Regular Session, October 19, 2026, at 7:00 p.m.
Catawba County Board of Commissioners


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The Catawba County Board of Commissioners met in Regular Session on Monday, October 19, 2026, at 7:00 p.m., in the Board of Commissioners Meeting Room, 2nd Floor, Catawba County Justice Center, 100 Government Drive, Newton, North Carolina.

Present were Chair Randy Isenhower, Vice Chair Austin Allran and Commissioner and Barbara G. Beatty. Commissioners Robert C. Abernethy, Jr., and Cole Setzer were not present.

Also present were County Manager Mary S. Furtado, Assistant County Manager Paul Murray, Assistant County Manager Adam Lindsay, County Attorney Jodi Stewart, and County Clerk Dale Stiles.

1. Chair Randy Isenhower called the meeting to order at 7:00 p.m., noting a quorum was present.

2. Chair Isenhower led the Pledge of Allegiance.

3. Commissioner Barbara G. Beatty offered the invocation.

4. Vice-Chair made a motion to approve the Minutes from the Board's Regular Meeting and Closed Session of October 5, 2026. The motion carried unanimously.

5. Recognition of Special Guests:
   Chair Isenhower welcomed everyone present.

6. Regular Public Comment.
   Michael McRee came forward and spoke in favor of the school merger and keeping the monument at the Historic 1924 Courthouse. Freddy Matthews came forward and spoke about concerns with Legacy Home Builders working to establish a homeowners' association in his development on Fairgrove Church Road. James Hurd came forward and spoke in opposition to the school merger.

7. Presentations.
   Republic Services Customer Service Report.
   Republic Services Manager of Municipal Sales Scott Lefler provided a Republic Services customer service report to the Board. Mr. Lefler acknowledged the recent spike in customer service issues reported by Republic Services customers county-wide and shared information on Republic's efforts to address those service issues. Mr. Lefler indicated he intends to be in constant communication with County staff in coming weeks and months and will schedule updates before the Board as appropriate. When his report concluded, Commissioner Beatty asked what area of the county has the most issues. Mr. Lefler responded that the Sherrills Ford area has more issues due to growth and that Republic has added two additional routes in that area.

8. Public Hearing/Department Reports.
   Planning Department.
   Planning Director Chris Timberlake requested the Board of Commissioners (**a**) hold a public hearing to consider adopting an update to the Unified Development Ordinance (UDO); and (**b**) consider adopting proposed revisions to Chapter 32 – Solid Waste of the Catawba County Code of Ordinances, which inserts

the entire Abandoned and Junk Vehicles section of regulations previously included in the Unified Development Ordinance.

In April 2024, the Catawba County Board of Commissioners adopted an updated Comprehensive Plan. This update emphasizes a deliberate and balanced approach to future development in Catawba County. Land use regulations established through the Unified Development Ordinance (UDO) aid in implementing the community values expressed in the comprehensive plan. The purpose of this proposed update is to reflect the goals of the 2024 Catawba County Comprehensive Plan, address current development challenges, and align with recent updates to North Carolina General Statutes. Over the past 18 months, county staff, along with consultant staff from Freese & Nichols, have worked to gather community and targeted stakeholder feedback and to update the UDO to reflect the Comprehensive Plan.

Key policy revisions from the Plan addressed in the proposed updated UDO include:

- Establishment of density maximums for multifamily projects and high-density single-family uses;
- Inclusion of subdivision design standards concerning open space, street connectivity, landscaping, tree canopy, amenities;
- Emphasis on ensuring open space is functional as means of preserving sense of place and neighborhood character;
- Improved clarity, objectivity, and predictability of by-right development regulations; and
- Stability and consistency with the standards and language throughout the code.

Using the Comprehensive Plan as the foundation, staff received feedback from several sources, including a public online survey, stakeholder meetings, and dialog with members of the Planning Board and Board of Commissioners. Key themes that emerged from the feedback included:

- Create a modern, more user-friendly code;
- Use graphics and tables to illustrate concept and procedures,
- Consolidate repetitive language; and
- Encourage a high-quality built environment.

In the last few months, Board members have attended several work sessions to review proposed revisions and provide feedback to planning staff. The major changes proposed in the UDO include:

- Reorganization of processes and procedures from three articles into one, with a summary chart listing approval entities;
- Relocation of the Abandoned and Junk Vehicle section in its entirety from the UDO to Article II of Chapter 32: Solid Waste in the County's Code. *(Note: Clean and redlined versions of the proposed insertion are included in the agenda packet. Adoption of this change will require a separate action to amend the County Code by the BOC, if favorable to the recommendation)*;
- Inclusion of requirement for applicant to hold a community meeting when a special district, such as Planned Development or a Conditional District, is requested;
- More streamlined consolidation and grouping of similar uses in the Land Use Table (reducing from 368 to 134 uses), and addition of modern land uses such as data centers, microbreweries and event venues;
- Revision of Supplemental Requirements for uses such as data centers, accessory dwellings, and campgrounds in residential districts;
- Limitation on allowance for cluster subdivisions to be permitted only when public water and sewer can serve the project;
- Requirement for construction of sidewalks on both sides of the street in multifamily developments, high-density (R-20) developments, and cluster developments;
- Requirement for subdivisions of 75 lots or more to be rezoned to Planned Development;
- Provision of multi-family development density maximums, depending on project acreage;
- For new residential subdivisions (not individual single-family lots), multifamily and commercial/industrial development, requirement that a percentage of existing trees be kept or replaced;
- For creation of new lots, lots greater than 3 acres in size are exempted from requirement for septic system improvement permit;
- Increased requirement for open space in traditional and cluster subdivisions; and
- Increased minimum lot size in cluster developments.

A public drop-in was held on Tuesday, September 22, 2026. This was an opportunity for the public to review the updated UDO, speak with staff, and share feedback. Approximately 25 people attended. Attendees shared positive feedback regarding the proposed changes to cluster subdivisions (increased lot size, requirement for public utilities connection), tree preservation requirements, and overall document format. Individual attendees made comments related to the desire for short-term rental regulations and dissatisfaction with proposed language on expansion of nonconformities and the proposed 75-unit threshold for Planned Developments.

Staff recommended the Planning Board vote to submit a favorable recommendation to the Board of Commissioners to consider adoption of the updated Unified Development Ordinance.

Planning Board members asked questions to clarify both the active vs. passive open space requirement and the impact of the tree removal permit on forestry management plans. The Planning Board also inquired as to how Planning Board feedback had been conveyed to the Board of Commissioners.

During the Public Hearing, ten citizens and one attorney spoke about their concerns regarding Short Term Rentals (STRs) and shared their desire for STR regulations. One citizen shared a proposed amendment to regulations for administrative approval of expansions to nonconforming uses.

After the Public Hearing, the Planning Board inquired as to the rationale behind not recommending STR regulations (discussed in more detail below).

The Planning Board voted 7 – 0 to recommend the Board of Commissioners adopt the proposed 2026 Unified Development Ordinance with recommendation to consider future study and possible revision to the nonconforming regulations related to administrative approval of expansion and Short-Term Rentals and to adopt the Proposed Plan Consistency and Reasonableness Statement as presented.

Based on feedback received during the public drop-in Open House, the Planning Board Public Hearing, through the Planning Board's formal motion, and ongoing policy discussions, there are a handful of areas where additional revisions have been put forward for BOC consideration. Staff reviewed five areas of regulation where additional discussion was requested, and offer the following:

1. Driveway connection standards – Consider establishing minimum driveway width and apron radius.
    - Staff recommends residential paved driveways within planned developments and cluster subdivisions be a minimum of 10 feet wide for single-car driveways or 18 feet wide for two-car driveways and include an apron with a minimum 3-foot radius for the driveway's connection at the street. *(Section 44-308D: Driveways and Driveway Aprons; page 195)*
2. Data Center Regulations – Consider a broad range of modifications to proposed conditional standards such as setbacks, building height, buffering, cooling systems, and utility service commitments, among other things.
    - Staff recommends modifying the proposed maximum building height from 40 feet to 70 feet, to maintain consistency with allowances for most other industrial uses.
    - Staff recommends the BOC consider replacing the requirement for submittal of an electrical service will-serve letter during the rezoning process to with one requiring submittal of a "large load customer system impact study." (The study is a technical and economic analysis that evaluates how the addition of a significant electricity customer will affect power system reliability, performance, and cost.) This proposed change is based on timelines for local rezoning not typically aligning with timelines for completion of electricity will-serve analysis. Proof of electric utility coordination is maintained with the proposed revision.
3. Require creation of homeowners' associations (HOAs) to manage road maintenance responsibility within major subdivisions prior to public dedication – Consider requiring developers of major subdivisions to create homeowners' associations as a means of ensuring some entity is responsible for long-term road maintenance on roads not initially dedicated to the public upon development.
    - Staff does not recommend this revision. Some citizens prefer to live where they are not bound by HOA regulations, and requiring formation of an HOA does not ensure the entity will appropriately fulfill the purpose of ensuring road maintenance. NC Department of Transportation

will not accept privately maintained roads into public maintenance until a certain housing / population density along the road is reached, and in the period prior to acceptance by NCDOT there is no regulatory toehold to ensure the HOA is properly accruing maintenance funds. The developer remains the declarant of the HOA until enough homes are sold to individuals where the HOA moves out of the developer's control. This regulation, if implemented, could grow into a regulatory burden that does not achieve the desired policy objective.

4. Administrative approval of nonconforming use expansion (≤10%)– Request for staff to use the same criteria used by Board of Adjustment (BOA) before authorizing such an expansion.

By way of background, non-conforming use expansions of more than 10% must be approved by the BOA, based on findings of fact related to six standards found in Article 4 Division 1 Section 44-401.C.2.a-f. (*See page 239 of the UDO.*) Expansions of up to 10% must be administratively approved by the Planning Director, who measures the expansion and then approves or denies it based on the 10% threshold. *The citizen-proposed amendment and supporting materials have been included in your agenda packet for review.*

- Staff does not recommend this revision. The BOA operates in a quasi-judicial manner and has the opportunity, as a five-member board, to consider testimony and ask questions of applicants, expert witnesses, and other parties to arrive at its decision based on the standards in the UDO.

Implementing the proposed language revision not recommended by staff would introduce a higher level of individual staff discretion in non-conforming use expansions by requiring application of 6 standards used by the 5-member BOA. Staff recommends leaving the standard as written.

5. Short Term Rentals – Consider implementing regulations governing Short Term Rentals in Catawba County. *The draft regulations evaluated but not recommended by staff have been included in your agenda packet for review.*
   - Staff does not recommend adopting Short Term Rental regulations. Any regulations implemented would not be retroactive, meaning they would not be applicable to existing STRs, of which there are a few hundred operating in the County. These existing STRs would become nonconforming uses. This creates an uneven playing field between groups of property owners who enjoy different opportunities to use their properties to generate income. It also creates an enforcement challenge for staff in determining which properties are non-conforming and which are subject to newly adopted regulation.

This also makes it challenging to achieve a unified policy objective county-wide, as the impact of the policy will vary from neighborhood to neighborhood based on the existence of non-conforming STRs.

The level of monitoring and enforcement associated with the most widely implemented STR regulations more closely resembles that seen in municipalities (characterized by higher levels of residential density) and private HOAs.

There are pending lawsuits involving other jurisdictions' STR regulations. Understanding the outcome of these court decisions will be important before implementing significant regulations changes.

Staff recommended the Board of Commissioners consider favorable recommendations to:
a.) repeal the existing Unified Development Ordinance (UDO) and adopt the 2026 UDO (which becomes effective October 20, 2026) as presented and the proposed Consistency and Reasonableness Statement; and
b.) adopt proposed revisions to Chapter 32 – Solid Waste of the Catawba County Code of Ordinances, which inserts the entire Abandoned and Junk Vehicles section of regulations previously included in the Unified Development Ordinance.

After Mr. Timberlake's presentation, Vice Chair Allran confirmed a residential minimum driveway width was included in the UDO. Chair Isenhower opened the public hearing. Ed Neil came forward and distributed some potential language edits, requesting consideration of a proposed revision to administrative standards for expansion of nonconforming uses. Kenyon Kelly came forward and highlighted concerns with proposed county regulations on cryptocurrency facilities and data centers. Jack Benym, Matt Stewart, Otis Meacham, Bill Ratcliff, Walter Ritenour, Faye Yeh, Doak Turner, Ronnie and Rhonda Caldwell, Kenny Setzer, Syndey Sorensen and Attorney Robert Grant came forward and spoke about the need for Catawba County to adopt

short-term rental regulations. Concerns voiced regarding short term rentals included lack of permitting structure, failure to pay occupancy tax, bus traffic in residential neighborhoods, noise ordinance violations, parking issues, disruptive behavior by renters, trespassing, and safety concerns / repeated no-wake violations on the lake. With no one further coming forward the Chair closed the public hearing.

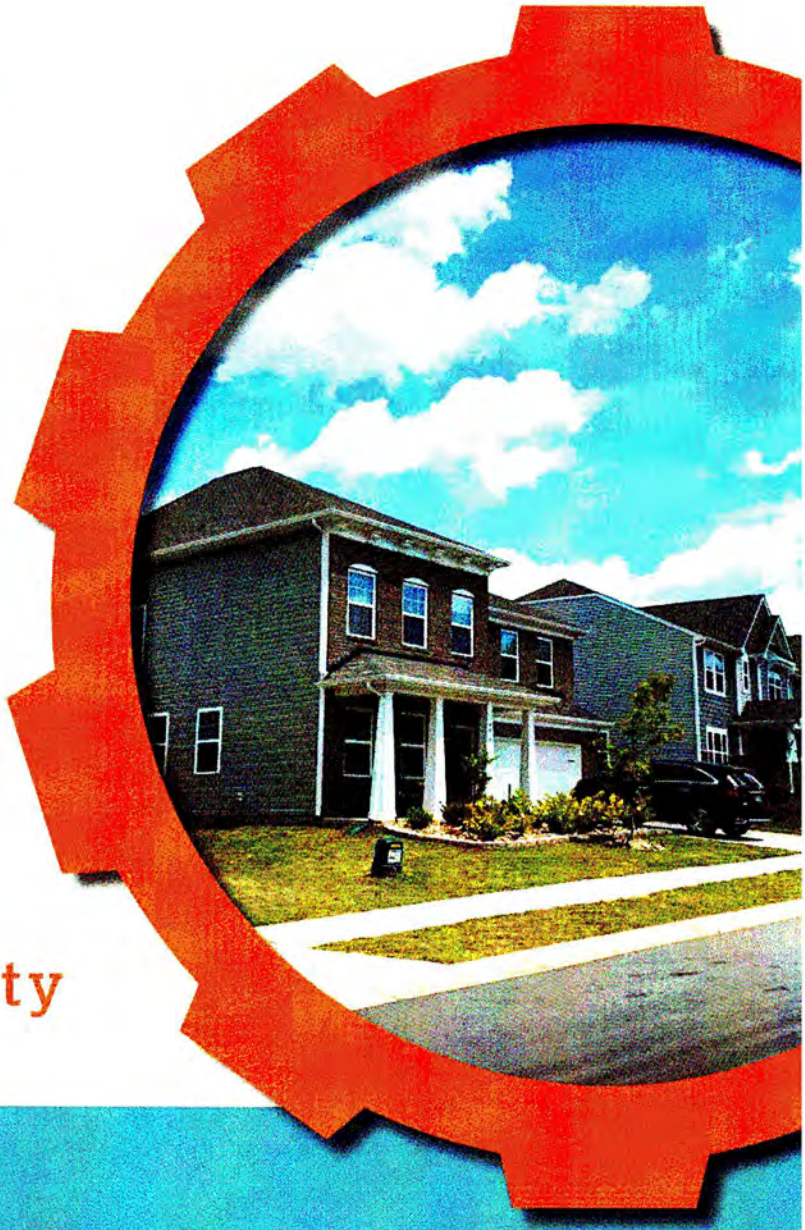
Chair Isenhower indicated he was struggling with the issue of regulating short term rentals, as he understands the reasons why staff has not recommended it but also empathizes with residents. Chair Isenhower suggested that staff complete a future study of short-term rentals and propose regulations as appropriate. Vice-Chair Allran agreed with Chair Isenhower's proposal.

**a**. Commissioner Beatty made a motion to repeal the existing Unified Development Ordinance (UDO), adopt the 2026 update to the Unified Development Ordinance (UDO), adopt the consistency and reasonableness statement that incorporates the findings articulated by the Planning Board in its consistency and reasonable statement, and direct staff to initiate a study on short term rentals. The motion carried unanimously (3-0).

**b.** Commissioner Beatty further made a motion to adopt revisions to Chapter 32 – Solid Waste of the Catawba County Code of Ordinances, which inserts the entire Abandoned and Junk Vehicles section of regulations previously included in the Unified Development Ordinance. The motion carried 3-0. Pursuant to N.C. Gen. Stat 153A-45, any ordinance that does not require a public hearing may only be adopted on its first introduction by unanimous vote of all members. Therefore, this item shall be calendared for a second reading on November 2nd, 2026, when it can be approved by a simple majority of those present.

*The following UDO ordinance applies*:





catawba county

MAKING. LIVING. BETTER.

# Unified Development Ordinance

October 20, 2026

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# Article 1. General Provisions, Processes, and Procedures

## Division 1. Establishment

### Section 44-101. Title

This chapter of the County Code of Ordinances may be referred to and cited as the Unified Development Ordinance (UDO) and is sometimes referred to herein as "Ordinance."

