations, Cottage Businesses and Other Economic Development Opportunities

The County has a long-standing policy of promoting the entrepreneurial spirit. This is reflected in the UDO which allows business opportunities in residential areas as a home occupation or cottage business. During the UDO public review process, citizens requested consideration of a wider latitude of business uses within residential settings. Following are proposed changes to the UDO which address these concerns for home occupations and cottage businesses. The changes also provide opportunities for vet clinics in residential areas and expanded industrial opportunities along corridors. The proposed standards for these activities provide more flexible regulations associated with new business start-ups balanced with higher development standards to promote visually attractive corridors and project sites.

Home Occupations – Sec. 44-615

Current

Home occupations are a permitted use in all residential districts. A home occupation is allowed for specific types of home-based businesses, subject to a maximum of 25% of the square footage of the home.

Recommended Changes:

Add a purpose statement that states that a home occupation is a small non-invasive business and if it grows must be upgraded to a cottage business. The purpose statement also clarifies that the service can be provided either on or off-site.

A reference to the NAICS document was added to aid in making interpretations of types of uses permitted for home occupations.

Amend the permitted uses to clarify that offices associated with skilled trades are allowed as home occupations.

Cottage Businesses – Sec. 44-665 and Sec. 44-327(b)(1)

Current:

Cottage businesses are special uses allowed in all residential districts, subject to specific standards addressing types of uses, the number of employees, size of lot, road frontage, setbacks, storage of materials, parking and screening.

Recommended Changes:

Add a purpose statement to indicate that a cottage business is more intensive than a home-based business and that, with certain appearance criteria, it should not be detrimental to surrounding properties. Also state that once a cottage business outgrows its current location, the property must be rezoned or move to a more appropriate commercial or industrial location.

Allow a cottage business to be located on a lot adjoining the homeowner instead of only allowing the business when located on the same lot with the home.

Broaden the types of uses allowed as a cottage business to include: contractors-specialty trades (drywall, electrical, masonry, plumbing, building roofing), small-scale retail, commercial machinery repair and maintenance, electronic equipment repair and maintenance, household goods repair and maintenance, lawn care services and printing with related support activities.

Require that the business cannot generate more than 50 Average Daily Trips (ADT).

Increase the land area for a cottage business to be established from $\frac{3}{4}$ acre to 1 acre.

Require that the business be screened from public view on all sides, including road frontage and from adjoining properties of less intensive use. The screening must be a solid visual separation consisting of fencing and/or vegetation.

Allow a cottage business to front along a dedicated right-of-way instead of only allowing when the lot fronts on a State-maintained road.

A manufactured home cannot be used as a cottage business.

Allowance for existing accessory structures to be used as a cottage business and not be required to meet additional setback requirements.

The special use permit for the cottage business must be recorded at the Register of Deeds.

Amend the conditional district zoning section to lower the threshold for conditional zoning from 5 acres to the minimum acreage associated with the corresponding zoning district.

Rationale for Home Occupation and Cottage Business Changes:

The changes to the home occupation and cottage business regulations result from a change in the national trend toward a service-based economy and a re-thinking of the traditional home occupations in relationship to dated zoning regulations. The changes also provide business opportunities for citizens who have lost jobs due to a downturn in furniture, textiles and fiber optic businesses. The proposal provides more flexible and accommodating regulations associated with new business start-ups balanced with higher development standards to promote visually attractive corridors and project sites. Options for those businesses that cannot conform to the home occupation or cottage business regulations are:

- 1) Relocate to a commercial or industrial district
- 2) Apply for a general rezoning of the property
- 3) Apply for a conditional rezoning of the property

Economic Development Overlay – Sec. 44-436 and Zoning Maps

Current:

Higher development standards are established for properties zoned 321-ED MX (mixed use) or 321-ED I (industrial).

Recommended Change:

Establish two economic development overlays, both in the text of the UDO and on the zoning maps, where industrial or mixed use developments would be allowed based on the small area plans:

1. Hwy. 321 corridor - consisting of approximately 25,000 acres based on the boundaries of the Hwy. 321 Corridor Plan (1996)
2. I-40 corridor - consisting of approximately 2,607 acres containing two separate areas: a strip of land centered on the Town of Catawba/Hwy. 10 interchange (Exit 138) and tracts of land north of the Conover/Claremont industrial areas.

The development standard for the economic development overlay are identified in the current 321 ED district.

Rationale for Economic Development Overlay Change:

The addition of an economic development overlay earmarks large acreage tracts along major interstate and highway corridors to maximize development opportunities and exposure along with establishing higher development standards to promote visually attractive entranceways into the County.

Animal Hospital/Veterinary Clinic – Sec. 44-666

Current:

Only allowed in a highway commercial zoning district, subject to supplemental standards addressing setbacks, and requiring all activities (with exception of exercise yards) to be in enclosed buildings.

Recommended Changes:

Create a new category of special use permits to allow animal hospitals and veterinary clinics in residential districts subject to the following standards:

1. A minimum lot size of five (5) acres shall be required.
2. The maximum square footage of the animal hospital/clinic building shall be 8,000 square feet.
3. All activities, with the exception of the common animal exercise yards, shall be conducted within an enclosed building.
4. No individual outside runs shall be allowed.
5. Common exercise yards shall be no closer than 200 feet from an adjacent residential property line.
6. Buildings where animals are cared for or boarded shall be located no closer than 200 feet from an adjacent residential property line.
7. The veterinarian or caretaker of the business may occupy a residence on site as an accessory use.
8. A perimeter buffer, as defined in Section 44-523(f), shall be provided.
9. The disposal methods for wastes generated shall be reviewed and approved by the Environmental Health Section of the County Health Department.
10. Signage shall be limited to one non-illuminated sign with a maximum area of sixteen (16) square feet.

Rationale for Animal Hospital/Veterinary Clinic Change:

Animal hospitals/veterinary clinics provide a service in the rural residential areas where commercial areas may be limited. Animal hospitals/vet clinics, subject to development standards, can fit into the rural areas and are consistent with the intensity of certain uses associated with cottage businesses.

Affordable Housing/Manufactured Housing

The goal of the County is to ensure that a sufficient affordable housing stock is available while preserving the rural character, protecting corridors/scenic highways and protecting property values through a balanced zoning of the County's residential areas as reflected in the small area plans. One of the types of affordable housing is manufactured homes, in addition to stick-built and modular. Public input, the downward trend in manufactured housing permits and reduced mortgage opportunities, all together pointed toward a need to address regulations regarding manufactured housing. The following reflects those modifications.

Manufactured Homes Subdivisions – Meeting Appearance Criteria – Table 44-403-1 (Dwelling, Manufactured Home) and Sec. 44-703(c)

Current:

If a manufactured home subdivision contains mobile homes on 50% or more of the lots, the subdivision could be built out with post 1976 doublewide manufactured homes meeting the March 18, 1996 appearance criteria, regardless of the zoning district. If the manufactured home subdivision is occupied with manufactured homes on less than 50% of the lots, then the remainder of the subdivision must contain stick-built or modular homes.

Recommended Change:

Post 1976 singlewide or doublewide manufactured homes which **meet** the March 18, 1996 appearance criteria may be placed in existing manufactured home subdivisions of three or more lots in or outside the Doublewide Manufactured Home (DWMH) overlay district in the following cases:

- ❑ Vacant lots within an existing manufactured home subdivision may be built out with a singlewide or doublewide; and
- ❑ Lots in an existing manufactured home subdivision that were previously occupied with a manufactured home as of February 28, 2005 are considered a switch-out and may be occupied with a singlewide or doublewide.

Manufactured Homes Subdivisions – Not Meeting Appearance Criteria - Table 44-403-1 (Dwelling, Manufactured Home) and Sec. 44-703(c) and (d)

Current:

Permits for a post 1976 singlewide or doublewide manufactured home not meeting appearance criteria would not be issued.