### Section 44-102. Purpose

A. Zoning

The County is divided into zoning districts which establish permitted uses, dimensional standards, and design standards. The purpose of zoning and the zoning districts, in part, include:

1. Implementation of the comprehensive plan by encouraging the most appropriate use of land throughout the County;
2. Providing for orderly growth and development throughout the unincorporated County;
3. Facilitating the adequate provision of transportation, water, sewer, schools, parks and other public infrastructure;
4. Protecting the character of each district and its unique suitability for particular uses;
5. Promoting the health, safety and general welfare;
6. Providing adequate light and air;
7. Preventing the overcrowding of land; and
8. Avoiding undue concentration of population.

B. Subdivision Regulation

The purpose of the subdivision regulations, in part, include:

1. Providing for the orderly growth and development of the County;
2. Coordination of streets and roads within proposed subdivisions with existing or planned streets and roads and with other public facilities;
3. Dedication or reservation of recreation areas serving residents of neighborhoods within subdivisions and rights-of-way or easements for street and utility purposes, including dedication of rights-of-way pursuant to G.S. 136-66.10 and/or 136-66.11;
4. Distribution of population and traffic in a manner that minimizes congestion and overcrowding and supports conditions essential to public health, safety, and the general welfare;

5. The wise and timely development of areas, in harmony with land development plans and other official plans of the County; and
6. Accurate public records of land ownership, to facilitate land ownership transfer, the effective conduct of public and private business and the protection of private property rights.

### Section 44-103. Authority

The articles contained within this UDO are enacted pursuant to G.S. Ch. 160D. Where applicable, the County's general police powers are exercised pursuant to the power and authority established in G.S. 153A-121.

A. Applicability; general prohibition

This UDO applies to all of Catawba County except in areas subject to municipal planning and development regulation jurisdiction. No development may occur unless all applicable regulations and standards established by this chapter are complied with and all permits or land use decisions have been approved as provided for in this UDO, and no person shall commence or proceed with development without first securing any required development approval hereunder.

B. Bona Fide Farm Exemption

1. In accordance with G.S. 160D-903, the provisions of this UDO do not apply to bona fide farms, with exception of the provisions of the Floodplain Management Overlay (FPM-O), which are applicable to bona fide farms. This UDO shall apply to the use of farm property for nonfarm purposes.
2. "Bona Fide Farm purposes" include:
   a. The production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, "when performed on the farm" in G.S. 106-581.1(6) shall include the farm within the jurisdiction of the County and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located.
   b. The production of a nonfarm product that the department of agriculture and consumer services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2.
3. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence of such:

a. A qualifying farm sales tax exemption certificate issued by the NC Department of Revenue.

b. A copy of the property tax listing showing the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.

c. A copy of the farm owner's or operator's schedule F from their most recent federal income tax return.

d. A forest management plan.

C. Agritourism

1. In accordance with G.S. 160D-903, the provisions of this UDO do not apply to agritourism, which constitutes a bona fide farm purpose, with exception of the provisions of the Floodplain Management Overlay (FPM-O), which are applicable to bona fide farms.

2. A building or structure used for agritourism is a bona fide farm purpose if the building or structure is located on a property (i) owned by a person who holds a qualifying farm sales tax exemption certificate from the NC Department of Revenue, pursuant to G.S. 105-164.13E(a) or (ii) enrolled in the present-use value program pursuant to G.S. 105-277.3.

3. Failure to maintain the requirements of subsection **2 above** for a period of three years after the date the building or structure was originally classified as a bona fide farm purpose pursuant to this section shall subject the building or structure to the provisions of this UDO.

4. "Agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including but not limited to weddings, receptions, meetings, demonstrations of farm activities, meals, and other events taking place on the farm because of its farm or rural setting.

### Section 44-104. Effective Date

All provisions of this UDO shall become effective October 20, 2026.

### Section 44-105. Technical Manuals

A. Catawba County Procedures Manual

The Catawba County Procedures Manual contains specifications and requirements for residential and non-residential development applications. The Catawba County Procedures Manual may be amended from time to time by County staff.

### Section 44-106. Coordination with Other Regulations

A. Generally

1. When regulations made under authority of this chapter impose more stringent standards than those required in any other statute or County ordinance or regulation, the regulations made under authority of this UDO shall govern. In the event that any provisions in this UDO conflict, the more stringent provision shall govern.
2. When the provisions of any other statute or County ordinance or impose more stringent standards than those required by the regulations made under authority of this chapter, the provisions of that statute or County ordinance or regulation shall govern.

B. Any permit or approval issued pursuant to this chapter shall attach to and run with the land.

### Section 44-107. Conformance with Adopted Plans

A. This UDO is designed to implement the County's comprehensive planning policies, including the most recently adopted Comprehensive Plan, future land use maps, transportation plans, other relevant plans and small area plans.

B. Transportation Plans

The County reviews and adopts transportation plans that may include future roads, new roadway connections, existing roadway improvements, non-motorized transportation improvements, expansion of rights-of-way, and other such features, in accordance with G.S. 136-66.10 and 160D-804.

C. Comprehensive Plan

1. The County shall adopt and reasonably maintain a comprehensive plan, pursuant to G.S. 160D-501. Such maintenance shall review the goals, policies, and programs intended to guide the present and future physical, social, and economic development of the County.
2. The County's comprehensive plan is intended to guide coordinated, efficient, and orderly development within the County based on an analysis of present and future needs. Planning analysis may include inventories of existing conditions and assess future trends regarding demographics and economic, environmental, and cultural factors. The planning process shall include opportunities for citizen engagement in plan preparation and adoption.
3. The periodic maintenance and review of the County's comprehensive plan may address any of the following, among other topics, as recommended by the Planning Board or directed by the Board of Commissioners:
    a. Issues and opportunities facing the County including consideration of trends, values expressed by citizens, community vision, and guiding principles for growth and development.

b. The pattern of desired growth and development and civic design, including the location, distribution, and characteristics of future land uses, urban form, utilities, and transportation networks.

c. Employment opportunities, economic development, and community development.

d. Acceptable levels of public services and infrastructure to support development, including water and sewer, waste disposal, emergency services, transportation, education, recreation, community facilities, and other public services, including plans and policies for provision and financing of public infrastructure.

e. Housing with a range of types and affordability to accommodate people and households of varied preferences and income levels.

f. Recreation and open spaces.

g. Mitigation of natural hazards such as flooding, winds, wildfires, and unstable lands.

h. Protection of the environment and natural resources, including agricultural resources, mineral resources, and water and air quality.

i. Protection of significant architectural, scenic, cultural, historical, or archaeological resources.

j. Analysis and evaluation of implementation measures, including regulations, public investments, and educational programs.

4. In addition to the comprehensive plan, the Planning Board may recommend for adoption to the Board of Commissioners such other plans as deemed appropriate by the Planning Board. Such plans may include land use plans, small area plans, neighborhood plans, hazard mitigation plans, transportation plans, housing plans, and recreation and open space plans.

5. Adoption and Effect of Plans. Any plan contemplated by this section may be adopted by the Board of Commissioners, with the advice and consultation of the Planning Board. Adoption and amendment of a comprehensive plan is a legislative decision and shall follow the process mandated for legislative hearings, as described in **Section 44-116.D**. Plans adopted under this section may be undertaken and adopted as part of or in conjunction with plans required under other statutes and are advisory in nature without independent regulatory effect. These Plans do not expand, diminish, or alter the scope of authority for development regulations adopted under this UDO. Any such Plan shall be considered by the Planning Board and Board of Commissioners when considering proposed amendments to zoning regulations and zoning districts as required by **Section 44-120.A**. If a plan is deemed amended according to the procedures within **Section 44-120.A** by virtue of adoption of a zoning district amendment that is inconsistent with the plan, that amendment shall be noted in the plan.

### Section 44-108. Transitional Provisions

A. Violations Continue

Any violations of the previous UDO or other regulations replaced by those contained in this UDO shall continue to be violations under this UDO, subject to the penalties set forth in **Article 5.** and any other applicable ordinances, laws, or statutes, unless the development complies with the express terms of this UDO.

B. Nonconformities

If any use, structure, lot of record, sign, or site feature was legally established on the date of its development but does not fully comply with the standards of this UDO, it shall be considered legally nonconforming and subject to the provisions of **Article 4.** If a use, structure, lot of record, sign, or site feature that was legally nonconforming under the previous regulations becomes conforming under this UDO, it shall no longer be deemed nonconforming and shall not be subject to the nonconforming provisions.

C. Complete Applications

Any development application submitted and accepted as complete before the effective date of this UDO, but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted.

D. Approved Applications

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

E. Approved Special Use Permits

Lands subject to a Special Use Permit approved prior to the effective date of this UDO shall continue to be subject to the Special Use Permit even if the zoning district is amended to a new zoning district as part of the adoption of this UDO.

### Section 44-109. Severability

A. If any word, phrase, sentence, part, section, subsection, or other portion of this UDO or any application to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this UDO, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

B. Any permit issued under this UDO shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the County.

C. If any provision of this UDO is in conflict with the provisions of G.S. 160D, such provision in this UDO shall be deemed amended to comply with the provisions of G.S. 160D.

## Division 2. Approval Entities

### Section 44-110. Board of Commissioners

A. Powers and Duties

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

1. To review and make amendments to the UDO;
2. To review and make decisions for applications listed in **Table 118-1**;
3. To approve a schedule of fees governing applications for permits and other development approvals reviewed under this UDO;
4. To appoint members to serve on the Planning Board, Board of Adjustment, and Subdivision Review Board, as provided in the UDO;
5. To take any other action not delegated to the Planning Board, Board of Adjustment, Planning Director, or other decision-making body as the Board of Commissioners may deem desirable and necessary to implement the provisions of this UDO.

### Section 44-111. Planning Board

A. Established

This section establishes the Catawba County Planning Board in accordance with G.S. 160D-301. The Planning Board shall perform such duties as may be required or assigned under this chapter or as may be directed by the Board of Commissioners.

B. Composition

The Planning Board shall be composed of nine members selected to represent various areas of the County. Representatives should be selected to adequately represent the small area planning areas contained in the Comprehensive Plan, when possible.

C. Appointment

The Board of Commissioners shall appoint members of the Planning Board. Planning Board members shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26.

D. Terms

Terms on the Planning Board shall be for a four-year period. Each member shall serve until their successor is duly appointed.

E. Compensation

Members of the Planning Board may receive compensation for their services as may be fixed from time to time by the Board of Commissioners.

F. Conflicts of interest

Members of the Planning Board shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this UDO where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Planning Board member shall not vote on any ordinance amendment if the landowner of the property subject to the amendment is a person with whom the member has a close familial, business, or other associational relationship. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild; the term includes the step, half, and in-law relationships.

G. Intergovernmental Cooperation

1. The Planning Board shall work to foster cooperation with the planning boards of each municipality located in the County in all matters wherein the respective municipality and the County have a joint interest in the physical development of the area.
2. The Planning Board shall encourage the cooperation of the municipality within the County in any matters whatsoever which may concern the integrity of the County Plans.

H. Recommendations

1. The Planning Board may make recommendations to the Board of Commissioners on new, updated, or revised comprehensive studies conducted for part of or the entire planning jurisdiction of the County. Such studies may include studies of the physical, social, and economic conditions of the County that will best promote the health, safety, and general welfare of County citizens.
2. The Planning Board also conducts public hearings where they make recommendations to the Board of Commissioners on proposed amendments to the County's land use regulations, including the UDO, and amendments to the County's official zoning map as set forth in **Section 44-115**.

I. Rules of Procedure

In the absence of action by the Board of Commissioners adopting rules of procedure for the Planning Board, the Planning Board is authorized to adopt its own rules of procedure consistent with the provisions of this UDO and G.S. 160D. The Planning Board shall keep minutes of its proceedings.

### Section 44-112. Board of Adjustment

A. Established

This section establishes the Catawba County Board of Adjustment. The Board of Adjustment shall hear and decide all matters upon which it is required to consider under any statute or development regulation adopted under this UDO.

B. Composition

The Board of Adjustment shall be composed of five members and up to three alternates selected to represent various areas of the County. Representatives should be selected to adequately represent the small area planning areas from the Comprehensive Plan, when possible. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member.

C. Appointment

The Board of Commissioners shall appoint the members of the Board of Adjustment. Board of Adjustment members shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26.

D. Terms

Terms on the Board of Adjustment shall be for a three-year period. Each member shall serve until their successor is duly appointed.

E. Compensation

Members of the Board of Adjustment may receive compensation for their services as may be fixed from time to time by the Board of Commissioners.

F. Conflicts of interest

Members of the Board of Adjustment shall not vote on any quasi-judicial decision pursuant to this chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Board of Adjustment member shall not vote on any quasi-judicial decision if the applicant is a person with whom the board member has a close familial, business, or other associational relationship. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

G. Powers

1. Pursuant to state law, the Board of Adjustment has the power to:
    a. Hear and decide appeals from and review any order, requirement, decision, or determination made by the Planning Director and / or the Subdivision Review Board in the performance of their duties as the order, requirement, decision, or determination relates to this UDO.
    b. Hear and decide applications for Special Use Permits.
    c. Hear and decide applications for Variances. The Board of Adjustment does not have authority to permit a use in a district where that use is not permitted.
    d. Hear and decide appeals of the floodplain ordinance.

e. Act as the Catawba County Watershed Review Board and hear and decide applications related to the Watershed Protection Overlay District, including but not limited to Watershed Density Averaging Certificates, appeals, and 10/70 Bonus Permit requests.

f. Hear and decide any other matters as may be required by this UDO.

2. Three members constitute a quorum for the purpose of transacting business.

3. Except for a variance, which requires a 4/5 vote, a simple majority vote of the Board decides any quasi-judicial matter or routine business, such as electing a chair or determining the time of the next meeting.

H. Rules of procedure

In the absence of action by the Board of Commissioners adopting rules of procedure for the Board of Adjustment, the Board of Adjustment is authorized to adopt its own rules of procedure that are consistent with the provisions of this UDO and G.S. 160D. A copy of any adopted rules of procedure shall be maintained by the secretary to the Board and shall be posted on the County's website. The Board of Adjustment shall keep minutes of its proceedings.

### Section 44-113. Subdivision Review Board

A. Established

There is established the Catawba County Subdivision Review Board.

B. Composition

The Subdivision Review Board shall consist of appointed representatives from various County departments, including planning, utilities and engineering and erosion and sedimentation control, geographic information systems, fire marshal's office, environmental health, and a representative from the school system where a proposed development is located. Ex-officio members shall consist of a representative from the North Carolina Department of Transportation, relevant municipal service provider, tax mapping, and the County's legal department.

C. Appointment

The Subdivision Review Board shall consist of individuals as appointed by each department or agency director. Subdivision Review Board members shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26.

D. Terms

Each member shall serve until their successor is duly appointed.

E. Compensation

Members of the Subdivision Review Board will not be compensated for their services.

F. Conflicts of interest

Members of the Subdivision Review Board shall not vote on any matter pursuant to this chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Subdivision Review Board member shall not vote on any matter if the applicant is a person with whom the member has a close familial, business, or other associational relationship. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

G. Powers

The Subdivision Review Board shall have the authority to:

1. Review a sketch plat and authorize submittal of the preliminary plat for review.
2. Review and approve, approve with modifications, or disapprove applications for preliminary major plats in accordance with this UDO.
3. Review extensions for preliminary plat approval.
4. Present proposed subdivision regulation text amendments to the Planning Board.
5. Conduct public hearings for any appeals made pursuant to the Catawba County Code chapter 16, article V related to soil erosion and sedimentation control, and approve, overturn, or modify the County engineer's decision on an applicant's erosion control plan.

H. Appeals process for Subdivision Review Board decisions

Any decision of the Subdivision Review Board made as authorized by this chapter may be appealed by the applicant, in writing, to the Board of Adjustment within 30 days following the date of the decision. The written appeal must be filed with the Planning Director. If a written appeal is not made within the 30-day period, the matter shall be deemed closed, and the decision of the Subdivision Review Board shall be final.

### Section 44-114. Planning Director

A. Planning Director

The Planning Director, or a designee, shall administer this UDO. Wherever "Planning Director" is mentioned within this UDO, a designee is included by definition, and such designee shall have the same authority as the Planning Director. The Planning Director shall perform such duties as may be required or assigned under this UDO.

B. Basic standards for issuance of approvals and determinations by Planning Director.

Upon issuance of any permit, determination approval or denial pursuant to this UDO, the Planning Director shall give written notice to the owner of the property subject to the determination and the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or first-class mail.

The notice shall be delivered to the last address listed for the owner of the affected property on the County tax abstract and to the address provided in the application or request for a determination, if the party seeking the determination is different from the owner.

C. Appeals of Planning Director's Decisions.

All appeals of any decision of the Planning Director shall follow the procedures provided in this section.

1. Appeals

Except as provided in subsection (C) of this section, appeals of decisions made by the Planning Director under this UDO shall be made to the Board of Adjustment, unless a different board is provided or authorized otherwise by statute or this UDO.

2. Standing

Any person who has standing under G.S. 160D-1402(c) or the County may appeal an administrative decision to the Board of Adjustment. An appeal is made by filing a notice of appeal with the Planning Director. The notice of appeal shall state the grounds for the appeal and use the County-approved appeal application.

3. Time to Appeal

Any person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In absence of evidence to the contrary, notice given by first-class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

4. Record of Decision

The Planning Director who made the decision shall transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the decision being appealed is taken. The Planning Director shall also provide a copy of the record to the appellant and the owner of the property to which the appeal relates, if the appellant is not the owner.

5. Stays

An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed and accrual of any fines assessed, unless the Planning Director certifies to the Board of Adjustment after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the Planning Director a request for an expedited hearing of the appeal, and the Board of

Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a development approval or otherwise affirming a proposed use of property is consistent with the development regulation shall not stay the further review of an application for development approvals to use such property. The appellant or the County may request and the Board of Adjustment may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

D. Conflicts of Interest of Planning Director

1. Planning Director

The Planning Director shall not make a final decision on an administrative decision required by this UDO if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the Planning Director or if the applicant or other person subject to that decision is a person with whom the Planning Director has a close familial, business, or other associational relationship. If the Planning Director has a conflict of interest under this section, the decision shall be assigned to the Planning Director's immediate supervisor.

E. Duties and Responsibilities of the Planning Director

At a minimum, the Planning Director is responsible for the following:

1. General Duties

a. The Planning Director shall have the power to grant zoning permits and zoning compliance certificates and to make or cause to be made inspections of buildings or premises necessary to carry out enforcement of this UDO. In connection with enforcement of this UDO, the Planning Director shall make all necessary determinations and interpretations as required by this UDO.

b. If any proposed excavation, construction, moving, alteration, or use of land as set forth in an application for zoning permit is in conformity with this UDO, the Planning Director shall issue a zoning permit.

i. Issuance of a zoning permit shall in no case be construed as waiving any section of this UDO.

ii. Under no circumstance is the Planning Director permitted to grant exceptions to the actual meaning of any clause, standard, or regulation contained in this UDO to any person making application to excavate, construct, move, alter, or use a building, structure, or land.

iii. The Planning Director shall issue a permit when the standards and/or conditions of this UDO are complied with by the applicant, regardless of whether use of the permit would violate contractual or other arrangements among private parties, such as restrictive covenants.

iv. If an application for permit is denied, the Planning Director shall state in writing the reasons for the denial.

c. Any additional powers, duties, and authority granted under this UDO.

2. Floodplain Administrator

a. The Planning Director shall have all responsibilities, authorities, and duties of the Floodplain Administrator, as detailed in the **Appendix**.

3. Water Supply Watershed Protection Administrator

The Planning Director administers the Water Supply Watershed Protection (WSWP) regulations and shall have the following powers and duties.

a. To review and approve or disapprove development plans pursuant to this UDO.

b. To make determinations and render interpretations of this UDO.

c. To enforce the provisions of this UDO in accordance with the enforcement provisions.

d. To designate appropriate other person(s) who shall carry out the powers and duties of stormwater administrator. This includes insuring stormwater control measures (SCMs) are inspected at least once a year and keeping a record of SCM inspections.

e. The County may make amendments to this Section as provided by this UDO. Under no circumstances shall the County adopt such amendments that would cause this section to violate the watershed protection rules as adopted by the North Carolina Environmental Management Commission. The Planning Director shall keep records of all amendments to the water supply watershed regulations and shall provide copies of all amendments, upon adoption, to the state division of water quality.

f. The Planning Director shall keep a record of variances to the local watershed protection district. This record shall be submitted, for the calendar year, to the North Carolina Department of Environmental Quality, Water Resources Section on or before January 1 of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

g. The Planning Director shall keep records of the County's utilization of the provision that a maximum of ten percent (10%) of the noncritical area of WS-II-BW and WS-III-BW watersheds may be developed with non-residential development to a maximum of seventy percent (70%) built-upon surface area. Records for each watershed shall include the total acres of noncritical watershed area, total acres eligible to be developed under this option, total acres approved for this development option and individual file records for each development that is approved in these areas.

## Division 3. Process and Procedures

### Section 44-115. General Provisions

This article sets forth the review and approval procedures for zoning and development applications.

A. **Table 118-1. Summary Table of Review Procedures** summarizes the development review responsibilities of each review body and official for each type of application.

B. The procedures for all applications have the following common elements:

1. Submittal of a complete application, which includes the required fee payment as well as all necessary information;
2. Review of the completed application by appropriate staff or boards;
3. Action to approve, approve with conditions, or deny the application; and
4. If approved, issuance of a permit or appropriate document or notification of approval.
5. Applications, plan requirements, and plat certificates for all residential and nonresidential development are located in the Procedures Manual.

C. Pre-application Conference. Applicants are encouraged to meet with the Planning Director to discuss the nature of the proposed application, compatibility with current adopted plans and policies, submittal requirements, procedures for action, and standards for application evaluation. While not always mandatory, this process can be extremely helpful to the applicant in expediting the application process.

### Section 44-116. Common Review Procedures

This section sets forth the standard procedures generally required for development applications reviewed under this UDO. Not all procedures in this section are required for every type of development application. The application-specific procedures in this article, which follow this section, identify which standard procedures are required for each specific type of development application, as well as any additions or modifications to the required standard procedures that apply.

A. Pre-Application Conference

1. Purpose

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

2. Applicability

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

a. UDO Text Amendment;
b. Zoning Map Amendment / Rezoning;
c. Special Use Permit;
d. Major Subdivision Preliminary Plat;
e. Variance;
f. Floodplain Variance;
g. Watershed Variance;
h. Watershed Density Averaging Certificate;
i. Expansions of Nonconforming Uses; and
j. Right-of-way Abandonment.

3. Procedure

Applicants shall coordinate with the Planning Director to schedule a pre-application conference. At the pre-application conference, the Planning Director will discuss the proposed application type and proposed site development with the applicant. This discussion will allow for any necessary clarification from the applicant regarding the proposed application and identify any concerns, problems, or other factors the applicant should consider regarding the proposed application. The discussion will also include information about the process and steps necessary for development approval.

4. Effect of Conference

The pre-application conference is intended to facilitate the development application process. Discussions held in accordance with this section are not binding on the applicant or the County but are intended to provide guidance to applicants. Processing times for development application reviews do not begin until an application is determined to be complete in accordance with this article.

B. Application Submission and Completeness Review

1. General

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

2. Authority to File Application

Applications shall be submitted by the landowner or any other person or entity with a recognized property interest in the land upon which the development is proposed, or the authorized agent of such person or entity. If the applicant is not the sole owner of the land or is a contract purchaser of the land with authorization to seek County approval for a specific application type, a notarized letter signed by the owner(s) is required in order to grant the individual authority to apply on the owner's behalf. The

Board of Commissioners, Planning Board, or Planning Director may initiate and file any type of applications identified in this UDO, in accordance with state law.

3. Application Contents and Form

The Planning Director shall establish the requirements for application contents and forms. The Planning Director may amend and update these requirements as deemed necessary.

4. Fees

Fees required for each type of application shall be established by the Board of Commissioners through adoption of a fee schedule.

5. Determination of Application Completeness

a. Completeness Review

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

i. Contains all application content requirements established for the particular application type, as stated in this UDO or within the Procedures Manual;

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

iii. Is accompanied by the application fees.

b. Incomplete Application

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

c. Complete Application

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

C. Staff Review and Action

1. Staff Review and Opportunity to Revise Application

a. After determining an application to be complete, the Planning Director shall distribute the application to appropriate County staff and review agencies for review and comment.

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

2. Application Subject to Staff Recommendation and Report

a. If an application is indicated in **Table 118-1. Summary Table of Review Procedures** as "Review and Advise" by the Planning Director, the Planning Director shall, following completion of staff review, prepare a staff report that addresses the application's compliance with applicable review standards. The staff report shall state whether the application complies with all appropriate standards of the UDO and all other applicable policy documents. The Planning Director shall recommend action on the application, including any recommended modifications or conditions of approval to mitigate any potential adverse effects of the proposed development.

3. Application Subject to Decision by Planning Director

a. If an application identified in **Table 118-1. Summary Table of Review Procedures** is subject to a final decision by the Planning Director, the Planning Director shall make a determination on the application based on the review standards identified in this UDO.

b. If conditions of approval are authorized by this article for a particular type of application, the Planning Director may impose reasonable and appropriate conditions or restrictions on the approval to ensure compliance with the standards of this UDO, provided:

i. The restrictions and conditions imposed shall be related in both type and amount to the anticipated impact of the proposed development on the public and surrounding development; and

ii. The conditions imposed shall be expressly set forth in the development approval or permit.

D. Scheduling of Public Hearings and Notification

1. Public Hearing Requirements

a. **Table 118-1. Summary Table of Review Procedures** identifies applications that require a public hearing.

b. When an application is subject to a public hearing, the Planning Director shall ensure the public hearing on the application is scheduled.

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

2. Public Notice Requirement

Notice of public hearing on an application shall be as required by state law and in accordance with the processes in this article.

a. Content of Notice

Each mailed and published notice shall:

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

ii. Describe location of the land involved;

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

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

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

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

b. Published Notice

i. When the provisions of this UDO require publishing a notice, the Planning Director shall have notice published of the public hearing once a week for two (2) successive calendar weeks in a newspaper having general circulation in the County.

ii. The notice shall be published for the first time not less than ten (10) days nor more than twenty five (25) days before the date fixed for the hearing. In computing such period, the day of the published notice shall not be included, but the day of the hearing shall be included.

c. Mailed Notice

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

(1) The applicant and property owner(s);

(2) Listed owners of contiguous lands; and

(3) Organizations and people who registered to receive notices of public hearings in accordance with general statutes.

ii. Mailed notice shall be postmarked no less than ten (10) days but no more than twenty five (25) days prior to the date of the public hearing. The last address listed on the County tax records shall be used to mail notice to owners of contiguous land.

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

iv. In the case of an application for a Watershed Variance, each local government having jurisdiction in the watershed and any entity using the water supply for consumption shall receive a description of the Variance being requested via first-class mail sent at least ten (10) days prior to the public hearing.

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

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

(2) Notifies landowners residing outside the newspaper's circulation, via first-class mail and in accordance with this article.

d. Posted Notice

i. When the provisions of the UDO require that notice be posted, the Planning Director shall post the notice on the subject property or properties no less than ten (10) days but no more than twenty five (25) days prior to the date of the public hearing. Posted notice shall be located adjacent to each public street right-of-way bordering the subject property or properties and provide reasonable notice to interested persons. In computing such period, the day of posting shall not be counted, but the day of the hearing shall be counted. Posted notice shall remain in place until after the meeting for which notice is published has been held.

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

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

e. Constructive Notice

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

(1) Errors in a legal description; or

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

ii. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for notice timing and for specifying the time, date, and place of a public hearing and the location of the subject property or properties shall be strictly adhered to or shall otherwise require re-advertising.

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

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

f. Registration to Receive Notice by Electronic Means

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

E. Community Meeting

1. When this UDO requires a community meeting, the applicant shall hold a meeting to explain the project and have an opportunity to answer questions from community members about potential impacts of a development.
2. Community meetings shall be held in a location near the project site that is open and accessible to the public.
3. Community meetings shall not be held on federal or local holidays during which times County offices are closed.
4. Community meetings shall be held in the evening during the week or in the morning on a weekend.
5. The applicant shall send out advertisements via first class mail to adjacent property owners and Home Owners' Associations for abutting properties to the project site at least 10 days but not more than 21 days prior to the community meeting.
6. The advertisement shall include a brief project description and the date, time, and location of the community meeting.
7. The applicant shall maintain a notification list of all property owners who were sent an advertisement and shall provide an affidavit certifying advertisements were sent according to the requirements of this UDO.
8. Failure to properly advertise or hold a community meeting when required will result in the project application being deemed incomplete by the Planning Director and unable to move forward until remedied.

## Section 44-117. Quasi-Judicial Hearing Procedures

A. Applicability

Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, variances, or any other quasi-judicial decision.

B. Filing Applications and Appeals; Priority for Agenda

The following procedures shall be followed in the preparation of the agenda for a Board of Adjustment meeting with respect to the cases that shall be heard:

1. A matter for the Board of Adjustment must be filed and accepted at least 45 days before the scheduled board meeting, counting the day of the board meeting as the 45th day.
   a. Appeals must be filed within thirty (30) days of the Board of Adjustment's decision in accordance with G.S. 160D-405.
2. The application and any supporting documentation required to be filed for a matter before the Board of Adjustment must be complete and any applicable filing fee must be paid at the time the application is submitted or the application shall not be accepted. When a complete application is filed, the date and time of filing shall be written on the face of the application.
3. The general policy is to schedule cases on a first-come, first-served basis, in accordance with the date and time the application was properly filed.
4. The agenda for the Board of Adjustment will not exceed three (3) cases unless the Planning Director determines that some cases may be expeditiously decided.
5. The Planning Director has the discretion to not schedule any matter for the next regularly scheduled meeting of the Board of Adjustment if the Planning Director determines more time is needed to investigate and prepare a review in order to make an appropriate presentation before the Board.
6. Matters that cannot be scheduled for the forthcoming meeting of the Board of Adjustment will automatically be scheduled on a first come, first serve basis for the next scheduled meeting of the Board of Adjustment.
7. If the Board of Adjustment hears any matter, the Board may continue that matter for the consideration of additional or rebuttal evidence that could not have reasonably been presented at the initial meeting.

C. Notice of Hearing

Notice of evidentiary hearings conducted pursuant to this article shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the property that is the subject of the hearing; and to any other persons entitled to receive notice as provided by this article. In

absence of evidence to the contrary, the County may rely on the County tax listing to determine owners of property entitled to mailed notice.

The notice must be deposited in the mail at least ten (10) days, but not more than twenty five (25) days, prior to the date of the hearing. Within that same period, the Planning Director shall also prominently post a hearing notice on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the Board is not then present, the hearing shall be continued until the next regular Board meeting without further advertisement.

D. Administrative Materials

The secretary to the Board shall transmit to the Board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the Board prior to the hearing if a copy is also provided to the appellant or applicant and to the landowner, if that person is not the appellant or applicant, at the same time. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the Board at the hearing.

E. Presentation of Evidence

The applicant, the County, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Board. Objections regarding jurisdictional and evidentiary issues, including but not limited to the timeliness of an appeal or the standing of a party, may be made to the Board. The Board chair shall rule on any objections, and the chair's rulings may be appealed to the full Board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

F. Appearance of Official and New Issues

The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the County, shall be present at the evidentiary hearing as a witness. If any party or the County would be unduly prejudiced by the presentation of new issues not presented in the notice of appeal, the Board may continue the hearing.

G. Oaths

The chair of the Board or any member acting as chair and the clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any

person who, while under oath during a proceeding before the Board determining a quasi-judicial matter, willfully swears falsely is guilty of a class 1 misdemeanor.

H. Subpoenas

The Board, making a quasi-judicial decision under this article through the chair or, in the chair's absence, anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the County, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas they determine to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full Board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

I. Appeals in Nature of Certiorari

When hearing an appeal in the nature of certiorari, the hearing shall be based on the record below, and the scope of review shall be as provided in G.S. 160D-1402(j).

J. Voting

The concurring vote of four-fifths of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter under subsection (n) below shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

K. Decisions

The Board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be made in writing, reflecting the Board's determination of contested facts and their application to the applicable standards, and be approved by the Board and signed by the chair or other duly authorized member of the Board.

A quasi-judicial decision is effective upon filing the written decision with the clerk to the Board or such other office or official as the UDO specifies. The decision of the Board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class

mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the County that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

L. Judicial Review

Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d).

M. Subsequent Hearings

Should a matter fail to receive a favorable vote of approval, an applicant must wait one year before the matter may be submitted again for the Board's consideration, unless the application involves a substantial change.

N. Application Withdrawal

Should an application be withdrawn after the first notice of the evidentiary hearing, the application shall be considered to be denied, and any applicant must wait one year before the matter may be submitted again for the Board's consideration, unless the application involves a substantial change.

O. Conflict of Interest

A member of any Board exercising quasi-judicial functions pursuant to this article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include but are not limited to a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

## Section 44-118. Summary Table of Review Procedures

The Summary Table of Review Procedures identifies the various application types and review bodies for each type of request, development approval, or permit governed by this UDO. It also identifies those applications that require a public hearing, which shall be noticed in accordance with this UDO and state law.