Recommended Change:

Post 1976 singlewide or doublewide manufactured homes **not meeting** the March 18, 1996 appearance criteria (metal-on-metal) located within Catawba County as of March 18, 1996, whether in a manufactured home park or on an existing lot of record approved on or before March 18, 1996 may be relocated to:

- ❑ A manufactured home subdivision of three or more lots which was approved on or before March 18, 1996 in the DWMH overlay district; or
- ❑ A manufactured home park existing as of March 18, 1996 located in or out of the DWMH overlay.

Temporary Manufactured Home During Construction of Stick-Built Home – Sec. 44-630

Current:

Not specifically addressed but as a matter of policy would allow a doublewide during construction of a stick-built home, provided it is located in the DWMH overlay district. There is no expiration for the doublewide provided that a building permit is active.

Recommended Change:

A singlewide (meeting the March 18, 1996 appearance criteria) can be temporarily located on a parcel, if it is located within the DWMH overlay, for a period of 2 years, in association with an active building permit and construction of a stick built principal dwelling. The singlewide must meet the principal setbacks. A temporary certificate of occupancy may be issued, for a period of 60 days, during the transition of moving out of the singlewide and into the permanent dwelling unit; however, a final certificate of occupancy will not be issued until the singlewide is removed from the site. At the time permanent power is connected to the new stick built dwelling, power must be disconnected to the singlewide. Doublewides would not be allowed due to their more permanent nature as compared to singlewides.

Staff will monitor the frequency of requests for temporary manufactured homes during house construction located outside of the DWMH overlay, as requested by the Board of Commissioners for future evaluation.

Types of Manufactured Homes Allowed in New Manufactured Home Parks – Sec. 44-447.02

Current:

Only post 1976 **doublewide manufactured homes** meeting March 18, 1996 appearance criteria would be allowed in new manufactured home parks.

Recommended Change:

Allow post 1976 **singlewide or doublewide manufactured homes** meeting March 18, 1996 appearance criteria in new mobile home parks after creation of UDO.

Manufactured Homes As Accessory Dwellings – Sec. 44-638

Current:

Not allowed.

Recommended Change:

Allow post 1976 singlewide or doublewide manufactured homes (meeting the March 18, 1996 appearance criteria) as accessory dwellings with a Special Use permit, in lineal family (children, parent, grandchildren) and sibling situations within the DWMH overlay district, subject to the following criteria:

- The manufactured home accessory dwelling must be located behind the principal dwelling structure, and adhere to the setbacks of the district.
- The property owner must reside on the property or on an adjacent parcel.
- The use must comply with all requirements of the County Division of Environmental Health, for on-site sewage and well regulations.
- No more than one accessory dwelling unit (whether stick built or a manufactured home) can be permitted on a single deeded lot in conjunction with the principal dwelling unit.
- Unless the manufactured home accessory dwelling unit is accessed from a different road or street than the principal structure, the manufactured home accessory dwelling unit must share a driveway with the principal structure.
- The manufactured home accessory dwelling unit must be clearly subordinate to the principal structure, occupying less than the square footage of the principal dwelling.

Staff will monitor the frequency of requests for manufactured homes as accessory dwellings in family hardship situations located outside of the DWMH overlay, as requested by the Board of Commissioners for future evaluation

Amend DWMH Overlay on Zoning Map – Zoning Maps

Current:

Approximately 19% of the County was included in the DWMH overlay district.

Recommended Changes:

Amend the zoning map to include a DWHM overlay of 18% of the County's jurisdiction, consisting of 25,071 acres, which would allow doublewides in a more balanced distribution county-wide. Staff conducted an analysis of affordable housing in Catawba County indicating there are over 19,470 affordable homes available, based on a \$106,000 assessed tax value or less (considered affordable by HUD). This consists of existing stick-built, modular and manufactured homes. There are 14,188 households in the County at or below the median household income which have a need for affordable housing. This equates to a current surplus of 5,282 existing affordable housing units in the County. The additional acreage in the 18% overlay district could yield approximately 25,071 additional manufactured homes that would qualify as affordable housing.

Based upon this analysis the current supply of manufactured homes, modular and stick built homes substantially exceeds the demand, and therefore the 18% manufactured home overlay area (allowing manufactured homes by right) is more than adequate to meet the demand in the foreseeable future, given the current trends. An overlay is necessary in order to accommodate manufactured home accessory dwelling units, new subdivision development and manufactured home parks.

Rationale for Changes:

The recommended changes were based on citizen input, the analysis of the current mobile home situation in Catawba County, recent trends in mobile home permits, an observation of how or if urbanized and surrounding counties administer mobile home regulations and the review of affordable housing options available in Catawba County. The recommendation of having an 18% overlay is in line with the percentages of other urbanizing counties, falling approximately in the middle of the 5% to 30% range.

At its January 16, 2007 meeting, the Board of Commissioners received a report on the updates to the UDO and received additional public comments. The Board then continued its public hearing until February 5, 2007 in order to incorporate additional input from legal consultation, staff and the public. Those revisions are as follows:

**Unified Development Ordinance (UDO)
Revisions Based on Legal Consultation, Staff and Public Input (January 3-19, 2007)**

Following are proposed revisions to the January 2, 2007 version of the UDO. A section reference, explanation of the change and proposed language is included. Language shown as "~~struck-out~~" is proposed to be deleted and language "underlined" is proposed to be added. The changes have been incorporated into the February 5, 2007 version of the UDO.

Sec. 44-300(a)(5). General procedural requirements.

A sentence was added to clarify that the design manual is not part of the regulatory requirements of the UDO.

(5) Applications, plan requirements, plat certificates for all residential and nonresidential development are located in the Procedures Manual. Development types, open space illustrations, connectivity and circulation, site and building design along with photographs and graphics are located in the Design Manual. These manuals are separate documents, which supplements the Unified Development Ordinance. The manuals may be amended from time to time by the Planning Director as an administrative function where the modifications or amendments are not inconsistent or in conflict with the intent of the UDO. The Design Manual is not part of the regulatory requirements of the UDO.

Sec. 44-301(e)(2). Concept site plans.

Allow more flexibility where changes are proposed to concept site plans without requiring a new application to be approved by the Board of Commissioners. Changes to the floor area of a building and density more than 10% and changes more than 10% to the open space or landscape screening can be administratively approved. These percentages are consistent with the thresholds for other types of changes allowed administratively.

(2) An amendment to the concept site plan requires approval by the board of commissioners and shall be handled as a new application.

a. The planning director shall use the following criteria in determining whether a proposed change is an amendment. If any of the following criteria are met, the change constitutes an amendment:

1. Any increase in intensity of use which means an increase in:
 - i. Usable floor area by more than 10%;
 - ii. Number of dwelling or lodging units by more than 10%; or
 - iii. Outside land area devoted to sales, displays, or demonstrations;
2. Any change in parking areas resulting in an increase or reduction of more than 10% in the number of spaces approved by the board of commissioners;
3. Structural alterations affecting the basic size, form, style, and the like of the building, as shown on the approved concept site plan;
4. A ~~5~~10% or more decrease in the amount or location of open space, recreation facilities, or landscape screens; or
5. Substantial changes in pedestrian or vehicular access or circulation.

Sec. 44-302(d). Phasing.

Previously, in a phased residential development, at least a proportional amount of required open space associated with that phase had to be dedicated at the time of approval of that development phase. The revision makes it optional either to dedicate the proportional open space at the time of

the phase's approval, or to instead dedicate the total amount of open space when the final phase is approved.

(d) For subdivisions:

- (1) A subdivision phase must contain at least 3 lots; and
- (2) The amount of any required open space on a per-lot basis in a particular phase, including the current or any previously approved phase, is at least proportional to the open space requirements of the whole development. [The approving authority has the right to grant a waiver on the proportional open space provided based on a phasing schedule.](#)

Sec. 44-318(a)(3). Zoning authorization permit.

Clarification was made to show that a zoning authorization permit for a repair is only required if the structure is located in a flood plain.

(3) A zoning authorization permit is required prior to beginning the excavation for the construction or the moving, [or alteration](#), ~~or repair of any building or other structure~~, except ordinary repairs. [Repairs or alterations within a flood plain are subject to a zoning authorization permit.](#)

Sec. 44-327(b). Conditional zoning district.

Clarification that conditional zoning districts may be appropriate when the tract size meets or exceeds the minimum acreage for the corresponding zoning district, and that planned developments may also use conditional zoning districts.

(b) *Applicability.* Conditional zoning districts ~~are~~ [may be](#) appropriate when one or more of the following factors, separate or in combination, are proposed:

- (1) The tract size ~~is~~ [meets or exceeds](#) the minimum acreage for the corresponding zoning district;
- (2) The tract is within a designated non-residential node, corridor, village or commercial center as identified in the small area plans, as amended from time-to-time;
- (3) The aggregate square footage of the non-residential building(s) on a single zoning lot is more than 50,000 square feet gross leasable area regardless of the number of uses within the building or structures planned; [or](#)
- (4) Planned developments.

Sec. 44-327(f). Conditional zoning district.

Based upon legal advice, additional verbiage was added to the conditional zoning district review standards which may help the Planning Board and Board of Commissioners make conditional rezoning decisions, taking into account the reasonableness of the request.

(f) *Review.* In evaluating an application for the establishment of a conditional zoning district, it is appropriate for the planning board and board of commissioners to consider the following:

- (1) Adherence to the [general](#) policies and objectives of the adopted land use plan, particularly in relation to the proposed site and surrounding area;
- (2) The potential ~~adverse~~ impacts on the surrounding area, including but not limited to [the absolute certainty of the specific uses\(s\)](#), traffic, stormwater, land values and the compatibility of land use activities. [Higher standards and conditions may be proposed for the development, and other community benefits, mutually agreed upon by the developer and the County;](#)

(3) The potential positive impacts on the surrounding area, including but not limited to the absolute certainty of the specific use(s) proposed, higher standards and conditions that may be proposed for the development, and other community benefits mutually agreed upon by the developer and County.

(43) ~~Meets the test for~~ [Addresses](#) spot zoning;

- a. Size of tract;
- b. Compatibility with adopted plan;
- c. Public benefits and detriments of proposed rezoning; and
- d. The relationship between proposed use and current use of adjacent properties; and

(54) The reasonableness of the proposed rezoning, defined as:

- a. Supporting the [general](#) policies, goals and objectives of the adopted comprehensive land use plan and small area plans;
- b. Promoting the harmony and compatibility of the proposed conditional zoning district in relationship to the surrounding land uses; ~~and~~
- c. Serving the best interest of the community;
- d. [Promoting economic development; and](#)
- e. [Encouraging different uses in close proximity to lessen traffic and environmental concerns.](#)

(5) *Consistency statement.* The planning board and the Board of commissioners must make written findings that either:

[a. The proposed zoning is consistent with the adopted plan\(s\) based upon criteria in Section 44-327\(f\)\(1\) – \(4\) above; or](#)

[b. The proposed zoning is not consistent with the adopted plan\(s\), but is reasonable in light of circumstances generally defined under Section 44-327\(f\)\(1\) – \(4\) above, with the exception of \(f\)\(3\)b. above.](#)

Sec. 44-327(j). Conditional zoning district.

Allow more flexibility where changes are proposed to conditional zoning district plans without requiring a new application to be approved by the Board of Commissioners. Changes more than 10% to the open space or landscape screening can be administratively approved, rather than 5% as written in the previous version. This percentage is consistent with the thresholds for other types of changes allowed administratively.

(j) *Determination – Major change requiring an amendment.* Before making a determination as to whether a proposed action is an amendment based upon a major change, the planning director shall review the record of the proceedings on the original application for the approval of the conditional zoning district.

(1) An amendment comprising a major change requires approval by the board of commissioners and shall be handled as a new application. A change in a specific or general use category shall constitute a new application.

(2) The planning director shall use the following criteria in determining whether a proposed change is an amendment constituting a major change to the approved conditional zoning district:

- a. An increase in intensity of use which means an increase in:
 1. Usable floor area by more than 10%.
 2. Number of dwelling or lodging units by over 10%; or
 3. Outside land area devoted to sales, displays, or demonstrations.
- b. Any change in parking areas resulting in an increase or reduction of 10% or more in the number of spaces approved by the board of commissioners.

- c. Structural alterations significantly affecting the basic size, form, style, and the like of the building, as shown on the approved plan.
- d. A 510% or more decrease in the amount or location of open space, recreation facilities, or landscape screening.
- e. Substantial changes in pedestrian or vehicular access or circulation.

Sec. 44-328(i). Special use permits.

Allow more flexibility where changes are proposed to special use permit plans without requiring a new application to be approved by the Board of Adjustment. Changes more than 10% to the open space or landscape screening can be administratively approved, rather than 5% as written in the previous version. This percentage is consistent with the thresholds for other types of changes allowed administratively.

(i) *Amendments and minor changes.* Before making a determination as to whether a proposed action is an amendment or a minor change, the planning director shall review the record of the proceedings on the original application for the approval of the special use.

(1) An amendment requires approval by the board of adjustment and shall be handled as a new application. A change in use shall constitute a new application.

(2) The planning director may approve minor changes in approved special uses, as long as they are in harmony with the action of the board of adjustment. The planning director shall use the following criteria in determining whether a proposed change is an amendment to the approved special use permit:

- a. Any increase in intensity of use which means an increase in:
 - 1. Usable floor area;
 - 2. Number of dwelling or lodging units; or
 - 3. Outside land area devoted to sales, displays, or demonstrations.
- b. Any change in parking areas resulting in an increase or reduction of 10% or more in the number of spaces approved by the board of adjustment.
- c. Structural alterations significantly affecting the basic size, form, style, and the like of the building, as shown on the approved detailed site plan.
- d. A 510% or more decrease in the amount or location of open space, recreation facilities, or landscape screens.
- e. Substantial changes in pedestrian or vehicular access or circulation.

Table 44-341-1. Plat classifications and required approvals.

Subdivisions of 200 or more lots must be approved as a planned development. Previously, planned developments were required for subdivisions of 50 or more lots.

Table 44-341-1. Plat Classifications and Required Approvals.

Classification	Description	Preliminary Plat Required	Final Plat Required
Major Subdivision	• New roads, built to NCDOT standards, are required with rights-of-way dedication;	√	√
	• Existing right-of-way dedicated on or after	√	√
		√	√

Classification	Description	Preliminary Plat Required	Final Plat Required
	<p>October 1, 1975 but road not built to NCDOT standards; or</p> <ul style="list-style-type: none"> • The subdivision does not meet the definition of a family or minor subdivision as defined in this Table. • Subdivisions of 50 <u>200</u> or more lots must be approved as a Planned Development (Sec. 44-443) 	√	√

Sec. 44-342(c)(2). Sketch plats/preliminary plats.

The current draft stated that the subdivision review board would take action on a subdivision submittal with 65 days of the submission. The revised draft states that action will be taken on applications submitted 45 days prior to the regularly scheduled subdivision review board meeting. Any resubmissions (needed because information was missing or incorrect in the original submission) would also need to be submitted 45 days prior to the regularly scheduled subdivision review board meeting.

(2) Subdivision review board.

a. The subdivision review board shall approve, approve with conditions, or deny the major subdivision application. The subdivision review board shall take action ~~within 65 calendar days after first considering the application~~ on applications submitted 45 days prior to the regularly scheduled subdivision review board meeting, unless the applicant consents in writing to an extension of this time limit.

b. If the subdivision review board or planning director determines that the application does not comply with this Section, the application and related materials shall be returned to the applicant with written findings as to required corrections and/or completions necessary prior to resubmission. ~~A new 65-day limitation shall begin as of the date of acceptance of such resubmissions.~~ A new time period of at least 45-days prior to the regularly scheduled meeting is required for each resubmission. If the planning director or subdivision review board determines that the errors are minor, the application may be revised and resubmitted without resubmitting the application.