**Table 118-1. Summary Table of Review Procedures**

| Type of Review/ Application | Review or Decision-Making Body | | | | |
|---|---|---|---|---|---|
| | Planning Director | Subdivision Review Board | Planning Board | Board of Commissioners | Board of Adjustment |
| R: Review and Advise D: Final Decision A: Appeal < >: Public Hearing {}:Evidentiary Hearing | | | | | |
| **Legislative** | | | | | |
| UDO Text Amendment | R | | <R> | <D> | |
| Zoning Map Amendment/Rezoning | R | | <R> | <D> | |
| **Platting** | | | | | |
| Exempt Plat | D | <A> | | | |
| Family Subdivision | D | <A> | | | |
| Lot Line Adjustment | D | <A> | | | |
| Major Subdivision Final Plat | D | <A> | | | |
| Minor Subdivision | D | <A> | | | |
| Preliminary Plat | R | D | | | {A} |
| Recombination Plat | D | <A> | | | |
| Right-of-Way/Road Abandonment | R | | | <D>* | |
| Plat Vacation | D/R** | <D>** <A>*** | | | <A>*** |
| **Permits** | | | | | |
| Floodplain Development Permit | D | | | | <A> |
| Home Occupation Permit | D | | | | <A> |
| Sign Permit | D | | | | <A> |
| Special Use Permit | R | | | | {D} |
| Stormwater Control Measure | D | | | | <A> |
| Telecommunication Facility Modification | D | | | | <A> |
| Tree Removal Permit | D | | | | <A> |

| Type of Review/ Application | Review or Decision-Making Body | | | | |
|---|---|---|---|---|---|
| | Planning Director | Subdivision Review Board | Planning Board | Board of Commissioners | Board of Adjustment |
| R: Review and Advise D: Final Decision A: Appeal < >: Public Hearing {}:Evidentiary Hearing | | | | | |
| Water Supply Watershed Protection Permit | D | | | | <A> |
| Zoning Permit (Residential/ Commercial) | D | | | | <A> |
| Extension of Nonconforming Use | R | | | | {D} |
| **Variances** | | | | | |
| Variance | R | | | | <D> |
| Floodplain Variance | R | | | | <D> |
| Watershed Variance | R | | | | <D> |
| **Miscellaneous** | | | | | |
| Appeal of Administrative Decision | | <D> *** | | | <D> |
| Official Interpretation | D | | | | <A> |
| Performance Guarantees | D | | | | <A> |
| Vested Rights Determination | D | | | | <A> |
| Watershed Density Averaging | R | | | | <D> |
| Zoning Determination Letter | D | | | | <A> |

** An abandonment of a road, right-of-way, or easement that is dedicated to the public but not yet accepted by NCDOT must be approved by the Board of Commissioners. These requests follow a specific process, which is detailed in G.S. 153A-241, including unique public hearing notification requirements.*

*** The vacated plat shall be approved under the procedures for which the original plat was approved.*

**** Appeals of platting decisions are decided by the Subdivision Review Board, except those platting decisions made by the Subdivision Review Board, as those appeals are decided by the Board of Adjustment.*

### Section 44-119. UDO Text Amendment

A. Intent

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

B. Applicability

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

C. Procedure

The common review procedures in **Section 44-116.** apply. Any individual may apply for a Text Amendment to the Unified Development Ordinance.

D. Decision Standards

1. Text Amendment Standards

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

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

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

c. Whether and the extent to which there are changed conditions that may warrant an amendment, including changes to state law;

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

e. Any other factors deemed relevant as part of the Board of Commissioners' discussion in consideration of the amendment or as required by law.

E. Statement of Reasonableness and Plan Consistency

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

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

## Section 44-120. Zoning Map Amendment/ Rezoning

A. Rezoning

1. Intent

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

2. Applicability

The procedure in this section shall apply to all applications to amend a base zoning district, overlay district, or special district on the Official Zoning District Map.

3. Procedure

The common review procedures in **Section 44-116.** apply.

4. Decision Standards

a. Zoning Map Amendment Standards

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

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

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

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

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

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

5. Statement of Reasonableness and Plan Consistency

a. As part of the action approving, denying, or amending a Zoning Map Amendment, the Board of Commissioners shall approve a brief statement describing whether the action is consistent or inconsistent with the Comprehensive Plan and analyzing the reasonableness of the application, in accordance with G.S. 160D-605. If the Board of Commissioners approves the request but decides the adoption of the Zoning Map Amendment is inconsistent with the Comprehensive Plan, the Future Land Use Map shall be deemed amended in accordance with the Zoning Map Amendment.

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

B. Conditional Zoning District

1. Intent

The conditional zoning districts included in this section allow for consideration of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole and are created or established for selected criteria as indicated in the applicability section below. The development of

these uses cannot be predetermined and controlled by general district regulations. In addition, circumstances arise when a general zoning district designation would not be appropriate for a certain property, but specific uses permitted under the district would be consistent with the objectives of this section. To accommodate those situations, this section establishes the conditional zoning district process. A conditional zoning district is not intended for securing speculative zoning for a proposal but rather is based on a firm development proposal.

2. Applicability

Conditional zoning districts may be appropriate when one or more of the following factors, separate or in combination, are proposed:

a. All base zoning district standards related to lot size, density, and use are met;

b. The tract is within a designated non-residential node, corridor, village, or commercial center as identified in the Comprehensive Plan and associated small area plans;

c. 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

d. Residential and mixed-use developments that include more than 100 lots.

3. Procedure

The common review procedures in **Section 44-116.** apply. A community meeting is required pursuant to the standards identified in **Section 44-116.E.**

4. Decision Standards

Conditional zoning district decisions are legislative decisions made by the Board of Commissioners. In approving a petition for reclassification of property to a conditional zoning district, the Planning Board may recommend, and the Board of Commissioners may of its own accord, require that reasonable and appropriate conditions be attached to approval of the petition. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to County ordinances, plans adopted pursuant to **Section 44-107**, or the impacts reasonably expected to be generated by the development or use of the site.

For example, conditions that relate to the relationship of the proposed uses to the surrounding property, proposed support facilities (e.g., parking areas, pedestrian circulation systems), screening and landscaping, timing of development, street and right-of-way improvements, water and sewer improvements, provisions of open space, and other matters that the Planning Board and Board of Commissioners may find appropriate or the petitioner may propose.

5. Such conditions of approval may include but are not limited to the dedication of right-of-way or easements for streets and/or utilities to serve the development. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners. Only those conditions mutually approved in writing by the Board of Commissioners and the petitioner may be incorporated into the conditional zoning district.
6. Statement of Reasonableness and Plan Consistency
   a. As part of the action approving, denying, or amending a conditional zoning district, the Board of Commissioners shall approve a brief statement describing whether the action is consistent or inconsistent with the Comprehensive Plan and analyzing the reasonableness of the application, in accordance with G.S. 160D. If the Board of Commissioners approves the request but decides the request is inconsistent with the Comprehensive Plan, the Future Land Use Map shall be deemed amended in accordance with the conditional zoning district.
   b. The statement of consistency and reasonableness may be approved as part of the action approving, denying, or amending the conditional zoning district.
7. Effect of Approval

   If a petition for conditional zoning district is approved, the development and use of the property shall be governed by:

   a. The standards and regulations applicable to the district's zoning classification, including all base zoning district provisions that were not modified as an approved condition;
   b. The approved site plan for the district;
   c. Any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district; and
   d. All general and additional rules, regulations, and conditions are binding on the property as an amendment to these regulations and the zoning map.
8. Zoning Map Designation

   Following approval of a petition for conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation followed by the letters "CD."
9. Post-Approval Changes

   The Planning Director shall review the record of proceedings on the original application for approval of the conditional zoning district and use the following to determine if a request to modify a conditional zoning district is substantial or minor.

   a. Substantial Changes
      i. Substantial changes to a conditional zoning district include the following:
         (1) An increase in intensity of use, which means an increase in:

(a) Usable floor area by more than ten percent (10%) or

(b) Outside land area devoted to sales, displays, or demonstrations by more than ten percent (10%).

(2) A decrease in intensity of use, which means a decrease in:

(a) Usable floor area by more than twenty percent (20%) or

(b) Outside land area devoted to sales, displays, or demonstrations by more than ten percent (10%).

(3) Structural alterations significantly affecting the basic size, form, style, and the like of the building, as shown on the approved plan;

(4) A decrease in amount or modification to location of open space, recreation facilities, or landscape screening.

(5) A change in specific or general land use category;

(6) An increase in the number of drive-thru businesses or restaurants;

(7) Substantial changes in pedestrian or vehicular access or circulation, including but not limited to access locations along public roads, interior roads connectivity, sidewalk locations, greenway connections, and multimodal facilities.

(8) Any other modifications determined to be a substantial change by the Planning Director.

ii. If the Planning Director determines the proposed action is a substantial change, the applicant shall be informed of the determination in writing.

iii. An amendment comprising a substantial change shall be handled as a new application for conditional zoning district and requires approval by the Board of Commissioners.

b. Minor Changes and Modifications

i. Minor changes to a conditional zoning district include the following:

(1) Any decrease in size or number of signs;

(2) An increase in amount of landscaping or open space; or

(3) Any time an applicant agrees to impose standards more stringent than those previously approved by the Board of Commissioners.

ii. The Planning Director shall have the authority to approve minor changes, provided they are in harmony with the action of the Board of Commissioners.

c. If multiple properties are subject to the conditional zoning district, the owners of individual properties may apply for modification of the conditions, as long as the modification would not result in other properties failing to meet the terms of the conditions. Any approved modifications shall only be applicable to those properties whose owners petition for the modification.

10. Expiration of Approval

Approval of conditional zoning by the Board of Commissioners shall constitute a permanent zoning change. The associated plan is subject to vested rights of G.S. 160D-108.1.

C. Overlay District

1. Intent

The intent of this section is to provide a uniform means for modifying or creating an Overlay District, allowing specific standards to apply in certain geographic areas of the County.

2. Applicability

The procedure in this section shall apply to all applications to modify or create an Overlay District.

3. Procedure

The common review procedures in **Section 44-116.** apply.

4. Decision Standards

a. Overlay district decisions are legislative decisions made by the Board of Commissioners. In determining whether to approve or deny the request to modify or create an Overlay District, the Board of Commissioners shall consider and weigh the following factors, in addition to other factors deemed relevant as part of the Board of Commissioners' discussion in consideration of the amendment or as required by law:

i. Whether and the extent to which the proposed district is consistent with the Comprehensive Plan and other relevant adopted plans;

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

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

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

v. Whether and the extent to which the request would encourage development in areas that can be reasonably served by public infrastructure and other public services, as applicable.

5. Statement of Reasonableness and Plan Consistency

a. As part of the action approving, denying, or amending an Overlay District, the Board of Commissioners shall approve a brief statement describing whether the action is consistent or inconsistent with the Comprehensive Plan and analyzing the reasonableness of the application, in accordance with G.S. 160D. If the Board of Commissioners approves the request but decides the request is inconsistent with the Comprehensive Plan, the Future Land Use Map shall be deemed amended in accordance with the Overlay District.

b. The statement of consistency and reasonableness may be approved as part of the action approving, denying, or amending an Overlay District request.

6. Expiration of Approval

Approval of an Overlay District by the Board of Commissioners shall constitute a permanent zoning change, which runs with the land and does not expire.

D. Special Zoning District

1. Intent

The intent of this section is to provide a uniform means for modifying or creating a Special Zoning District, allowing specific standards to apply to certain properties within the County. Any standard not explicitly modified by the Special Zoning District ordinance shall follow the standards of the base zoning district.

2. Applicability

The procedure in this section shall apply to all applications to modify or create a Special Zoning District.

3. Procedure

The common review procedures in **Section 44-116.** apply. A community meeting is required pursuant to the standards identified in **Section 44-116.E.**

4. Decision Standards

a. Special Zoning District decisions are legislative decisions made by the Board of Commissioners. In determining whether to approve or deny the request to modify or create a Special Zoning District, the Board of Commissioners shall consider and weigh the following factors, in addition to other factors deemed relevant as part of the Board of Commissioners' discussion in consideration of the amendment or as required by law:

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

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

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

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

v. Whether and the extent to which the request would encourage development in areas that can be reasonably served by public infrastructure and other public services, as applicable.

5. Statement of Reasonableness and Plan Consistency

a. As part of the action approving, denying, or amending a Special Zoning District, the Board of Commissioners shall approve a brief statement describing whether the action is consistent or inconsistent with the Comprehensive Plan and analyzing the reasonableness of the application, in accordance with G.S. 160D. If the Board of Commissioners approves the request but decides the request is inconsistent with the Comprehensive Plan, the Future Land Use Map shall be deemed amended in accordance with the Special Zoning District.

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

6. Expiration of Approval

Approval by the Board of Commissioners of a Special Zoning District shall constitute a permanent zoning change, which runs with the land and does not expire.

### Section 44-121. Exempt Plat

The following are exempt from the requirements of this section; however, exempt plats shall still be signed by the Planning Director and Review Officer prior to being recorded at the Register of Deeds Office:

A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased, the resultant lots are equal to or exceed the subdivision standards in this UDO;

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

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

D. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the subdivision standards in this UDO;

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

F. The partition of land by Court decree.

### Section 44-122. Family Subdivisions

A. Intent

The intent of a family subdivision is to allow creation of no more than three lots for lineal family members or siblings of a property owner. The three (3) lot maximum includes the parent or residual parcel.

B. Applicability

The procedure in this section shall apply to all applications for a family subdivision.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Administrative Review and Approval

A family subdivision plat is administratively reviewed and approved by the Planning Director. The Planning Director shall review the family subdivision plat and determine if it meets the requirements for approval in accordance with the following:

1. The application and plat indicate it qualifies as a family subdivision as defined in this UDO;
2. The applicant must sign an affidavit attesting to the lineal or sibling relationship that qualifies the applicant for the family subdivision;
3. Where right-of-way is less than the NCDOT-approved width, additional right-of-way has been dedicated;
4. If an existing publicly dedicated road crosses entirely through the property being subdivided, an NCDOT approved right-of-way width is required to be extended entirely through the subject property along the path of the existing public road; and
5. The right-of-way, as shown on the submitted plat, is located where a road can feasibly be built.

E. Amendment

A family subdivision plat may be amended by filing and obtaining approval of a new application for family subdivision plat approval.

F. Recording

If an approved family subdivision plat is not recorded in the Register of Deeds Office within sixty (60) days of approval, the plat expires and a new plat must be submitted.

## Section 44-123. Lot Line Adjustment

A. Intent

The intent of a lot line adjustment is to alter boundaries between adjacent parcels to improve usability or comply with zoning, without creating new lots or violating development standards such as minimum lot sizes or setbacks.

B. Applicability

The Lot Line Adjustment procedure is required for adjustment of existing lots located in an approved and recorded plat that does not qualify for an exemption from the requirements of this section.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Staff Review and Action

The Planning Director shall review and either approve or deny the application based on whether the proposed Lot Line Adjustment meets the standards of this UDO and does not create any encroachments within a setback.

E. Post-Decision Actions and Limitations

The applicant shall file the approved Lot Line Adjustment with the Register of Deeds Office for recording and follow the plat recording with a deed reflecting the recorded plat.

### Section 44-124. Major Subdivision Final Plat

A. Intent

The intent of the Major Subdivision Final Plat is to translate the conditions approved at the preliminary plat stage into a legally recordable plan. The final plat must comply with prior approvals. Elements shown on the final plat include but are not limited to lot boundaries, rights-of-way, and infrastructure.

B. Applicability

Preliminary plat approval must be obtained before applying for major subdivision final plat approval.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Application Time Frame

An application for major subdivision final plat approval must be filed with the Planning Director within five (5) years of the preliminary plat approval, unless an extension is approved; otherwise, the preliminary plat approval shall expire.

E. Decision

The Planning Director shall administratively approve the final major subdivision plat after determining all required improvements are complete or a performance guarantee package, as detailed in **Section 44-143**, has been approved.

F. Approval Criteria

1. The final plat shall be approved if it conforms to the approved preliminary plat and all preliminary conditions of approval; and

2. Except where a performance guarantee has been approved, all required improvements must be completed by the applicant or their agents, and inspected and approved by appropriate public officials or agencies before final plats can be approved; and
3. The final plat meets the requirements of the Procedures Manual.

G. Successive Applications

There is no limit on successive applications for final plat approval.

H. Amendment

A final plat may be amended by filing and obtaining approval of a new application for final plat approval.

I. Recording

If an approved major subdivision final plat is not recorded in the Register of Deeds Office within sixty (60) days of approval, the plat expires and a new plat must be submitted.

### Section 44-125. Minor Subdivisions

A. Intent

The intent of a minor subdivision is to establish a limited number of lots in compliance with all development standards.

B. Applicability

The procedures of this section apply to all applications for a minor subdivision.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Administrative Review and Approval

A minor subdivision plat is administratively reviewed and approved by the Planning Director. The Planning Director shall review the minor subdivision plat and approve or deny it.

E. Compliance with Article

No application for minor subdivision plat shall be approved unless it complies with all applicable requirements of this UDO.

F. Amendment

A minor subdivision plat may be amended by filing and obtaining approval of a new application for minor subdivision plat approval.

G. Recording

If an approved minor subdivision plat is not recorded in the Register of Deeds Office within sixty (60) days of approval, the plat expires and a new plat must be submitted.

## Section 44-126. Preliminary Plat

A. Intent

A preliminary plat establishes the general layout and design for a subdivision. Upon approval of a preliminary plat by appropriate agencies or departments, an applicant may install infrastructure and elements shown on the preliminary plat or apply for a performance guarantee, in accordance with the procedures of this UDO.

B. Applicability

The procedure in this section shall apply to all preliminary plat submittals.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision Standards

1. Planning Director

The Planning Director shall review an application for preliminary plat and make recommendations to the Subdivision Review Board, including recommendations of other affected agencies of government. The Subdivision Review Board shall take action as provided in this section.

2. Subdivision Review Board

a. The Subdivision Review Board shall approve, approve with conditions, deny or continue action related to the Preliminary Plat application. The Subdivision Review Board shall take action on complete applications submitted at least 45 days prior to the regularly scheduled Subdivision Review Board meeting.

b. If the Subdivision Review Board determines the application does not comply with this UDO, written findings that document the required corrections and/or additional information necessary for approval of the Preliminary Plat will be provided to the applicant.

c. If the Planning Director or Subdivision Review Board determines the errors are minor, the application may be approved pending revisions.

d. Where applications are approved without conditions, the Planning Director shall notify the applicant in writing of the approval date.

e. Where applications are approved with conditions, the Planning Director shall notify the applicant in writing of the conditions and the reasons.

f. Where applications are denied, the Planning Director shall notify the applicant of the reasons. All such notices shall be in writing or by electronic notice.

g. The decision, and the grounds for the decision, shall be recorded in the minutes of the Subdivision Review Board.