Sec. 44-342(f). Sketch plats/preliminary plats.

Previously, in order to withdraw a plat, written request had to be submitted from the original applicant. The revision allows the written request to come from the previous applicant or the current owner of the property.

(f) There is no limit on successive applications for preliminary plat approval; however, before a new preliminary plat application can be accepted a written request must be submitted from the previous applicant or current owner to withdraw a preliminary plat previously approved. ~~applicant to~~

~~withdraw the preliminary plat approval must be submitted.~~ The subdivision review board must vote on the withdrawal of the previous preliminary plat before considering the new application.

Sec. 44-415. Rural Conservation (RCon)

The number of lots allowed in the RCon without requiring a rezoning to a planned development was increased from 50 to 200 lots.

(e) *Uses.* The uses allowed in the RCon district are listed in Table 44-403-1 - Use Matrix, except for:

- (1) single-family residential subdivisions consisting of ~~50~~ 200 lots or more; developed cumulatively; and
- (2) three or more two-family (duplex) units on separate lots developed cumulatively.

Sec. 44-416(a) and (e). Residential districts (R-80, R-40, R-20, R-15, R-12, R-10, and R-7)

A sentence was added to state that the zoning district designations in the small area plans do not necessarily reflect the official zoning map designations at the time of adoption of the UDO. (Example: Areas designated as a 2-acre lot minimum in the small area plans have been reduced to a one acre lot minimum.)

The number of lots allowed in the residential districts without requiring a rezoning to a planned development was increased from 50 to 200 lots.

(a) *Plan consistency.* The residential zoning districts relate to the residential density recommendations from the small area plans at the time of their acceptance as listed in Table 44-416-1 below. The County's intent is that no rezoning to a zoning classification will be approved unless the location conforms to the designated land use categories except when changing conditions warrant the zoning change and a corresponding change to the comprehensive plan or small area plans. The zoning district designation recommended in the small area plans and depicted in Table 44-416-1 do not necessarily accurately reflect the official zoning map adopted at the time of the adoption of the UDO.

(e) *Uses.*
The uses allowed in the R-80, R-40, R-30, R-20, R-15, R-12, R-10 and R-7 district are listed in Table 44-403-1 - Use Matrix, except for:

- (1) single-family residential subdivisions consisting of ~~50~~200 lots or more; developed cumulatively; and
- (2) three or more two-family (duplex) units on separate lots developed cumulatively.

Sec. 44-428(f). Catawba River Corridor (CRC-O)

Three flag lots are allowed on waterfront properties, without having to build a road to NCDOT standards. The previous draft did not allow the square footage in the "flagpole" to be counted toward the required square footage of the lot. The draft is revised to allow the "flagpole" area to count toward required area.

(f) *Flag lot allowance.* A maximum of 3 flag lots are allowed along a state-maintained road or a new subdivision road provided that a minimum of 45 feet of road frontage is provided. The creation of more than 3 cumulative lots will require a road built to NCDOT standards and be subject to the major subdivision requirements in Article V.

Flag lots must meet the following dimensional criteria:

- (1) The length of the pole can not exceed 5 times the frontage width; and

(2) The square footage of the land area within the flag pole ~~cannot~~ may be used in the calculation of the minimum lot size requirement.

Table 44-430.05-1. Prohibited uses in the MUC-O district.

This is simply a housekeeping matter. The temporary offsite wood waste grinding operation use was deleted from the table because off-site wood grinding (temporary or permanent) is only allowed in an industrial district.

The following list of prohibited uses are not applicable to land areas in the Highway Commercial (HC) nodes along Hwy. 16 South as referenced in Sec. 44-430.02(b)(2). The Highway 16 South nodes allow all permitted uses listed in Table 44-403-1 under the HC category):

Amusement park/arcade (outdoor or indoor)	Farm supplies	Nightclub
Armory	Firing/shooting range (indoor)	Open storage
Auto repair or auto service shops	Flea market (indoor)	Par-three golf
Auto storage or salvage yards	Golf driving range	Pawnshop
Auto, truck, boat, recreation vehicle and motorcycle sales	Greenhouse, commercial	Radio and television studio
Batting cage	Industrial supplies and equipment	Rental of domestic vehicles
Billiard or Pool hall	Lawn and garden	Roadside stand, commercial
Boardinghouse, rooming house	Lumber and building materials sales	Sanitarium and mental institution
Bus terminal	Manufactured/modular home and recreational vehicle sales	Subdivision of land for non-family, single-family residential uses
Campgrounds	Manufacturer's showroom	Telecommunication facilities, wireless
Carwash (free standing)	Miniature golf	Television and/or radio tower facilities
Cemetery, human public	Mini-warehouse	Warehouse
Cemetery, pet	Monument sales	Wholesale distribution
Circus, carnival and fair	Motor vehicle repair, major	Wood waste grinding operations (<u>industrial</u>)
Dragstrips or racetracks	Motor vehicle repair, minor	Zoo Wood-waste grinding operation, temporary offsite
Dry storage facilities	Movie theater (drive-in)	Zoo
Equipment rental	Municipal garage	

Sec. 44-430.07(c). Building design standards/site standards (in MUC-O).

Allow metal buildings in the MUC-O but restrict the use of ribbed paneling for the sides of buildings visible from public view. An exception can be made for sides other than the front by installing or

maintaining a vegetative screen which would shield the façade from public view. This allows for flexibility in the choice of building materials used in the MUC-O.

(c) *Type of construction.* ~~Manufactured, mobile, and metal units are prohibited except as may be allowed for temporary office management or storage uses during the construction phase. The use of smooth vinyl, unpainted cinder block walls, or metal paneling is prohibited, but the use of decorative, split-faced masonry products is permissible. Examples of permissible building materials include masonry, wood, fiber cement product, such as hardiboard, textured vinyl and stucco. Metal may be used as an accent material, but not as the primary building material.~~ The following standards must be met for building construction in the MUC-O.

(1) *Building front.* Ribbed paneling consisting of vinyl or metal material, or unpainted cinder blocks are prohibited as the building material for the front of a building facing a public right-of-way. For the purposes of this Subsection, buildings located on corner lots are only considered to have one front.

(2) *Façade(s) visible from public rights-of-way.* Building façade(s) consisting of ribbed vinyl or metal material, or unpainted cinder blocks are prohibited along the portion(s) of the building, other than the front, which are visible from public rights-of-way. An exception can be made where a solid vegetative screen exists or is installed which shields that portion of the façade(s) from public view, as determined by the planning director.

(3) *Façade(s) not visible from public right-of-way.* Sides not visible from public rights-of-way may use ribbed paneling, painted cinder blocks or other materials.

(4) *Type of building materials encouraged.* Examples of building materials which are encouraged include masonry, wood, fibrocement product, such as hardiboard, textured vinyl and stucco and other new and innovative materials as they become available in the marketplace.

Sec. 44-430.08. Multi-family residential use and design standards (in MUC-O).

The word “multi-family” was added to the title to clarify that the requirements were only for multi-family, not single family developments.

Front loaded garages for multi-family developments were required to be at least 10 feet behind the primary plane of the front façade of the residential structure. The draft was revised to encourage the 10-foot setback, not require it.

The word “multi-family” was added to clarify that the garage and sidewalk requirements are for multi-family developments.

Sec. 44-430.08. Residential Multi-family residential use and design standards.

(a) Multi-family development is allowed only if it is a portion of a mixed-use development and does not comprise the majority of the development. Multi-family development can include apartments, townhomes, rowhouses, or duplexes.

(b) The multi-family development must be connected by vehicular and pedestrian ways to the mixed use commercial and/or office uses.

(c) To encourage uniformity along a street, consistent setbacks for residential units apply.

(d) Front-loaded garages, where constructed for multi-family developments, ~~must~~ should be at least 10 feet behind the primary plane of the front facade of the residential structure.