E. Extensions of Approval and Substantial Progress

1. Upon preliminary plat approval by the Subdivision Review Board, the applicant has up to five years to complete all improvements in compliance with this article and obtain final plat approval. An extension of three years may be granted by the Subdivision Review Board only where the applicant demonstrates good cause and where there has been a substantial expenditure of resources directly related to the subdivision development as reviewed by the Subdivision Review Board. Examples of substantial expenditures include consulting fees from development specialists for property surveys, soil evaluation, erosion control plan, engineering design for roadway, waterlines, sewer lines, permit fees or fees associated with land preparation such as clearing, rough grading or fine grading.
2. In all cases where extensions are granted, the cumulative time period for obtaining final plat approval shall not exceed a total period of ten years from the date of the initial preliminary plat approval.

F. Copy

A copy of the decision approving the preliminary plat will be maintained in the Planning Department.

G. Successive Applications

There is no limit on successive applications for preliminary plat approval; however, a written request from the current property owner or owner's agent to withdraw the previously approved preliminary plat shall be included with the application. If the preliminary plat was recorded; a plat vacation process shall occur following the procedures and standards for plat vacation contained in this UDO prior to a new Preliminary Plat approval being granted by the Subdivision Review Board.

H. Amendments

1. Major Amendments
   a. Major amendments may be approved by the Subdivision Review Board.
   b. An updated preliminary plat shall be submitted for review and consideration.
   c. Examples of major amendments include:
      i. When the location of a road is altered, a new road is proposed, or a road connection is removed;
      ii. Additional residential lots are proposed;
      iii. Reduction or relocation of open space; or
      iv. Reduction or relocation of community amenities.
2. Minor changes
   a. Minor changes may be approved by the Planning Director.
   b. An updated plat shall be submitted showing the minor changes for approval.
   c. Examples of minor changes include:

i. Reduction of residential lots;

ii. Addition of open space;

iii. Addition of community amenities; or

iv. Reconfiguration of layout or lot distribution.

### Section 44-127. Right-of-Way/Road Abandonment

A. Intent

The intent of right-of-way /road abandonment is to formally relinquish public access to a roadway, converting it to private property.

B. Applicability

Except as exempted by this section, no publicly dedicated existing roads, rights-of-way, or access easements in Catawba County shall be closed or abandoned unless a request is approved following the provisions of this section.

C. Procedure

1. The common review procedures in **Section 44-116.** apply.
2. A road, right-of-way, or easement shown on a recorded plat that is dedicated to the public but not yet accepted by NCDOT cannot be abandoned without a public hearing and approval from the Board of Commissioners pursuant to G.S. 153A-241.
3. A road, right-of-way, or easement shown on a recorded plat that is dedicated to the public but not open or used within 15 years after dedication may be withdrawn in accordance with G.S. 136-96 without NCDOT or County approval.

D. Decision Standards

a. The closing will not be detrimental to the public interest or to any individual property rights;

b. The closing will not be contrary to the public interest; and

c. No individual owning property in the vicinity of the road, right-of-way, or easement would be deprived of reasonable means of ingress to or egress from the property.

E. Post-Decision Actions and Limitations

1. Upon closure of a public road, right-of-way, or easement, all right, title and interest in the land shall be conveyed to the adjacent property owner by extending property lines to the road, right-of-way, or easement centerline.
2. All public utility easements shall remain in place.
3. The applicant shall file the approved order and plat showing the revised property configuration with the Register of Deeds Office.

### Section 44-128. Plat Vacation

A. Intent

The intent of a plat vacation is to eliminate or change parts of a previously recorded plat, such as roads, alleys, or easements.

B. Applicability

The owner of a parcel subject to an approved plat may vacate the plat at any time before any lot in the plat is sold, as long as a road, right-of-way, or easement has not been publicly dedicated. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

If lots in the plat have been sold or built upon, the plat or any part of the plat may be vacated on the application of all owners of lots in the plat, with approval obtained in the manner prescribed by the original plat, as long as all sold or built lots meet the standards of this UDO.

If a recorded plat contains a publicly dedicated road, right-of-way, or easement, the plat vacation process shall first follow the Right-of-Way/Road Abandonment process detailed in **Section 44-127**.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision

The vacated plat shall be approved under the procedures for which the original plat was approved. The approving entity shall approve or deny an application for a plat vacation.

E. Approval Criteria

1. No application for a plat vacation shall be approved unless it complies with all applicable requirements of this UDO.
2. The approving entity shall not approve an application for a plat vacation if it will materially injure the rights of any nonconsenting property owner or any public rights related to public improvements unless expressly agreed to by the agency with jurisdiction over such improvements.

F. Recording

After the new plat is approved, the plat must be recorded within sixty (60) days with the Register of Deeds Office. Upon execution and recording of the new plat, the vacated plat has no effect. The re-subdivision of land covered by a plat that is vacated shall be platted in the same manner as is prescribed by this article for an original plat.

### Section 44-129. Home Occupation Permit and Backyard Business

A. Intent

The purpose of this section is to establish a procedure for Home Occupation and Backyard Business Permits, in order to ensure proposed development complies with the standards of this UDO.

B. Applicability

No business may be operated from a residentially zoned property without the issuance of a Home Occupation or Backyard Business Permit in accordance with this section, unless exempted by this UDO.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision Standards

The Planning Director shall approve a Home Occupation or Backyard Business Permit application only upon determining the application demonstrates the proposed activity complies with this UDO.

### Section 44-130. Floodplain Development Permit

A. Intent

The purpose of this section is to establish a uniform procedure to ensure development in Special Flood Hazard Areas as determined by the Federal Emergency Management Agency complies with the flood damage prevention standards of this UDO, in order to reduce flood risks that threaten the public health, safety, and general welfare.

B. Applicability

A permit is required prior to commencement of any development in Special Flood Hazard Areas established in accordance with the flood damage prevention standards in this UDO.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Staff Review and Action

The Planning Director shall review and make a decision on the application based on the standards in this section. The Planning Director shall approve the application, approve the application subject to conditions of approval, or deny the application.

E. Post-Decision Actions and Limitations

A Floodplain Development Permit shall expire if site work has not commenced within two (2) years of the date of issuance.

F. Decision Standards

The Planning Director shall approve a Floodplain Development Permit application only upon determining the application demonstrates compliance with the flood damage prevention standards of this UDO.

### Section 44-131. Sign Permit

A. Intent

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

B. Applicability

Approval of a Sign Permit in accordance with this section is required before any sign is erected, replaced, relocated, or otherwise altered, except for signs exempted by this UDO.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision Standards

The Planning Director shall approve a Sign Permit application only upon determining the application demonstrates the proposed sign complies with this UDO.

### Section 44-132. Special Use Permit

A. Intent

The intent of a Special Use Permit is to allow for a specific use or uses on a parcel of land where that use is not formally allowed by-right based on the parcel's zoning district.

B. Applicability

This section applies to any use that requires a Special Use Permit for approval according to the use permissions listed in **Table 227-2. Land Use Table**.

C. Procedure

A quasi-judicial hearing which follows the quasi-judicial process in **Section 44-117** shall be required.

D. Review Period

Within 45 days of receipt of a complete application, the Planning Director shall submit a report to the Board of Adjustment. The Board of Adjustment shall approve, approve with conditions, or disapprove the application.

E. Approval Criteria

1. Before any application for a special use is approved, the Board of Adjustment shall make written findings certifying compliance with the specific standards governing each individual special use and the general standards contained in this section. The Board of Adjustment shall make appropriate findings, supported by evidence in its record, on each general and specific standard.
2. General Standards
    a. The following general standards must be met for approval of special uses pursuant to this article:

i. The use will not materially endanger the public health, safety, and general welfare, if located where proposed and developed and operated according to the application;

ii. The use, which is listed as a special use in the district in which it is proposed to be located, complies with all required regulations and standards of this article, unless greater or different regulations are contained in the individual standards for that special use;

iii. The use will not substantially injure the value of adjoining or abutting property; and

iv. The use is consistent with any adopted area plans that encompass the property subject to the application.

b. The Board of Adjustment shall make these general findings based upon substantial evidence contained in its proceedings. The Board may refer to the Planning Director's report to aid in its deliberations. The applicant has the sole responsibility of presenting evidence in the form of testimony, exhibits, documents, models, plans, and the like to support the application for approval of a special use.

3. Imposed Conditions

a. The Board of Adjustment may propose such reasonable conditions, upon approval of a special use granted pursuant to this article, as will afford protection of the public safety and welfare and substantial justice done.

b. Such conditions shall run with the land and shall be binding on the original applicant as well as all successors, assigns, and heirs.

F. Expiration

Special use permits are valid for five (5) years from the date of Board of Adjustment approval and shall automatically expire at that time unless the property is being used in conformance with all requirements of the permit.

G. Amendments and Minor Changes

Before making a determination as to whether a proposed action is an amendment or a minor change, the Planning Director will review the record of proceedings on the original application for approval of the Special Use Permit.

1. Amendment: An amendment requires approval by the Board of Adjustment and shall be handled as a new application. Amendments include the following:

a. A change in use.

b. An increase in intensity of use, which means an increase in:

i. Usable floor area;

ii. Number of dwelling or lodging units; or

iii. Outside land area devoted to sales, displays, or demonstrations.

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. Any decrease in amount, location, or type of open space, recreation facilities, or landscape screens.

e. Changes to pedestrian or vehicular access, circulation, or connections.

2. Minor Change:

a. The Planning Director may approve minor changes in an approved Special Use Permit, as long as they are in harmony with the action of the Board of Adjustment.

3. If the Planning Director determines the proposed action is an amendment based on the criteria in **Subsection 2** above, the applicant shall be required to file a request for amendment to the Special Use Permit, which shall be submitted to the Board of Adjustment for review using the same procedures as a typical Special Use Permit request.

H. Scope of Approval

1. After approval of a Special Use Permit, a zoning permit is required prior to activities taking place on the property. A zoning permit shall not be issued if the development activities do not conform to the approved detailed site plan or Special Use Permit.

2. The site plan is binding on the applicant and any successors in title unless it expires or is amended as provided in this UDO.

### Section 44-133. Stormwater Control Measure Permit

A. Intent

The purpose of this section is to establish a procedure for Stormwater Control Measure (SCM) Permits, in order to ensure proposed development complies with the standards of this UDO.

B. Applicability

1. Except as exempted by this section, no development shall take place on land subject to the County's jurisdiction unless the Planning Director has issued a Stormwater Control Measure Permit for the development. In particular, issuance of a Stormwater Control Measure Permit in accordance with this section is required prior to any of the following:

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

b. Except for work authorized through an Erosion and Sedimentation Control Permit, the clearing, grubbing, grading, excavation, or filling of any lot;

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

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

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

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision Standards

The Planning Director shall approve a Stormwater Control Measure application only upon determining the application demonstrates compliance with this UDO.

### Section 44-134. Telecommunication Facility Modification and Eligible Facilities Request Permit

A. Intent

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

B. Applicability

1. Except as exempted by this section, no development associated with a Telecommunication Facility Modification shall take place on land unless the Planning Director has issued a Telecommunication Facility Modification Permit for the development. In particular, issuance of a Telecommunication Facility Modification Permit in accordance with this section is required prior to any of the following:
   a. The issuance of any building, electrical, mechanical, structural, plumbing, piping, demolition, or other permit;
   b. The clearing, grubbing, grading, excavation, or filling of any lot;
   c. The erection, movement, extension, enlargement, or structural alteration of a building or other structure, other than a sign (which requires a Sign Permit);
   d. A change of use of land or a building; or
   e. The commencement of a temporary use, unless exempted by this UDO.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision Standards

The Planning Director shall approve a Telecommunication Facility Modification application only upon determining the application demonstrates compliance with this UDO.

### Section 44-135. Tree Removal Permit

A. Intent

The purpose of this section is to provide a procedure for ensuring existing trees are protected in accordance with the tree protection standards in this UDO.

B. Applicability

A Tree Removal Permit is required prior to removal of a protected tree on industrial, commercial, mixed-use, multifamily property, within a major residential subdivision, common area, or in a required buffer on any property.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision Standards

The Planning Director shall approve a Tree Removal Permit application only upon determining the application demonstrates the proposed tree removal complies with this UDO.

### Section 44-136. Water Supply Watershed Protection Permit

A. Intent

The purpose of this section is to establish a procedure for Water Supply Watershed Protection (WSWP) Permits, in order to ensure proposed development complies with the standards of this UDO.

B. Applicability

1. Except as exempted by this Chapter, no development shall take place on land within the WSWP Overlay District unless the Planning Director has issued a WSWP Permit for the development. In particular, issuance of a WSWP Permit in accordance with this section is required prior to any of the following:
   a. The issuance of any building, electrical, mechanical, structural, plumbing, piping, demolition, or other permit;
   b. The clearing, grubbing, grading, excavation, or filling of any lot;
   c. The erection, movement, extension, enlargement, or structural alteration of a building or other structure, other than a sign (which requires a Sign Permit);
   d. A change of use of land or a building; or
   e. The commencement of a temporary use, unless exempted by this UDO.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision Standards

The Planning Director shall approve a WSWP Permit application only upon determining the application demonstrates compliance with this UDO.

### Section 44-137. Zoning Permit

A. Intent

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

B. Applicability

1. Except as exempted by this section or other applicable law, no development shall take place on land subject to the County's jurisdiction unless the Planning Director has issued a Zoning Permit for the development. In particular, issuance of a Zoning Permit in accordance with this section is required prior to any of the following:
   a. The issuance of any building, electrical, mechanical, structural, plumbing, piping, demolition, or other permit;
   b. The clearing, grubbing, grading, excavation, or filling of any lot;
   c. The erection, movement, extension, enlargement, or structural alteration of a building or other structure, other than a sign (which requires a Sign Permit);
   d. A change of use of land or a building; or
   e. The commencement of a temporary use, unless exempted by this UDO.
2. A Zoning Permit is not required for any of the following activities:
   a. Street construction or maintenance;
   b. Construction of individual mailboxes (not including cluster mailboxes for more than ten dwelling units), newspaper boxes, walls less than 60 inches in height, fences, flag poles, driveways, playground equipment (less than 12' in any dimension), well covers under 5 feet in any dimension, doghouses and any other similar customary, ancillary structures, and site features having minimal visual impact, as determined by the Planning Director.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision Standards

The Planning Director shall approve a Zoning Permit application only upon determining the application demonstrates the proposed activity complies with this UDO.

## Section 44-138. Variance

A. Intent

The purpose of this section is to establish a uniform mechanism for an applicant to request a Variance and for the Board of Adjustment to review and act on such requests. A Variance allows certain deviations from the standards of this UDO when all of the standards listed below are proven.

B. Applicability

This section applies to any application to vary any dimensional requirements or modify any of the provisions of this article, provided no change in permitted uses may be authorized by variances granted under this section.

C. Application

The application for a variance, along with a plot plan, sealed by a licensed professional, must be submitted to the Planning Director and shall include information as required by the Procedures Manual.

D. Review Period

Within 45 days of receipt of a complete application, the Planning Director shall submit a report to the Board of Adjustment. The Board of Adjustment shall approve, approve with conditions, or disapprove the application.

E. Procedure

The quasi-judicial procedures in **Section 44-117.** apply.

F. Decision Standards

1. The Board of Adjustment shall then approve, approve with conditions, or disapprove the application.
2. When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation, except land uses, upon determining all of the following:
   a. Unnecessary hardship would result from strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
   b. The hardship results from conditions peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
   c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
   d. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.
3. Affirmative Findings Required

   Each finding of fact required by Section **F** above shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four (4) categories.
4. Conditions

   Appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance.

G. Expiration

A variance does not expire and runs with the land.

H. Change to Variance

A change to an approved variance requires a new variance application.

I. Zoning Permit

After approval of a variance, the applicant must apply for a zoning permit before undertaking any development authorized by the variance.

### Section 44-139. Floodplain Variance

A. Intent

The purpose of a Floodplain Variance is to allow certain deviations from the flood damage prevention standards of this UDO.

B. Applicability

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

1. Functionally dependent facilities that meet the standards of the Floodplain Variance procedure, provided the standards of this UDO have been satisfied, and provided the facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; and
2. Any other type of development that meets the standards of the Floodplain Variance procedure.

C. Review Period

Within 45 days of receipt of a complete application, the Planning Director shall submit a report to the Board of Adjustment.

D. Procedure

The quasi-judicial procedures in **Section 44-117** apply.

E. Decision Standards

1. The Board of Adjustment shall approve a Floodplain Variance application only following consideration of all technical evaluations, all relevant factors, the flood damage prevention standards in this UDO, and the following considerations:
   a. The danger that materials may be swept onto other lands to the injury of others;
   b. The danger to life and property due to flooding or erosion damage;
   c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   d. The importance of the services provided by the proposed facility to the community;

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

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

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

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

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

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

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

2. The following conditions shall apply to Floodplain Variances:

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

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

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

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

e. Floodplain Variances shall only be issued upon:

i. A showing of good and sufficient cause;

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

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

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

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

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

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

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

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

### Section 44-140. Watershed Variance

A. Intent

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

B. Applicability

The procedure in this section may be used to vary the standards that apply to development in the WSWPO district.