(e) On-street parking for multi-family development is allowed and is encouraged to be located adjacent to public open spaces and parks.

(f) Sidewalks, for multi-family developments, must be provided on one side of residential streets with a minimum 5-foot width.

Sec 44-430.09(i) and (j). Driveway connection/access management (in MUC-O).

Clarification was made to specify that exceptions could be made to cul-de-sac and block maximum lengths for topography or interconnectivity in addition to land configuration.

(i) *Cul-de-sac length.* Cul-de-sac street segments (street portion between intersections), designed to be so permanently, shall not be longer than 500 feet to the beginning of the turning point. Exceptions can be made in cases where unusual land configuration, topography or interconnectivity dictates otherwise, as determined by the approval authority.

(j) *Block length.* Block lengths cannot exceed 1000 feet. Exceptions can be made in cases where unusual land configuration, topography or interconnectivity dictates otherwise, as determined by the approval authority ~~except upon findings that there is adequate justification for greater length as determined by the approval authority.~~

Sec. 44-430.10. Streetscape landscaping (in MUC-O).

The draft adds that trees planted on the right-of-way would require NCDOT approval. Clarification was also added to state that the approval must be through an encroachment agreement.

Sec. 44-430.10. Streetscape landscaping.

(a) *Existing road buffer and interior street landscaping.* All public interior streets and development fronting along corridor roads must provide the following along all street frontages:

(1) A 3 to 5-foot landscape strip between the curb and sidewalk, subject to NCDOT approval.

(2) A minimum 5-foot wide sidewalk on both sides of street for mixed-use development, subject to NCDOT approval.

(3) A 10-foot (minimum) landscape strip behind the right-of-way (within the front setback).

(4) Street trees must be planted adjacent to the sidewalk and must meet the following.

a. Three shade trees are required for every 100 linear feet of lot frontage.

b. Each tree, at the time of installation, shall have a clear trunk height of at least 5 feet and a minimum caliper of 2 inches. The tree must be a minimum 15-gallon container size or balled and burlapped at time of planting. An appropriate mulch bed must be provided around the tree.

c. A shade tree should achieve a mature height of over 20 feet and a mature spread of at least 15 feet. Mature height should be no less than 20 feet unless overhead utilities are in the planting area.

d. All trees planted within the right-of-way shall require approval by NCDOT through an encroachment agreement.

Sec. 44-430.12(e) and (f). Parking (in MUC-O)

Delete the requirement for parking decks in the MUC-O and clarify that only one commercial vehicle may be parked in view from a public street.

(e) ~~*Parking deck.* Buildings in excess of 50 feet in height will require a parking deck.~~

(f) *Commercial vehicle parking.* Only one p~~arked commercial vehicles cannot~~ be visible from streets. ~~with the exception of one commercial van.~~

Sec. 44-430.14(a)(4). Lighting (in MUC-O).

Delete the setback requirement for light fixtures from residential property and state that the intent is to limit light spillage onto residential areas.

(a) Generally.

- (1) Light fixtures (not attached to buildings) must be affixed to a pole, which may be of metal, fiberglass, or concrete. Wooden poles are not permitted.
- (2) All fixtures must be either semi-cutoff or full-cutoff fixtures only.
- (3) The maximum height of the light source (light bulb), detached from a building, is 20 feet.
- (4) No fixture can be located ~~within 20 feet of a~~ in close proximity to residentially zoned property which would contribute to light spillage upon the residential property.

Sec. 44-430.15(c). Signs (in MUC-O).

Allow temporary portable and poster signs in the MUC-O to announce grand openings and other special events.

(c) *Prohibited permanent signs.* The following are prohibited as permanent signs but may be used in association with grand openings or other special events for a period of not to exceed 30 days:

- (1) Portable signs.
- (2) Roof signs.
- (3) Mechanical movement signs.
- (4) Posters, streamers, or similar devices used to attract attention to the site, advertise a product or communicate a message.
- (5) Windblown signs (banners, balloons, streamers, etc.).

Sec. 44-443.01. Applicability (for planned developments).

The draft required planned developments for subdivisions of 50 lots or more. The draft was revised to require planned developments for subdivisions of 200 lots or more.

(e) A single-family residential subdivision consisting of ~~50~~ 200 or more lots planned cumulatively as of the adoption of this Chapter. Subdivisions of less than ~~50-200~~ lots may chose to apply for a PD district at the developer's option.

Sec. 44-443.15. Architectural elements (for planned developments).

Allow for flexibility in "big box" building design where options in lieu of recesses and projections are allowed to break up the building façade.

Allow metal buildings in planned developments but restrict the use of ribbed paneling for the sides of buildings visible from public view. An exception can be made for sides other than the front by installing or maintaining a vegetative screen which would shield the façade from public view. This allows for flexibility in the choice of building materials used in planned developments.

Sec. 44-443.15. Architectural elements.

Buildings within the PD must be designed with a consistent architectural theme and color scheme. Building height, rhythm, articulation, massing and bulk must be compatible with the individual site attributes and be compatible with the surrounding neighborhoods. The following also apply:

- (a) PD building facades must contain setback relief and a variety of roof component shapes.
- (b) *Big box design.* For buildings greater than 75,000 square feet ("big box" design) where the storefront length is greater than 60 feet, recesses and projections of 4 feet or more from the primary building line must be provided comprising a total of at least 33% of the storefront length along all sides facing public streets. An exception to the recesses and projections requirements may be granted where the intended affect can be accomplished through a different architectural design which breaks up the appearance of the building façade.
- (c) ~~Metal may be used only as an accent or roofing material, not as primary façade treatment~~Building construction standards:
 - (1) *Building front.* Ribbed paneling consisting of vinyl or metal material, or unpainted cinder blocks are prohibited as the building material for the front of a building facing a public right-of-way. For the purposes of this Subsection, buildings located on corner lots are only considered to have one front.
 - (2) *Façade(s) visible from public rights-of-way.* Building façade(s) consisting of ribbed vinyl or metal material, or unpainted cinder blocks are prohibited along the portion(s) of the building, other than the front, which are visible from public rights-of-way. An exception can be made where a solid vegetative screen exists or is installed which shields that portion of the façade(s) from public view, as determined by the planning director.
 - (3) *Façade(s) not visible from public right-of-way.* Sides not visible from public rights-of-way may use ribbed paneling, painted cinder blocks or other materials.
 - (4) *Type of building materials encouraged.* Examples of building materials which are encouraged include masonry, wood, fibrocement product, such as hardiboard, textured vinyl and stucco and other new and innovative materials as they become available in the marketplace; and
- (d) Garage fronts in a duplex or multi-family PD must be de-emphasized and not be the most prominent architectural feature of the house.

Sec. 44-446.14. Site appearance (in 321-ED).

Allow metal buildings in the Hwy. 321 corridor but restrict the use of ribbed paneling for the sides of buildings visible from public view. An exception can be made for sides other than the front by installing or maintaining a vegetative screen which would shield the façade from public view. This allows for flexibility in the choice of building materials used in the Hwy. 321 corridor.

- (5) *Building construction materials.* Manufactured, mobile, and metal units are prohibited except as may be allowed for temporary office management or storage uses during the construction phase. The use of smooth vinyl, unpainted cinder block walls, or metal paneling is prohibited, but the use of decorative, split-faced masonry products is permissible. Examples of permissible building materials include masonry, wood, fiber cement product, such as hardiboard, textured vinyl and stucco. Metal may be used as an accent material, but not as the primary building material.The following standards must be met for building construction in the 321-ED district:
 - a. *Building front.* Ribbed paneling consisting of vinyl or metal material, or unpainted cinder blocks are prohibited as the building material for the front of a building facing a public right-of-way. For the purposes of this Subsection, buildings located on corner lots are only considered to have one front.

b. Façade(s) visible from public rights-of-way. Building façade(s) consisting of ribbed vinyl or metal material, or unpainted cinder blocks are prohibited along the portion(s) of the building, other than the front, which are visible from public rights-of-way. An exception can be made where a solid vegetative screen exists or is installed which shields that portion of the façade(s) from public view, as determined by the planning director.

c. Façade(s) not visible from public right-of-way. Sides not visible from public rights-of-way may use ribbed paneling, painted cinder blocks or other materials.

d. Type of building materials encouraged. Examples of building materials which are encouraged include masonry, wood, fibrocement product, such as hardboard, textured vinyl and stucco and other new and innovative materials as they become available in the marketplace.

Sec. 44-446.15(d) and (e). Mixed use development in the 321-ED(MX) district.

The maximum height for single-family dwellings, duplexes, zero-lot-line dwellings and nonresidential units in the 321 corridor district was increased from 2 ½ stories to 3 stories.

(d) *Residential developments.*

Single-family dwelling units are permitted in conjunction with other residential types including the following:

(1) Clustered single-family and duplexes, subject to the following:

- a. Minimum lot size: 20,000 square feet. Lot sizes may be reduced by up to 50% of the minimum required lot size, provided that at least 75% of the balance of the original lot size must be preserved as common open space, accessible by all reduced building sites. Up to 50% of the common open space may be located in a designated floodplain or may be reserved for a public use.
- b. Minimum lot width: 50 feet (60 feet for duplexes); add 10 feet on corner lots.
- c. Minimum front setback: 15 feet (25 feet where the lot abuts a dedicated street or a large-lot single-family home site).
- d. Minimum side setbacks: 10 feet.
- e. Minimum rear setbacks: 20 feet.
- f. Maximum height: 35 feet or ~~2 ½~~ 3 stories.
- g. Accessory buildings shall be located in the rear setback no closer than five feet from the principal dwelling or five feet from any property line and no more than ten feet in height.

(2) *Zero-lot-line.* Zero-lot-line development allows the construction of single-family dwellings on individual recorded lots without a side setback requirement on one side. This concept permits the better use of the entire lot by compacting the front, rear and side setbacks into one or more internal gardens which may be completely walled or screened. This type of development is an affordable alternative to standard large-lot single-family dwelling units and apartments, condominiums or townhouses, which usually share common walls.

- a. Minimum lot size: 20,000 square feet. However, lots may be reduced by up to 75% of the minimum required lot size, provided that at least 75% of the balance of the original lot size must be preserved as common open space, accessible by all reduced building sites. Up to 50% of the common open space may be located in a designated floodplain or may be reserved for a public use (school, library, community building, etc.).
- b. Minimum lot width: 40 feet (50 feet on corner lots).
- c. Minimum front setback: 10 feet (25 feet where the lot abuts a dedicated street or a large-lot single-family home site).
- d. Minimum side setbacks: 10 feet on one side, zero feet on the opposite. However, in no case shall a zero-lot-line dwelling be closer than 10 feet to the lot line of a large-lot single-family home site or a dedicated street.

- e. Minimum rear setbacks: 20 feet.
- f. Maximum height: 35 feet or ~~2 1/2~~ 3 stories.

Sec. 44-503(f)(3). Vegetation preservation.

Clarify that scrub pines can be cleared from property being developed.

(3) The clearing of nuisance vegetation in new developments, such as kudzu, weeds, etc. is allowed. Also individual trees, such as scrub pines, can be cut that are dead, diseased or damaged, or if they pose a threat to human life or property.

Sec. 44-517. Street connectivity.

The draft stated that street segment length should not exceed 1000 feet (with exceptions listed). The revised draft states that the segment cannot exceed 1000 feet (with exceptions). This is consistent with language throughout the UDO.

(b) *Internal connectivity.* Internal connectivity is needed for convenient access, circulation, traffic control and safety.

(1) *Street segment.* The maximum length of a street segment ~~should not~~ cannot exceed 1000-feet unless interconnectivity can be achieved by exceeding the maximum, or topography, drainage, natural water features surrounding development patterns dictate otherwise, as determined by the subdivision review board.

Sec. 44-518. Sidewalks.

Maintenance responsibilities for non-residential and residential sidewalks is noted, whether constructed within or outside of NCDOT's road right-of-way.

(a) *Nonresidential requirements.*

(1) Sidewalks, with a minimum width of 5 feet, are required of new developments that are located within commercial, industrial or office and institutional zoning districts, and have frontage on major thoroughfares in urban areas as depicted in the urban area transportation plan, and major collector or higher classification in rural areas as depicted in the County thoroughfare plan.

(2) Sidewalks are required for special district developments and developments in the MUC-O overlay district, as required in Sec. 44-430.

When subsection (1) above applies, sidewalks with a minimum width of 5 feet, are required along the front of commercial buildings adjacent to foundation plantings as required in Sec. 44-523(g).

All sidewalks constructed within the public right-of-way require approval by NCDOT through an encroachment agreement.

All sidewalks, whether constructed within or outside of the public right-of-way, must be maintained by the developer, unless or until maintenance responsibilities are transferred or assigned to a homeowners association or other responsible entity.

(b) *Residential requirements.*

(1) Sidewalks or hard surfaced pedestrian walkways, with a minimum width of 5 feet, are required along one side of the street for all new residential developments when 25 or more lots are proposed within a district which allows lots 1/2-acre or less in size.

a. The number of lots are cumulatively counted for the entire development as approved from the date of adoption of this Chapter.

b. Cul-de-sac roads less than 500 feet in length, without intersecting roads, are exempt from the sidewalk requirement.

(2) Sidewalks are also required along the frontage of new residential developments on major thoroughfares in urban areas and major collector or higher classification in rural areas as depicted in the adopted transportation/thoroughfare plans.

(3) The improved secondary open space requirement in Sec. 44-543(d) may be used to meet the sidewalk requirement.

All sidewalks constructed within the public right-of-way require approval by NCDOT through an encroachment agreement.

All sidewalks, whether constructed within or outside of the public right-of-way, must be maintained by the developer, unless or until maintenance responsibilities are transferred or assigned to a homeowners association or other responsible entity.

Sec. 44-522(d). Lighting standards.

"Drop lenses" were removed from the list of prohibited lighting and fixtures.

(d) *Prohibited Lighting and Fixtures.* The following are prohibited:

(1) ~~Drop lenses~~, Vertical burn lamps and similar lighting fixtures.

Sec. 44-523(b). Landscaping standards.

For clarification "nuisance materials" was added to the list of other vegetation that needs to be removed from a site at the time of occupancy.

A statement was included to indicate the entity responsible for all landscaping and screening.

(b) *Generally.*

(1) Required landscaping cannot obstruct visibility at intersections as required in Sec. 44-407.

(2) In providing the vegetation required by this Division, the retention of existing significant vegetation is encouraged.

All dead or dying trees, stumps, litter, brush, weeds or other ~~debris~~ nuisance materials must be removed from the site at the time of occupancy.

(4) All roadway slopes must be landscaped and all cuts and fills must be designed and/or vegetated to be sufficient to prevent erosion.

(5) Developments must utilize existing topography, such as hills, ridges and berms, to screen parking and maintenance areas to the maximum extent possible.

(6) All landscaping and screening which provide buffering and screening must be maintained as depicted on the detailed site plan. All landscaping and screening must be maintained by the developer, unless or until maintenance responsibilities are transferred or assigned to individual(s), a homeowners association or other responsible entity.

Sec. 44-523(f)(3). Landscaping standards.

The timeframe for perimeter buffer screening to reach the minimum height of 6 feet was increased from 3 to 5 years. The requirements were also lessened to allow for a minimum 2-inch caliper or a 15-gallon container size.