C. Procedure

The quasi-judicial procedures in **Section 44-117** apply.

D. Review Period

Within 45 days of receipt of a complete application, the Planning Director shall submit a report to the Board of Adjustment.

E. Post-Decision Actions and Limitations

1. Signed Decision Filing

Decisions shall be documented in writing, signed by the Chair, filed in the Planning and Zoning Department, and mailed to all parties.

2. Transfer to North Carolina Environmental Management Commission

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

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

i. The Watershed Variance application;

ii. Evidence of proper notification of the public hearing;

iii. A summary of all evidence presented at the Watershed Review Board hearing, including comments from other local governments;

iv. Proposed findings and exceptions; and

v. Any Board of Adjustment-sponsored conditions proposed to be added to the permit.

3. Approval by North Carolina Environmental Management Commission

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

b. If the North Carolina Environmental Management Commission denies the application, the Watershed Variance application shall be considered denied, and the County shall not accept an application for similar Watershed Variance request affecting the same property or properties for one (1) year following the date of denial, unless substantial new evidence is presented, as determined by the Planning Director.

F. Common Provisions for Watershed Variances

1. Effect of Approval

If an application for Watershed Variance is approved by the North Carolina Environmental Management Commission, the landowner may:

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

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

2. Appeal

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

3. Transmission to North Carolina Division of Water Resources

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

G. Decision Standards

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

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

2. The hardship results from conditions peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions common to the neighborhood or the general public, may not be the basis for granting a Variance. A Variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance is not a self-created hardship.
4. The requested Variance is consistent with the spirit, purpose, and intent of this UDO, such that public safety is secured and substantial justice is achieved.

### Section 44-141. Appeal of Administrative Decisions

A. Intent

The purpose of this section is to provide a procedure for appeal from decisions made by the Planning Director regarding development applications filed and decided in accordance with this UDO.

B. Applicability

Any aggrieved party with standing affected by a decision or interpretation of the Planning Director may appeal such decision or interpretation to the Board of Adjustment, in accordance with this section within thirty (30) days.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision Standards

The Board of Adjustment, when hearing an appeal, may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision. All decisions of the Board shall be based upon competent, material, and substantial evidence in the record.

### Section 44-142. Official Interpretation

A. Intent

The purpose of the interpretation procedure in this section is to establish a uniform mechanism for rendering formal written interpretations of the text of this UDO or the boundaries or classifications on the Official Zoning Map.

B. Applicability

1. The procedure and standards in this section are required for rendering formal written interpretations of the text of this UDO and the boundaries or classifications on the Official Zoning Map.

2. The Planning Director is responsible for making interpretations of all provisions of this UDO, including but not limited to:
   a. Interpretations of the text;
   b. Interpretations of the zoning district boundaries; and
   c. Interpretations of whether a use not listed in the Principal Use Table is comparable to a listed use or not, and whether it should be allowed in a zoning district or prohibited in that district.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision Standards

The Planning Director shall make an Official Determination only after reviewing the available information about the property, use, development, and other matters in question against this UDO and the boundaries as shown on the Official Zoning Map.

### Section 44-143. Performance Guarantees

A. Intent

The purpose of this section is to provide a mechanism to secure completion of specific, unfinished improvements in a manner that allows an applicant to proceed with land development activities before all required improvements are completed.

B. Applicability

Approval and acceptance of a performance guarantee in accordance with this section is required where 1) all required public improvements identified on a preliminary plat or approved development plan have not been installed and approved by the Planning Director, 2) all on-site and off-site public infrastructure as well as any private infrastructure subject to state permitting approved as part of a preliminary plat or approved development plan have not been installed and approved by the appropriate authority or 3) all site elements depicted on the approved preliminary plat or approved development plan, including but not limited to topcoat of asphalt on roadways, sidewalks, landscaping, and site lighting have not been completed:

1. Prior to issuance of a final construction approval;
2. Prior to issuance of a permanent certificate of occupancy;
3. At the time of approval of a recordable instrument, including a final plat; or
4. Prior to acceptance of dedication for public use improvements made by private development or funding, pursuant to any state law.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision Standards

Upon determining the application is complete, the Planning Director shall review the application, the proposed Performance Guarantee, and cost estimate, and if necessary, visit the development site to determine the existing conditions. The Planning Director may then approve the application for Performance Guarantee.

E. Effect of Approval

Upon approval of an application for Performance Guarantee, the developer shall submit a Performance Guarantee in accordance with the requirements below. After acceptance of the Performance Guarantee by the Planning Director, the applicant may submit an application for final construction approval, permanent certificate of occupancy, final plat, or acceptance of improvements for public use.

F. Performance Guarantee Requirements

All Performance Guarantees submitted in accordance with this section shall comply with the following standards:

1. Type of Guarantee

The Guarantee shall be in one of the following forms, at the applicant's option:

a. A surety bond issued by any company authorized to do business in North Carolina; or

b. A letter of credit issued by any financial institution licensed to do business in North Carolina.

2. Amount

The Performance Guarantee shall be made payable to Catawba County and shall be in an amount equal to 1.25 times the cost to complete all required improvements, as certified by the Planning Director.

3. Duration

The initial duration of the Performance Guarantee shall be a maximum of two years.

4. Extensions

A Performance Guarantee may be extended for an additional period if the Planning Director determines the developer has demonstrated reasonable, good-faith progress toward completion of the improvements secured by the Guarantee or any extension. An extension shall be for the duration necessary to complete the required improvements. The amount of the extension shall be in an amount equal to 1.25 times the cost to finish all incomplete improvements, as certified by the Planning Director.

5. Partial Releases

a. Upon written request to the Planning Director, the applicant may request a release of a portion of the Performance Guarantee based on percentage of work completed, as follows:

i. At least 25 percent of the work is completed.

ii. No more than two partial releases shall be considered.

iii. No more than 75 percent of the original amount of the Performance Guarantee may be released in accordance with this section.

b. Partial releases of Performance Guarantees shall be processed within thirty (30) days of written request to the Planning Director, unless there are specified defects or deficiencies in construction of facilities covered by the Guarantee, which will be detailed in a letter provided by the Planning Director.

6. Final Release

Following completion of the improvements secured by the Performance Guarantee and after the Planning Director has certified the improvements as being complete, the applicant may request the final release of the Performance Guarantee. The final release shall be processed within 30 days of written request to the Planning Director.

7. Default

In the event of a failure or default on the part of the developer/applicant to complete the required improvements in the time required by this UDO or as detailed in the Performance Guarantee, the Guarantee itself, or financial institution holding the escrow account, shall pay any and all portions of the Performance Guarantee to Catawba County up to the amount needed to complete the improvements based on an estimate obtained by the Planning Director. Upon payment, the County, in its sole discretion, may expend such portion of these funds, as it deems necessary to complete all or any portion of the required improvements. The County shall return any funds not spent in completing the improvements.

## Section 44-144. Vested Rights Determination

A. Intent

The purpose of this section is to establish a uniform mechanism for a landowner to request a determination from the Planning Director that the landowner has the right to develop land in accordance with an approved site-specific vesting plan, in lieu of compliance with current zoning or land use requirements, pursuant to G.S. 160D-108.

B. Applicability

A landowner may submit an application for a Vested Rights Determination in accordance with this section with respect to any site-specific vesting plan. A site-specific vesting plan shall include any of the following:

1. Planned Development Site Plan;
2. Special Use Permit; and/or

3. Preliminary Plat.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision Standards

The Planning Director shall approve a Vested Rights Determination application only upon making the determination that the applicant has provided sufficient competent evidence to demonstrate the following in accordance with G.S. 160D-108:

1. The site-specific vesting plan was lawfully established and approved in the appropriate manner by the appropriate decision-making body;
2. The site-specific vesting plan has not expired; and
3. The site-specific vesting plan provides sufficient information to establish the type and intensity of proposed development with reasonable certainty.

### Section 44-145. Watershed Density Averaging

A. Intent

The purpose of this section is to establish a procedure for ensuring proposed development in the Water Supply Watershed Protection Overlay (WSWPO) district for which use of the watershed density averaging development option is proposed complies with the requirements in this UDO and to establish a way for the County to track the use of density averaging to ensure overall development with the WSWPO district complies with County regulations and state law.

B. Applicability

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

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision Standards

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

1. Up to two (2) noncontiguous properties may be used.
2. The properties are within the same water supply watershed. If one of the properties is located in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.
3. Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.

4. Vegetated buffers on both properties meet the minimum statewide water supply watershed protection requirements.
5. Built-upon areas are designed and located to minimize stormwater runoff impact to receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
6. Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.
7. The property or portions of property not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deed and shall be irrevocable.
8. Development meeting applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

### Section 44-146. Zoning Determination Letter

A. Intent

The purpose of the interpretation procedure in this section is to verify the zoning district for a specific property.

B. Applicability

1. The procedure and standards in this section are required for rendering formal written determination of the zoning district for a specific property.
2. The Planning Director is responsible for making determinations of all provisions of this Ordinance, including but not limited to:
   a. Interpretations of the text; and
   b. Interpretations of the zoning district boundaries.

C. Procedure

The common review procedures in **Section 44-116.** apply.

D. Decision Standards

The Planning Director shall issue a Zoning Determination Letter only after reviewing the available information about the property and the boundaries as shown on the Official Zoning Map.

# Article 2. Zoning and Land Use

## Division 1. General

### Section 44-201. Establishment of Districts

A. Purpose

This article divides the County into various districts for purposes of zoning. Within each district, this article describes the permitted uses or building types, densities, intensities, and dimensional standards such as setbacks and permitted height. The purpose of this article is to implement the County's Comprehensive Plan and other adopted plans, protect neighborhoods, and provide for economic development.

1. Zoning Districts

The following zoning districts are established by the County:

**Table 201-1. Zoning District Established**

| Zoning Districts | |
|---|---|
| **General Zoning Districts** | |
| R-Con | Rural Conservation |
| R-80 | Residential (Minimum 80,000-square-foot lots) |
| R-40 | Residential (Minimum 40,000-square-foot lots) |
| R-30 | Residential (Minimum 30,000-square-foot lots) |
| R-20 | Residential (Minimum 20,000-square-foot lots) |
| RC | Rural Commercial |
| HC | Highway Commercial |
| OI | Office Institutional |
| LI | Light Industrial |
| GI | General Industrial |
| **Overlay Zoning Districts** | |
| CRC-O | Catawba River Corridor |
| FPM-O | Floodplain Management |
| MUC-O | Mixed-Use Corridor |
| DWMH-O | Doublewide Manufactured Home |
| MP-O | Mountain Protection |

| Zoning Districts | |
|---|---|
| WP-O | Watershed Protection |
| ED-O | Economic Development |
| **Special Zoning Districts** | |
| PD | Planned Development |
| 321-ED | 321 Economic Development |
| MHP | Manufactured Home Park |

2. Special Districts

Special districts are zoning districts (as identified in **Table** 201-1. **Zoning District Established**) established to address unique situations like master planned developments or special public benefits, such as large employment generators. Unlike overlay districts, special districts include their own use, dimensional, and other standards, and serve as general use districts in locations where they are mapped.

3. Conditional Zoning Districts

This article establishes conditional zoning districts that correspond to the general zoning districts. The conditional zoning districts have the same name as the general zoning district designation along with the designation -CD. For example, a conditional zoning district that corresponds to residential (R-20) has the designation R-20-CD.

Conditional zoning districts follow all general zoning standards, with addition of specific voluntary conditions that make these districts more stringent than the base district.

4. Overlay Districts

The overlay districts may impose greater restrictions, require higher development standards, prohibit certain uses, and require additional approvals, as stated in the overlay district regulations.

B. Plan Consistency

The County's intent is that no rezoning to a zoning classification will be approved unless the location aligns with the designated land use categories and densities in the County's adopted comprehensive plan, except where changing conditions warrant zoning changes and a corresponding change to the comprehensive plan.

## Section 44-202. Zoning Map

A. Adoption of Official Zoning Map

The official zoning map, including all its notations, is adopted by reference and declared to be part of this article. The official zoning map is maintained as an electronic map layer in the County's Geographic Information System (GIS) database. The official zoning map shall be the final authority regarding current zoning district classification of land in the County and shall only be amended in accordance with this UDO. Where boundaries and designations are not shown directly on the basic map, they are indicated by overlays to such maps or as separate maps. Overlays or separate maps have the same force and effect as the basic maps.

B. Inset Maps

Where the scale of the basic map or supplemental maps are inadequate for presentation of details in particular areas, such areas may be cross-referenced on the basic map or included on supplemental maps or separate inset maps at an appropriate scale.

C. Zoning Map Replacement

The Board of Commissioners may direct the preparation of a new official zoning map. The new official zoning map replaces the previous official zoning map upon approval by the Board pursuant to G.S. 160D-105.

D. Authentication

The signature of the Chairperson of the Board of Commissioners shall authenticate the official zoning map. The signature shall be attested by the signature of the clerk to the Board, and shall bear the seal of the County under the following words: "This is to certify that the Official Zoning Map referred to was approved on _____."

E. Official Zoning Map Amendment, Updating, and Authentication

The official zoning map shall be amended, updated, and authenticated as follows:

1. Amendment

The official zoning map is subject to amendment by this UDO as set out in **Section 44-123**. Any proposed amendment shall be identified by reference to the map and/or supplement, and a legal description or other property identification or such other information as is required to make specific the application of the amendment.

2. Updating

Amendments to the official zoning map shall be updated on the official zoning map by the Planning Director.

F. Unauthorized Changes Prohibited

No changes of any nature shall be made in the official zoning map, except as set forth in this article. Any unauthorized changes by any person are a violation of this article and punishable as provided by law. This subsection does not preclude action under other applicable criminal state statutes against any person alleged to have made unauthorized changes in this article.

G. Final Authority for Official Zoning Map

Regardless of the existence of purported copies of all or part of the official zoning map which may from time to time be made, published, or reproduced, the official zoning map is the final authority as to the current zoning status of all lands and waters within the zoning jurisdiction of the County.

H. Availability and Reproductions of the Official Zoning Map

The official zoning map shall be available for public inspection and copying. The map may be in the format approved by the County. Copies of the zoning district map may be reproduced by any method of reproduction that gives legible and permanent copies.

## Section 44-203. Boundaries of Districts

A. District Symbol on Official Zoning Map

A district symbol or name shown within district boundaries on the official zoning map indicates that district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line, except as otherwise specifically provided.

B. Uncertainty as to Boundaries

Where uncertainty exists as to boundaries of districts or other areas delineated for regulatory purposes in the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, alleys, rights-of-way, or easements shall be construed as following such centerlines as they exist on the ground. If a right-of-way or easement is abandoned, the boundary remains in its location.
2. Boundaries indicated as approximately following boundaries of streets, alleys, other public or private property lines, rights-of-way, or easements shall follow such boundaries.
3. Boundaries indicated as approximately following mean high-water lines or centerlines of rivers, lakes, coves, or other bodies of water shall be construed as following such mean high-water lines or centerlines. If the mean high-water line or centerline changes, the boundary shall be construed as moving with the change.
4. Boundaries indicated as approximately parallel to or extensions of features described in subsections **1**, **2**, and **3** above shall be construed as being parallel to or extensions of such features.
5. Where distances are not specifically indicated on any map in the official zoning map, they shall be determined by reference to the scale of the map.
6. Boundaries indicated as entering any body of water but not continuing to intersect with other zoning boundaries or with the limits of the jurisdiction of the County shall be construed as extending, in the direction in which they enter the body of water, to intersect with other zoning boundaries or with the limits of County jurisdiction.

7. Where parcels of land and water areas have been inadvertently excluded from a zoning district classification in any manner, the parcel shall be classified to conform to the district which surrounds it or which is most restrictive adjacent to it, until changed after a public hearing.
8. Where remaining uncertainty or conflict occurs:
   a. In other circumstances not covered in this section where existing natural or manmade features do not align with those shown in the official zoning map, where the official zoning map is illegible or unclear, where interpretation based on such rules would produce contradiction or conflict with the intent of this article, or upon request from the affected property owner, the Planning Director shall make a finding and interpretation concerning the boundaries involved in accordance with the intent and purpose of this article.
   b. When such finding and interpretation involve only corrections to the official zoning map or any official supplement and do not change the zoning of any lot, the Board of Commissioners may direct the Planning Director to make corrections without proposing an amendment to the map involved. When the zoning of any lot would be changed by such correction, the Board of Commissioners shall initiate a proposed corrective amendment, which will follow the typical rezoning process.
9. Where the rules of interpretation set forth in subsections 1, 2, and 3 above would produce a variation of the actual location from the mapped location and this would change the zoning status of a lot or parcel, the boundary shall be interpreted to avoid such change.

C. Where a parcel contains two or more district designations, the regulations of the underlying general district fronting the public street shall govern, except where the lot fronts on Lake Hickory, Lake Lookout, Lake Norman, or the main stem of the Catawba River. In these cases, the underlying general district fronting the lake or main stem river shall govern.

D. Split Zoning on Lots
   1. A lot shall not be divided by a zoning district.
   2. Existing lots with split zoning may remain; however, no new lots with split zoning may be created.