(3) *Screening.* Screening within the buffer area must consist of one of the following to create a solid screen:

- a. A dense vegetative planting incorporating trees and/or shrubs of a variety that must be equally effective in winter and summer to achieve a solid continuous visual screen within ~~3~~ 5 years after the initial installation.
1. All plant materials must be a conifer or broadleaf evergreen to achieve a minimum height of 6 feet within ~~3~~ 5 years.
 2. Trees and/or shrubs must be adequately spaced.
 3. If a buffer area is greater than 100 feet in length, more than one species of plant material is required in order to minimize insect and disease infestations.
 4. One ornamental tree or large canopy tree is required for every 150 linear feet of buffer area. It may be planted in the buffer area or in the immediate adjacent area. It shall meet the following minimum standards:
 - i. Each tree, at the time of installation, must have a clear trunk height of at least 5 feet and a minimum caliper DBH of 2 inches. ~~The tree must be a minimum or a~~ 15-gallon container size or balled and burlapped at time of planting.
 - ii. Mature height must be at least 20 feet unless overhead utilities are in the planting area.

Sec. 44-523(h). Landscaping standards.

The requirements were lessened to allow for a minimum 2-inch caliper or a 15-gallon container size for street trees for both residential and nonresidential developments.

The distance between required street trees for nonresidential developments was clarified to state that a tree is required every 100 feet of road frontage. (The previous draft said 100 feet of lot frontage.)

Maintenance responsibilities for street trees was defined, whether planted within or outside of a NCDOT road right-of-way.

(h) *Street trees.*

- (1) Street trees must be planted in all multi-family or non-residential developments. All public interior streets and development fronting along existing external roads must provide the following along all street frontages:
 - a. A 3 to 5-foot landscape strip between the curb and sidewalk, when sidewalks are required.
 - b. A 10-foot (minimum) landscape strip behind the right-of-way (within the front setback).
 - c. Street trees must be planted adjacent to the sidewalk or right-of-way and must meet the following.
 1. One shade tree is required for every 100 linear feet of ~~lot~~ road frontage.
 2. Each tree, at the time of installation, shall have a clear trunk height of at least 5 feet and a minimum caliper of 2 inches. ~~The tree must be a or a~~ minimum 15-gallon container size or balled and burlapped at time of planting. An appropriate mulch bed must be provided around the tree.
 3. A shade tree should achieve a mature height of over 20 feet and a mature spread of at least 15 feet. Mature height should be no less than 20 feet unless overhead utilities are in the planting area.All trees planted within the public right-of-way shall require approval by NCDOT through an encroachment agreement.

Street trees, whether planted within or outside of the public right-of-way, must be maintained by the developer, unless or until maintenance responsibilities are transferred or assigned to individual(s), a homeowners association or other responsible entity.

- (2) Street trees must be planted in all major subdivision developments along the internal subdivision roads and the frontage of a corner lot on an existing external road, where it intersects with the internal subdivision road. Street trees must be planted adjacent to the sidewalk (when required) or right-of-way and must meet one of the following:

- a. 2-inch caliper or 15 gallon container street trees must be planted for every 50-foot of road frontage; or

- b. Existing vegetation which meet the standards of Subsection a. above

Table 44-534-1. Required Parking Spaces.

Parking for multi-family units with 2 or more bedrooms was reduced from 2.25 spaces to 2.0 spaces, which is consistent with a duplex.

	Spaces per Unit of Measure
Residential uses:	
Congregate living facility, per employee of largest shift	1.0
Plus, per facility vehicle	1.0
Plus, per resident	0.2
Dormitories, fraternities and sororities, per 1,000 sq. ft. GFA	3.3
Dwelling units:	
Multi-family:	
Efficiency, per dwelling unit	1.25
One bedroom, per dwelling unit	1.50
Two or more bedrooms, per dwelling unit	2.25 2.0
Two-family, per dwelling unit if garage is not constructed	2.0

od recreation/open space for non-cluster developments.

Add language for maintenance responsibility of neighborhood recreation/open space for traditional subdivisions, which is consistent with maintenance responsibility for cluster subdivisions.

(g) Neighborhood recreation/open space dedication and maintenance. Neighborhood recreation/open space shall be dedicated in accordance with the following:

(1) Subdivision occupants shall be ensured direct access to and use of the subdivision's neighborhood recreation/open space, through the conveyance of the open space to a homeowners' association or a public agency or nonprofit organization. Such organization must be capable and willing to accept responsibility for maintaining the neighborhood recreation/open space for its intended purpose.

Each dedicated open space parcel and improvements shall be shown on the final plat recorded in the register of deeds, with a notation of its area.

The owner(s) of the neighborhood recreation/open space, whether it be the homeowners' association, public agency or nonprofit organization, is responsible for maintaining the open space so that it continues to effectively function for its intended use.

Sec. 44-544(e). Open space requirements for cluster subdivisions.

Required open space for cluster subdivisions was reduced from 30% to 25%.

(e) *Required open space.* The total area dedicated as permanent open space must make up at least ~~30%~~ 25% of the net acreage of the subdivision, resulting from excluding the internal road right-of-ways. As an incentive to provide additional open space, a cluster subdivision can receive a density bonus for providing additional open space beyond the requirement in this Section. For every 1% open space above the minimum open space requirement an increase in the number of lots is allowed at a direct proportion ranging from a minimum 1% to a maximum of 10% of the total lots allowed.

Sec. 44-561(a) and (b). Temporary signs.

Allow real estate "pointer signs" for a 3-day timeframe to give direction to open houses and other promotional events.

Allow construction site signs to have 32 square feet instead of 20 square feet.

Sec. 44-561. Temporary signs.

The following temporary, unlighted signs may be erected in the manner prescribed without the issuance of a zoning authorization permit.

(a) *Real estate signs.*

(1) For lots less than one acre, a single sign on each street frontage may be erected. The sign cannot exceed 6 square feet in area; shall observe a front setback of 10 feet; shall contain the message that the property is for sale, lease or rent and the name, address and phone number of the agent. The sign must be removed immediately upon the sale or lease of the property.

(2) For lots of one acre or more in area, such signs may be up to 20 square feet in area.

(3) Real estate "pointer" signs are allowed for a period not to exceed 3 days, which give direction to open houses and special marketing promotions.

(b) *Construction site signs.* A construction site identification sign may be displayed that may contain identification of the project and its owner and/or developer, architect, engineer, land planner, landscape architect, contractor and subcontractors. The sign cannot exceed ~~20~~32 square feet in area and must be located at least 10 feet from the front property line. The sign can only be displayed for the duration of the project.

Sec. 44-564(t). Off-premise signs-billboards.

Allow an existing off-premise sign to be upgraded to LED technology instead of requiring the removal of 3 other billboards to permit a billboard with LED.

Decrease the separation distance between billboards with LED technology from 4000 to 1200 feet.

(t) An off-premise sign may be upgraded or constructed, where permitted, utilizing LED technology ~~is prohibited unless three other off-premise signs in the county's jurisdiction are removed in exchange for one off-premise sign with LED technology.~~ In addition, an off-premise sign with LED technology must be separated from another off-premise sign with LED technology by ~~4000~~1200 feet. A LED off-premise sign must hold a static message a minimum of 8 seconds.

Sec. 44-567. Development name markers.

Clarification was added to give the figure and section number which states how the sign area for a subdivision development must be calculated.

(d) The sign cannot exceed 32 square feet in area, as calculated under Sec. 44-554 and Fig. 44-554-1.

Sec. 44-614. Dwelling, 2 family – duplex.

The previous draft required that driveways for front loaded garages had to be shared. The revision makes sharing of driveways optional.

(b) Driveways serving front loaded garages ~~must~~ should be shared to reduce driveway cuts. Other driveways servicing garages must have side or rear access.

Sec. 44-624. Swimming pool, Private – in ground and above ground.

Delete the requirement that the perimeter of a pool be fenced due to past discussions by the building services advisory committee who recommended against this requirement.

Sec. 44-624. Swimming pool, private – in ground and above ground.

- (a) Swimming pools must not be erected in any required front setbacks.
- (b) Swimming pools must be separated from the principal structure by at least 10 feet.
- (c) Swimming pools may not be located any closer than 10 feet from any side lot line and 10 feet from any rear lot line.
- ~~(d) The perimeter of the swimming pool must be fenced, with a minimum height of 6 feet, for safety purposes.~~

Definitions -Open storage.