E. Split Jurisdiction on Lots
   1. The County's jurisdictional boundaries, when running through a lot, shall not create a property line.
   2. Existing lots with split jurisdiction may remain; however, no new lots with split jurisdiction may be created.

### Section 44-204. Dimensional Regulations

A. Calculation and Rounding of Requirements
   1. When making calculations as directed in this article, numbers shall be rounded to the next highest whole number.

2. No portion of a lot necessary for compliance with this UDO and used as part of an existing or proposed building, structure, or use shall, through sale or otherwise, be used again to meet the minimum requirements for any other building, structure, or use.

B. Dimensional Standards

Except as specifically provided in this article, regulations governing the density; minimum lot size and width; required front, side, and rear setbacks; maximum permitted height of structure; and gross leasable area are shown in **Table 204-1. Dimensional Standards.**

**Table 204-1. Dimensional Standards**

| | Density (maximum dwelling units per acre) | Lot Size (minimum, square feet) | Lot Width (minimum, feet) | Front Setback (minimum, feet) | Side Setback (minimum, feet) | Rear Setback (minimum, feet) | Height (maximum, feet)[1] | Gross Leasable Area (GLA) max. per development, square feet |
|---|---|---|---|---|---|---|---|---|
| Rural Conservation (R-Con) | 0.2 | 217,800 (5 acres) | 250 | 100 | 30 | 50 | 45 | - |
| Residential (R-80) | 0.5 | Single family - 80,000<br>Duplex - 120,000 | 150[2] | 30 | 15 | 30 | 45 | - |
| Residential (R-40) | 1.0 | Single family - 40,000<br>Duplex - 60,000 | 100[2] | 30<br>20[3] | 15 | 30 | 45 | - |
| Residential (R-30) | 1.5 | Single family - 30,000<br>Duplex - 45,000 | 75 | 30<br>20[3] | 15 | 30 | 45 | - |
| Residential (R-20) | 2.0 | Single family - 20,000 or<br>Duplex - 30,000 or 22,500 w/ public water and/or sewer | 75 | 30<br>20[3] | 15 | 30 | 45 | - |
| Office-Institutional (OI) | - | 20,000 | 100 | 30 | 20 | 30 | 45 | - |
| Rural Commercial (RC) | - | 20,000 | 100 | 30 | 20 | 30 | 45 | 15,000 |
| Highway Commercial (HC) | - | 40,000 | 150 | 35 | 20 | 35 | 70 | 50,000 |
| Light Industrial (LI) | - | 40,000 | 100 | 30 | 25 | 35 | 70 | - |
| General Industrial (GI) | - | 60,000 | 150 | 40 | 25 | 35 | 70 | - |

*Notes:*

*(1) In all zoning districts, churches/synagogues and places of worship that apply for and qualify for tax exempt status with the County may have a maximum building height of 70 feet. In addition, steeples and belfries may be installed that exceed the maximum building height, up to 100% of the building height.*

*(2) Lots on the turning circles of cul-de-sacs may be reduced from the minimum lot width to a minimum lot width of 75 feet.*

*(3) A setback of 20 feet is allowed along one internal street front for corner lots within residential subdivisions.*

C. Density

Density refers to dwelling units per gross acre and applies only to cluster subdivisions and multifamily or mixed-use buildings, if permitted in the zoning district. The number of single-family and two-family homes in a traditional development is regulated by minimum lot size.

D. Lot Area

The area of a lot means the total area within its boundaries, excluding all rights-of-way. Minimum lot area is the minimum square footage required for a lot by this article. The minimum area does not include submerged lands under separate ownership or street rights-of-way. The minimum lot size for a duplex is 1.5 times the lot size of a single-family dwelling, as indicated in **Table 204-1**.

E. Frontage and Lot Width

1. Generally

Lot width shall be measured across the required front setback line, except as provided in subsection 2 below. The front setback line is construed to be parallel to the front lot line. In determining the front lot line for different lot types as defined in subsection H below and depicted in **Figure 204-1**, the following rules shall be used:

a. On interior lots, the front lot line is the lot line that abuts a street.

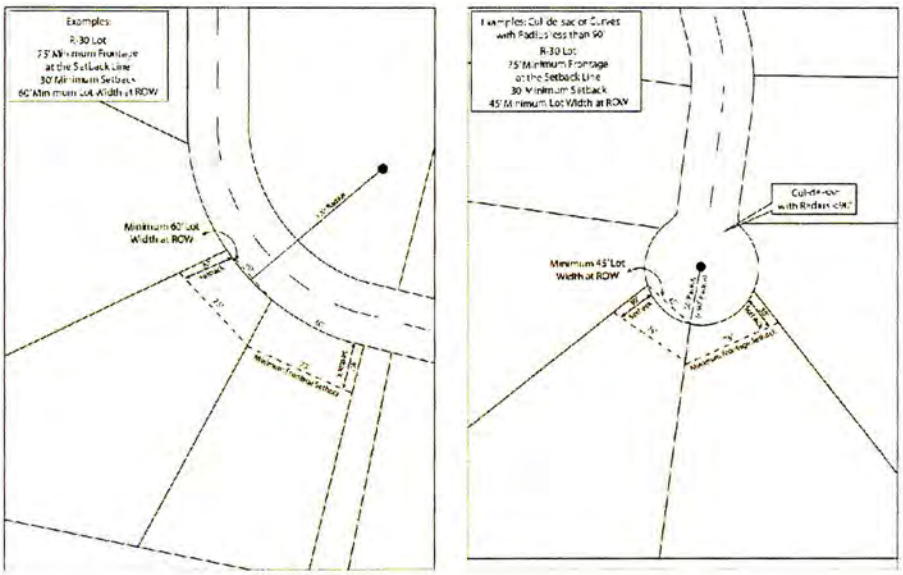
b. On corner lots, the lot lines parallel to each of the streets are both considered to be front lot lines for regulatory purposes.

c. On multiple frontage lots, all portions adjacent to streets are considered to be front lot lines for regulatory purposes.

2. Lot Frontage

Lot frontage shall not be less than 80 percent of the required minimum lot width except for lots on the turning circles of cul-de-sacs or at similar points of street curvature where the radius of the right-of-way line is less than 90 feet. In the case of a cul-de-sac or where a right-of-way radius is less than 90 feet, the minimum frontage shall be 45 feet. **Figure 204-1** indicates the relationships involved.

**Figure 204-1. Lot Frontage Requirement**




3. Decreasing Lot Width

   Lot width shall not be less than 45 feet for any part of its width. The Planning Director may waive this requirement based on topography, original lot configuration, utility easements or rights-of-way, and other natural features to support the logical subdivision of property.

4. Lot Width-to-Depth Ratio

   a. Depth of residential major and minor development lots cannot exceed five times the width, except for lots with attached dwellings or when portions in excess of that depth are for the purpose of providing separation from major streets or railroads, rights-of-way, easements, wetlands, water areas, protective strips, original lot configuration, or severe topography.

   b. The width-depth ratio does not apply when:

      i. The width of a lot exceeds 300 feet;

      ii. The lot is for nonresidential purposes; or

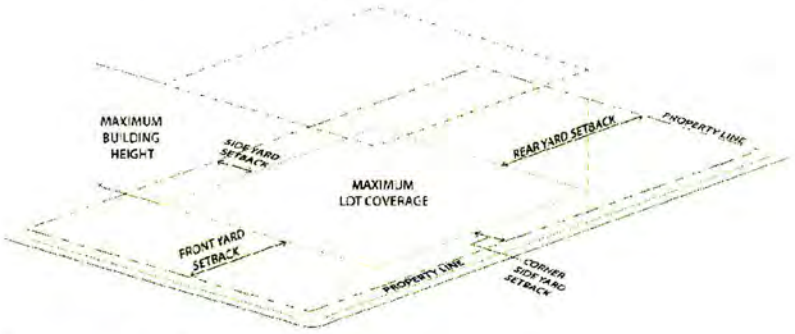
      iii. Creating a family subdivision.

F. Setbacks

1. Generally

**Figure 204-2** indicates the nomenclature and location of setbacks.

**Figure 204-2. Setback**




2. Projections Into Setbacks

   a. Cornices, eaves, stoops, porches, gutters, steps, ramps, and similar architectural features, as determined by the Planning Director, which are attached to a structure may project no more than three (3) feet into the required front setback, five (5) feet into the required rear setback, and two (2) feet into the required side setback.

   b. Mechanical equipment, such as air conditioning units, heat pumps, heating equipment, solar panels attached to principal dwellings, and similar installations as determined by the Planning Director may not project into the required front setback but may project five feet into the required rear setback and two feet into the required side setback.

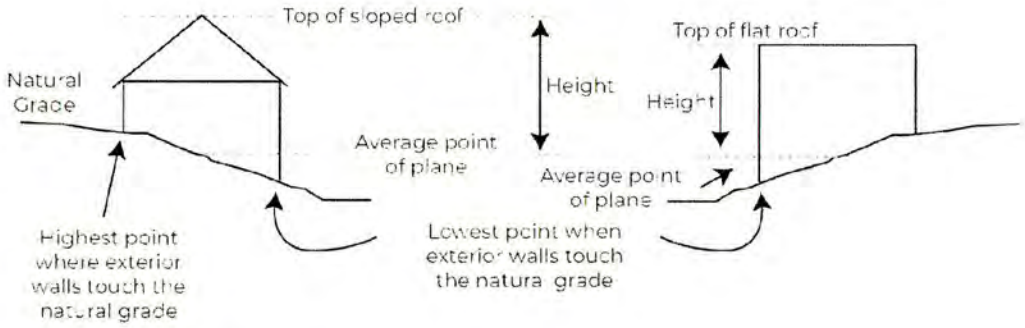
   c. Site features, such as patios or stairs not attached to a building, are not subject to the setback requirements.

G. Height

1. Height Measurement

   Height shall be measured as the vertical distance from the average between the highest and lowest natural grade (pre-construction/cut and fill) at the edge of the building or the base flood elevation and the peak of the pitched roof or the highest point of the flat roof.

**Figure 204-3. Height Measurement**




2. Excluded Portions of Structures

   Except where specifically provided otherwise, the height limitations of this article do not apply to:

   a. Any roof structures for housing elevators, stairways, tanks, ventilating fans, solar energy collectors, or similar equipment required to operate and maintain a building, provided that such structures shall not cover more than 20 percent of the roof area or extend over ten feet in height from the building's roof;

   b. Spires, cupolas, domes, monuments, water towers, skylights, flagpoles, vents, cranes or construction equipment, or similar structures, may be erected above the height limit;

   c. Firewalls or parapet walls provided that such walls shall not extend more than five (5) feet above the roof.

3. Aviation Hazard

   It is the responsibility of the property owner locating a structure within 5,280 feet of a documented public/private airstrip to obtain a certification from the Federal Aviation Administration and/or NC Department of Transportation verifying the height of the proposed structure will not be an aviation hazard.

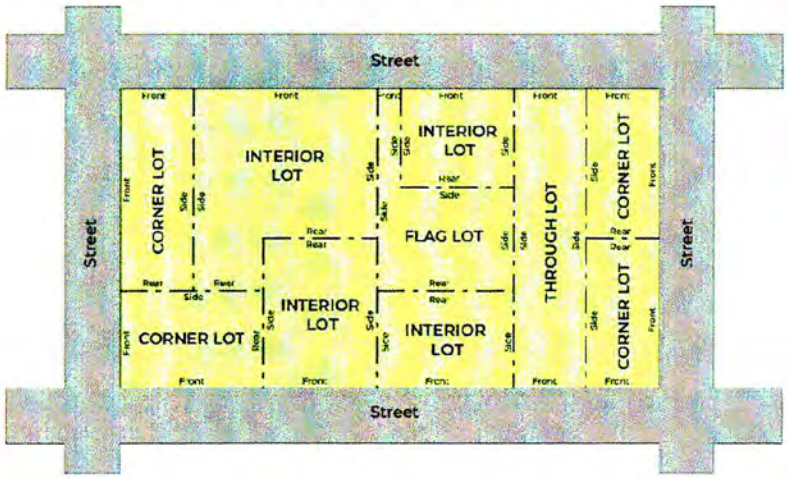
H. Lot Types

**Figure 204-4** illustrates the terminology used with reference to corner, interior and double frontage lots.

1. In **Figure 204-4**, lot "A" is a corner lot, defined as a lot located at the intersection of two or more streets.
2. In **Figure 204-4**, lot "B" is an interior lot, defined as a lot other than corner lot and abutting one street. Alleys are not considered streets for purposes of this definition.

3. In **Figure 204-4**, lot "C" is a double frontage lot, defined as a lot other than a corner lot that has frontage on more than one street. Alleys are not considered streets for purposes of this definition.
   a. Double frontage lots are discouraged except:
      i. Where essential to provide residential separation from traffic arteries; or
      ii. To overcome other disadvantages of orientation or topography.
   b. Double frontage lots shall have a restriction in place to prevent vehicular access from the lots to abutting arterial roads, unless specifically authorized by the approving Board.

**Figure 204-4. Lot Types**




## Division 2. Base Zoning Districts

### Section 44-205. Rural Conservation (R-Con)

A. Purpose

The R-Con district is established in areas characterized by large lots, agricultural uses, and open lands. These areas may include prime farmland and unique topographical or environmental restrictions and be remote from existing developed areas. This district promotes rural development patterns characterized by the following:

- Low densities, including large lots surrounded by contiguous swaths of natural areas or agricultural land.

- A setback and lot size consistent with the existing, natural terrain.
- Narrow, winding streets that follow the natural topography.
- Natural or agricultural areas with a prevalence of forested or agricultural land uses.

B. Dimensional Standards

Dimensional standards shall meet the requirements in **Table 204-1. Dimensional Standards.**

C. Uses

The uses allowed in the R-Con district are provided in **Table 227-2. Land Use Table**.

### Section 44-206. Residential District (R-80)

A. Purpose

The R-80 district has dimensional standards and use restrictions consistent with residential development. This district is intended to accommodate low-density residential development on larger lot sizes.

B. Dimensional Standards

Dimensional standards for the R-80 district shall meet the requirements in **Table 204-1. Dimensional Standards**.

C. Uses

The uses allowed in the R-80 district are provided in **Table 227-2. Land Use Table**.

### Section 44-207. Residential District (R-40)

A. Purpose

The R-40 district has dimensional standards and use restrictions consistent with single-family residential development. This district is intended to accommodate low density residential development.

B. Dimensional Standards

Dimensional standards for the R-40 district shall meet the requirements in **Table 204-1. Dimensional Standards**.

C. Uses

The uses allowed in the R-40 district are provided in **Table 227-2. Land Use Table**.

### Section 44-208. Residential District (R-30)

A. Purpose

The R-30 district has dimensional standards and use restrictions consistent with single-family residential development. This district is intended to accommodate low to medium density residential development.

B. Dimensional Standards

Dimensional standards for the R-30 district shall meet the requirements in **Table 204-1. Dimensional Standards.**

C. Uses

The uses allowed in the R-30 district are provided in **Table 227-2. Land Use Table.**

D. Cluster Subdivisions

Cluster subdivisions may be permitted where public water and sewer are available and are subject to the standards noted in **Section 44-330.**

E. Density bonus

A density bonus for affordable housing may be provided, as established in **Section 44-230.**

### Section 44-209. Residential District (R-20)

A. Purpose

The R-20 district has dimensional standards and use restrictions consistent with single-family residential development. This district is intended to accommodate medium density residential development.

B. Dimensional Standards

Dimensional standards for the R-20 district shall meet the requirements in **Table 204-1. Dimensional Standards.**

C. Uses

The uses allowed in the R-20 district are provided in **Table 227-2. Land Use Table.**

D. Cluster subdivisions

Cluster subdivisions may be permitted where public water and sewer are available and are subject to the standards noted in **Section 44-330.**

E. Density Bonus

A density bonus for affordable housing may be provided, as established in **Section 44-230.**

### Section 44-210. Rural Commercial (RC)

A. Purpose

The RC district provides small areas for offices, services, and retail uses, all designed in scale with surrounding agricultural and residential uses. The district regulations are designed to protect and encourage the transitional character of the district by permitting uses and building forms compatible with the rural areas of the County. This district establishes setbacks and area standards compatible with residential neighborhoods.

B. Dimensional Standards

1. Dimensional standards for the RC district shall meet the requirements in **Table 204-1. Dimensional Standards**.
2. Maximum District Size

   No application for a zoning amendment, alone or in combination with a contiguous RC and OI district, will be approved if it would cause the total size of the combined districts at each individual node to exceed 10 acres, in accordance with the Comprehensive Plan.

C. Uses

1. The uses allowed in the RC district are as provided in **Table 227-2. Land Use Table**.
2. More than one use in a building or multiple buildings per parcel is allowed in an RC district, provided the total leasable area does not exceed the maximum area listed in **Table 204-1. Dimensional Standards**.

### Section 44-211. Highway Commercial (HC)

A. Purpose

The HC district provides areas for regional highway-oriented business, office, service, and civic uses. The district regulations are designed to protect and encourage the transitional character of the districts by permitting uses and building forms compatible with the surrounding area.

B. Dimensional Standards

1. Dimensional standards for the HC district shall meet the requirements in **Table 204-1. Dimensional Standards**.
2. Maximum District Size

C. The intent of the County is that no application for a zoning amendment in a Highway Commercial Node as designated in the Future Land Use Map neighborhood commercial node, alone or in combination with a contiguous HC and OI district, will be approved if it would cause the total size of the combined districts at each individual node to exceed 25 acres.