Amend the definition of open storage to allow for the display of retail sale items, which would not be subject to the screening requirements.

Open storage - Materials, supplies, equipment, ~~non-motorized merchandise~~, motorized vehicles awaiting major vehicle repair, non-motorized commercial vehicles and like items that are stored outside a building or in a building not closed on all sides. The following exclusions to the definition of open storage include items or products displayed for retail sale.

- 8. Presentations:
 - a. Commissioner Barger presented Jennifer McCracken, Public Health Nurse Supervisor, with a proclamation recognizing February 18-24, 2007 as “NC Association of School Based/School Linked Health Centers Week”. All school based and school linked health centers provide a vital link in a health care network within many communities across North Carolina. These centers provide accessible, affordable quality health care and health education that improves the lives of young people and their families, and positively impacts the health “safety net” system in Catawba County by providing youth with access to health care providers. The proclamation urged all citizens to recognize the adolescent health partnership between Catawba Pediatrics Associates and the Catawba County Health Department’s Totally Teens Health Center for its role in improving the health and well being of youth in Catawba County.
 - b. Chair Barnes presented a resolution recognizing Siboniseni Buthelezi, participant in the ILGM/ICMA Fellowship Program from Johannesburg, South Africa. Ms. Buthelezi, who is Manager of Visible Service Delivery for the City of Johannesburg, South Africa, is taking part in a six-week study program during which she will spend three weeks in Catawba County and three weeks in Winchester, Virginia. While Ms. Buthelezi is in Catawba County, she will observe and participate in the daily operations of Catawba County Government and other local agencies. County Manager J. Thomas Lundy added that the Local Government Management Institute and South Africa started the program several years ago with some support from ICMA. The program selected local government officials and give them the opportunity to have a short study abroad. This was the County’s second experience hosting a South African local government official.

c. Suzette Plaisted, Vice-President of the Catawba County Chamber of Commerce, presented an overview of the Champions of Education program and its current direction. Champions of Education was created as a result of discussions on ways to meet goals recommended in the 2004 FORESIGHT Committee report regarding education. The Champions of Education program seeks to transform educational achievement by raising the level of awareness of the value of education and engaging broad community participation to improve education in Catawba County. Commissioner Lail asked that the Board be provided measurement figures particularly on the face to face conferences proposed by the program.

9. Appointments:

Upon the recommendation of Commissioner Barger, the Board designated the Department of Social Services as the County's lead Agency on Aging for fiscal years 2007-2010, with responsibility for planning and coordinating the County's funding plan for a Home and Community Care Block Grant for Older Adults awarded by the State. The Board has designated the Department of Social Services as lead agency on aging since fiscal year 1993-1994, under requirements stipulated by the North Carolina Division of Aging. In February 2004, the Board named an Advisory Committee to carry out this responsibility, with terms expiring in February 2007. Commissioner Barger recommended the appointment a 10-member Advisory Committee for a new three-year term. The recommended members of this Board were Miriam Davis, Frances Frock, Rev. Luther Knauff, Alice Layne, Grace McLeod, Mary Mode, Max Padgett, Gladys Seitz, John Waters and Sheila Weeks. Commissioner Barger also recommended the appointment of Sarah Greko for a first term and Mali Lao for an unexpired term and first term on the Community Service Block Grant Advisory Board. Commissioner Lynn Lail recommended the appointment of Linda Holleman for an unexpired term on the Equalization and Review Board. Commissioner Lail also made a recommendation to the WPCOG for the appointment of Harriett Bannon to the Western Piedmont Council of Governments' Aging Advisory Committee. These recommendations came in the form of a motion and the motion carried unanimously.

10. Consent Agenda:

County Manager J. Thomas Lundy presented the two following items for consent:

a. Mental Health Budget Revision. Catawba County Mental Health Services Board requested a revision to the current Mental Health budget to decrease that budget by \$3,822,489, bringing it to a total of \$15,215,107.31. The revision added no new positions & requested no additional County funding. Adjustments to the budget included \$226,905 in additional allocations from the State government, as follows: a) \$98,200 has been allocated to Mental Health Services of Catawba County (MHSCC) on a one-time basis to serve clients with Traumatic Brain Injuries (TBI). The funds will be used to purchase additional services for the TBI population from within the local provider network; b) \$130,000 awarded to MHSCC on a one time basis for the support and/or development of Mobile Crisis services. The basic philosophy for these services is to meet clients in their need and deliver services at the needed location. MHSCC will contract with Catawba Valley Behavioral Health to provide these services; c) Catawba County has been allocated \$39,705 in public psychiatry funding (\$13,235 on a one time basis), which may be used for all ages and disabilities, to support psychiatrists at the local level. \$9,930 will be distributed to Family N.E.T. while \$29,775 will be allocated to Catawba Valley Behavioral Health, based on average current usage; d) A reduction of \$41,000 is included in this part of the budget revision. MHSCC budgeted \$354,000 in its initial FY 2006/07 budget process for Mental Health Hospital Downsizing – Adult Admission, in expectation of this actual allocation. The State reallocated these funds this year in the amount of \$313,000, on a one-time basis, for the purpose of developing and providing services needed to decrease admissions to State psychiatric hospitals. These funds are to be used to support ongoing funding for inpatient indigent care in local hospitals and continued support for two mental health staff located in the emergency department. MHSCC recognizes the need for these services and will transfer funds from other sources to cover this shortfall in the expected State allocation. The revision also includes a decrease of \$4,049,394 to more accurately reflect billable Medicaid services, due to providers being able to direct-bill Medicaid. Initial projected Medicaid contracts were high due to prior year usage. The revision will more closely align MHSCC to actual budget needs.

b. The Board approved three tax refund requests totaling \$997.20 – one to Cincular Wireless LLC in the amount of \$183.26; one to Bertie Hollar for \$376.08 and one to Dan A. Hunsucker in the amount of \$437.86. Records had been checked and these refunds verified, so the Tax Collector

recommended approval. Under N.C. General Statute 105-381, a taxpayer who has paid his or her taxes may request a refund in writing for an amount paid through error.

Commissioner Barger made a motion to approve the consent agenda. The motion carried unanimously.

11. Department Reports.

Assistant County Manager Joellen Daley gave the Board an update on discussions and studies that have been ongoing for more than a year regarding the possible merger of mental health services in North Carolina into ten regional agencies, as proposed in a September 2005 plan from the North Carolina Division of Health and Human Services. The County had retained Jean Suppan to prepare a comprehensive report relative to merger options. That report outlined seven different options ranging from Catawba only, Burke and Catawba and to Crossroads and Foothills. In mid-December a meeting took place with the managers in Crossroads and Foothills to review the report. Meetings took place with Burke to review the option of merging with only Burke County. The consensus was to stay small and to stay to the West. The Burke Board met in mid-January and decided to put together a letter to forward to Foothills about certain things that had to occur for them to stay in that LME. Burke continued to communicate their desire to merge with Catawba County. Currently, several options were still on the table and communications will continue with Burke regarding the possible merger. Chair Barnes commented that the actions taken by Catawba County's Mental Health Board had provided a smooth transition by comparison to what is heard from across the State.

12. Other Items of Business. Vice-Chair Beatty thanked Jacky Eubanks and his department and County Manager Lundy for coming up with an educational plan for the adoption of the UDO and stressed that if anyone wanted Planning to come out and speak to their group, she was sure Mr. Eubanks would arrange it.

13. Attorneys' Report.

14. Manager's Report. County Manager Lundy requested a closed session of the Board pursuant to General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment or condition of initial employment of an individual public officer or employee – for his performance evaluation. No public action was anticipated. Commissioner Barger made a motion to move into closed session at 10:50 a.m. The motion carried unanimously.

15. Upon returning to open session, Commissioner Lail made a motion to adjourn at 11:44 a.m. The motion carried unanimously.

Barbara G. Beatty, Vice-Chair
Board of Commissioners

Barbara E. Morris, County Clerk