D. Uses

1. The uses allowed in the HC district are as provided in **Table 227-2. Land Use Table**.
2. More than one use in a building or multiple buildings per parcel is allowed in an HC district, provided the total leasable area does not exceed the maximum area listed in **Table 204-1. Dimensional Standards**.

### Section 44-212. Office Institutional (OI)

A. Purpose

The O-I district provides for office, institutional, civic, or other low-intensity commercial uses. This district may buffer single-family residential neighborhoods from higher intensity residential neighborhoods or adjacent commercial districts.

B. Dimensional Standards

1. Dimensional standards for the OI district shall meet the requirements in **Table 204-1. Dimensional Standards.**

2. Maximum District Size

a. Highway Commercial Nodes

The intent of the County is that no application for a zoning amendment in a neighborhood commercial node as designated in the Future Land Use Map, alone or in combination with a contiguous HC and OI district, will be approved if it would cause the total size of the combined districts at each individual node to exceed 25 acres.

b. Rural Commercial Nodes

The intent of the County is that no application for a zoning amendment in a Rural Commercial Node as designated in the Future Land Use Map, alone or in combination with a contiguous RC and OI district, will be approved if it would cause the total size of the combined districts at each individual node to exceed ten acres.

C. Uses

1. The uses allowed in the OI district are as provided in **Table 227-2. Land Use Table.**

2. More than one use in a building or multiple buildings per parcel is allowed in an OI district, provided the total leasable area does not exceed the maximum area listed in **Table 204-1. Dimensional Standards**.

### Section 44-213. Light Industrial (LI)

A. Purpose

The LI district permits light manufacturing, processing and assembly uses, warehousing, distribution, and servicing enterprises and limited office activities. This district supports the County's policies to promote economic development opportunities.

B. Dimensional Standards

Dimensional standards for the LI district shall meet the requirements in **Table 204-1. Dimensional Standards.**

C. Uses

The uses allowed in the LI district are as provided in **Table 227-2. Land Use Table**

### Section 44-214. General Industrial (GI)

A. Purpose

The GI district provides for intensive manufacturing, processing and assembly uses. This district promotes the County's policies to promote economic development opportunities.

The uses permitted in this district may be very intensive, with their impacts controlled by performance or design standards.

B. Dimensional Standards

Dimensional standards shall meet the requirements in **Table 204-1. Dimensional Standards.**

C. Uses

The uses allowed in the GI district are provided in **Table 227-2. Land Use Table**.

## Division 3. Overlay Districts

### Section 44-215. General

This division sets forth overlay districts, intended to impose different requirements on certain properties within the underlying conventional or conditional districts. The overlay districts described in this division are shown on a map entitled "Official Zoning Overlay Map," and said map is incorporated herein by reference. The provisions of this article regarding the custody, maintenance, control, and reproduction of the official zoning map shall apply to the Official Zoning Overlay Map.

### Section 44-216. Catawba River Corridor (CRC-O)

A. Purpose

The purpose of the CRC-O district, consisting of the lakes, river, and banks as it runs through the County's jurisdiction, is protection of water quality from pollution caused by erosion and sedimentation, agricultural and industrial runoff, and natural and manufactured obstruction. This stewardship is essential for public health, safety, and welfare. The river corridor should be maintained for the use, benefit and enjoyment of present and future residents of and visitors to the County. The river is the source of water for the people of the County, contributes to its economy and general welfare through increased property values, aesthetic enrichment, and recreational opportunities, and provides habitat for fish, wildlife, and native plants.

B. Boundaries

The CRC-O shall extend landward a distance of 500 feet from the high-water elevation of Lake Hickory and Lookout Shoals, in addition to the Catawba River mainstem and 1,000 feet landward from the high-water elevation of Lake Norman.

C. Consistency with Other Regulations

Development within the first 50 feet landward shall meet the requirements of the state's Catawba River Basin Riparian Buffer Rules (15A NCAC 2B.0243), as enforced by the NCDEQ.

D. Cluster Developments

Cluster developments are encouraged where public water and sewer are available, and subject to the regulations in **Section 44-330**.

E. Minimum Lot Width Requirement

The minimum lot width requirement for waterfront lots in the CRC-O is 100 feet as measured along the waterfront. For non-waterfront lots, the lot width requirement for the underlying zoning district shall apply.

F. Flag Lot Allowance

A maximum of three flag lots are allowed along any 1,000 foot section of a state-maintained road or a new subdivision road within 1,000 linear feet, provided a minimum of 45 feet of road frontage is provided for each lot.

1. Flag lots must meet the following dimensional criteria:
   a. The length of the pole cannot exceed five times the frontage width; and
   b. The square footage of the land area within the flagpole may be used in the calculation of the minimum lot size requirement.

G. Nonresidential and Multifamily Development Stormwater Design Requirements

Low-impact development (LID) techniques shall be incorporated into the design of all nonresidential and multifamily development within the Catawba River Corridor Overlay District. LID stormwater practices shall be designed based on current best practices and standards such as those provided by the Low Impact Development Center at www.lowimpactdevelopment.org.

H. Accessory Structure Setback

Accessory structures must be set back at least 30 feet from the rear property line at the lake or river front as measured from the high-water elevation.

### Section 44-217. Floodplain Management Overlay (FPM-O)

A. Standards for the Floodplain Management Overlay District can be found in the **Appendix**.

### Section 44-218. Mixed-Use Corridor (MUC-O)

A. Purpose

The MUC-O district's standards relate to building form, design, signage, landscaping, parking, access management, and appearance. This district may be used to accomplish one or more of the following public purposes:

1. Provide a mixed-use corridor with connections to a Village District;
2. Provide a walkable mixed-use area inviting to pedestrians and convenient for the traveling public;
3. Establish higher development standards along major road corridors in the County;
4. Provide a mixture of commercial, office and residential uses; and

5. Establish building form and architectural standards compatible with the historical character of the area.

B. Boundaries

The following are the boundaries of the MUC-O district, located along both sides of the designated roadways:

1. NC Hwy. 150
   a. From the Catawba River to the Lincoln County line, with exception of a section from the Seaboard Coast railroad right-of-way, located west of Slanting Bridge Road (SR 1844), extending west to the bridge of the Mountain Creek arm of Lake Norman. The district extends 500 feet from the edge of the right-of-way on both sides of Hwy. 150 and is referred to as the "Hwy. 150 Corridor"; and
   b. The regional commercial/mixed-use center at the intersection of Hwy. 150 and Hwy. 16 as designated in the comprehensive plan.
2. NC Hwy. 16
   a. Hwy. 16 North from the planning jurisdiction of the City of Conover to 1,000 feet north of the intersection of C & B Farm Road (SR 1487) extending 1,000 feet from the edge of the right-of-way on both sides of Hwy. 16, referred to as the "Greater Rock Barn Economic Development District."
   b. Hwy. 16 South extending 500 feet from the edge of the right-of-way on both sides of Hwy. 16 at the following rural commercial nodes designated in the small area plans:
      i. Smyre Farm Road (SR 1884) and Bethany Church Road (SR 1804);
      ii. Balls Creek Road (SR 1810) and Providence Mill Road (SR 1810); and
      iii. Buffalo Shoals Road (SR 1003) referred to as the "Hwy. 16 South Commercial Node District."
3. Rock Barn Road (SR 1709) from the planning jurisdiction of the City of Conover to 3,500 feet north of the intersection of St. Johns Church Road (SR 1712) extending 1,000 feet from the edge of the right-of-way on both sides of Rock Barn Road, referred to as the "Greater Rock Barn Economic Development District."
4. Springs Road (SR 1453) from the planning jurisdiction of the City of Hickory to the intersection of County Home Road (SR 1484) extending 500 feet from the edge of the right-of-way on both sides of Springs Road, referred to as the "Springs Road Corridor."
5. NC Hwy. 127 from the planning jurisdiction of the City of Hickory to the intersection of Mountain Grove Road (SR 1128) extending 500 feet from the edge of the right-of-way on both sides of Hwy. 127, referred to as the "Hwy. 127 Corridor."

C. Applicability

This section applies to all land designated as the MUC-O on the zoning map.

1. This section applies to any of the following activities within the MUC-O District:

a. Any change of use;

b. Any minor or major expansion to an existing commercial structure as noted in **Table 44-218-1;**

c. Any development of vacant tracts that occurs after the effective date of this UDO; and

d. Any subdivision of land.

2. This section does not apply to existing single-family homes, manufactured homes, or duplexes used for residential purposes. Additions to such structures or accessory uses are permitted subject to the zoning requirements of the district. Existing single-family homes, manufactured homes, and duplexes partially or fully destroyed may be rebuilt or repaired, following all provisions of Article 4. If a tract of land is vacant at the time this UDO is adopted, a single-family home may be constructed on the property as a matter of right, subject to other applicable zoning regulations contained within this UDO.

3. The applicant may propose actions, designs, or solutions (hereinafter "alternative standards") not literally in accord with this section but that embody its spirit. Alternative standards may be approved by the Planning Director, provided they comply with the spirit of the regulations in the particular case, and the public purposes of this section are satisfied to an equivalent or greater degree.

4. Compliance with this article is required in accordance with **Table 44-218-1.**

**Table 44-218-1. Compliance Table, MUC-O District**

| | Site Standards | Building Design Standards/Site | Driveway Connection/ Access Management | Streetscape Landscaping | Landscaping of Parking Areas | Parking | Pedestrian Design | Site Lighting | Signs |
|---|---|---|---|---|---|---|---|---|---|
| Parking Area Expansion (Minor 12-24 spaces) | N/A | N/A | R | R | R | R | R | R | N/A |
| Parking Area Expansion (Major 25 or more spaces) | N/A | N/A | R | R | C (for new spaces only) | C | R | C | N/A |
| Change of Use | R | R | R | R | R | R | R | R | R |
| Existing Building Expansion (Minor) | R | R | R | R | R | R | R | R | R |
| Existing Building Expansion (Major) | C | C | R | R | C | C | C | C | C |
| New Building Construction – Undeveloped Site (including outparcels) | C | C | C | C | C | C | C | C | C |

C = Compliance with all applicable standards required.

R = Retrofit to the extent practical as determined by the Planning Director. An appeal of the Planning Director's decision shall follow the process detailed in **Section 44-114.C.**

Existing Building Expansion (Minor): Expansion to buildings less than or equal to 25% of the current leasable/heated area.

Existing Building Expansion (Major): Expansion to buildings greater than 25% of the current leasable/heated area.

D. Site Plan Required

Any person wishing to develop a lot or parcel in the MUC-O is encouraged to have at least five (5) acres incorporated into an integrated site plan. A site plan for parcels less than five acres that existed prior to the adoption of the MUC-O District may be accepted by the Planning Director if a determination is made that practical difficulties exist and all opportunities have been exhausted. In addition, the site plan may be considered provided the development standards in the MUC-O District are met to the extent feasible. A separate zoning site plan must be submitted showing applicable article requirements. An architectural plan must also be submitted indicating compliance with the applicable building design and site standards.

E. Site Standards

1. Scope

The standards and regulations in this section shall be adhered to for all development in the MUC-O District. The general provisions include:

a. In general, the site design shall attempt to reduce cut and fill, protect groundwater resources, avoid unnecessary paved surfaces, provide adequate access, and promote visual attractiveness.

b. The site must be suitable for development in the manner proposed without hazards to persons or property, on or off the site, free from the probability of flooding, erosion, subsidence or slipping of the soil, or other dangers. Conditions of soil, groundwater level, drainage, and topography shall all be appropriate to both the kind and pattern of use intended.

c. If appropriate to the form of development, lands included in the MUC-O District may be divided by streets, alleys, rights-of-way or easements, but shall be so located, dimensioned, and arranged as to permit unified planning and development, including appropriate connections to and buffering from surrounding areas.

2. Preservation

Protecting environmentally sensitive land, open space, and historical sites should be given high priority in site design. More specifically, the following shall be preserved whenever feasible:

a. Wetlands;

b. Floodplains;

c. Steep slopes in excess of 20 percent over intervals of ten feet or more; and

d. Historic sites.

3. Dimensional Requirements for Subdivisions and Site Plans

Lot sizes, dimensions, and building setbacks shall be as follows:

**Table 218-2. Dimensional Standards, MUC-O District**

| | |
|---|---|
| Minimum Lot Size | 20,000 square feet |
| Minimum Lot Width | 100 feet |
| Front Setback on Internal Streets | 10 feet |
| Side Setback (Principal Structures) | 6 feet or 0 feet for attached buildings |
| Rear Setback (Principal Structures) | 20 feet or 30 feet if adjacent to a residential use or district |
| Setback Required from Corridor Road | 35 feet |
| Accessory Structures, Front Setback on Internal Streets (carport or garage) | 10 feet |
| Accessory Structures, Front Setback from Corridor Road (carport or garage) | 35 feet |
| Accessory Structures, Side/Rear Setback | 5 feet |
| Encroachments | Canopies and awnings may encroach into the front setback up to 8 feet |

**Figure 218-1. Dimensional Standards MUC-O District**



**Dimensional Requirements for lots in MUC-O**



**Awning Encroachment**

F. Building Design Standards/Site Standards

These standards provide building designs that accommodate diversity in style and building materials, striving to define a distinct character while maintaining high quality development standards. Buildings are oriented to maximize the convenience of pedestrian walkability. These standards further provide development patterns to avoid excessive linear expansive rooflines of strip plazas.

1. Building Size

   For buildings exceeding an aggregate size of 75,000 square feet, a Planned Development special district rezoning is required in accordance with this UDO. Individual buildings within the MUC-O cannot exceed 60,000 square feet of gross floor area. An exception to building size may be considered as part of a rezoning approval for a Planned Development Special District.

2. Type of Construction

   The following standards must be met for building construction in the MUC-O:

   a. Front façade(s) and those visible from publicly dedicated or private rights-of-way

      Building façade(s) consisting of ribbed vinyl or metal as the primary building material or unpainted cinder blocks are prohibited as the building material along the portion(s) of the building visible from private or public rights-of-way or for the front of a building. Metal and vinyl of a ribbed-panel design may be used as accent materials, as part of the façade face comprising no more than 25 percent. An exception to allow any building material can be made where a solid vegetative screen exists or is installed which fully shields that portion of the façade(s) from private or public rights-of-way, as determined by the Planning Director.

   b. Façade(s) not visible from publicly dedicated or private rights-of-way

      Sides not visible from public rights-of-way may use ribbed paneling, painted cinder blocks, or other materials.

   c. Roofs

      Roofs may be of a standing seam metal material, but corrugated or ribbed metal is not allowed. Roof colors must be of a neutral tone, such as beige, brown, grey or subtle natural colors such as forest green or black. An exception to the color requirement may be approved by the Planning Director.

   d. Type of building materials encouraged

      Examples of building materials which are encouraged include masonry, wood, fiber cement siding, textured vinyl, stucco, and other new and innovative materials as they become available in the marketplace. Green roofs and Leadership in Energy and Environmental Design (LEED) construction or equivalent standards are encouraged.

   e. Exemptions

Existing buildings listed in the National Register of Historic Places are exempt from these standards where they conflict with the Secretary of Interior guidelines.

3. Roof Pitch

Roof pitches of less than 3/12 and flat roofs will require a parapet wall. An exception to the parapet wall is made for green roof installation covering the surface area suitable for vegetation. A pitched roof must be profiled by eaves a minimum of six (6) inches from the building face or with a gutter. Convenience store canopies cannot have a consistently flat roof. The pitch of the canopy and exterior materials must resemble the roof of the principal structure.

**Figure 218-2. Convenience store canopy with roof form that resembles principal structure**



4. Front Facade Treatment

a. Architectural elements like windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies, and other similar details shall be used on all facades fronting public or private street rights-of-way.

b. Building wall offsets, including projections, recesses, and changes in floor level, shall be used to break up the visual effect of a single, long wall. These features are designed to encourage a pedestrian friendly environment, add variety, and provide interest.

c. For buildings greater than 75,000 square feet, where the front facade including the main entrance is greater than 60 feet in length, at least 33 percent of the length shall contain recesses and projections of four feet or more from the primary building line.

d. The first floor of all building facades, fronting the public or private street rights-of-way, regardless of building size, shall be designed to complement architectural aesthetics by:
   i. Limiting blank walls to no more than 40 feet in length for buildings 75,000 square feet or less;
   ii. Limiting blank walls to no more than 60 feet in length for buildings greater than 75,000 square feet; and
   iii. Including glass windows or doors, false window panels/treatments, awning, murals, or framed openings comprising at least 20 percent of the wall area.
e. Roofline offsets should be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
f. Building facades having public access shall be separated at least every 400 feet by either a street or including one or more pedestrian amenities such as seating, gazebo, water feature, or similar element, as approved by the Planning Director.

**Figure 218-3. Pedestrian Friendly Design Features**



**Building Design** **Façade Treatment** **Building Entrance**

5. Building Entrances
   a. Customer entrances shall include at least three (3) of the features below:
      i. Canopies or porticos;
      ii. Roof overhangs;
      iii. Recesses/projections;
      iv. Arcades;
      v. Raised corniced parapets over the door;
      vi. Peaked roof forms;

vii. Arches;

viii. Outdoor patios;

ix. Display windows;

x. Architectural details such as tile work and moldings integrated into the building structure and design; or

xi. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

b. The side and rear of buildings, visible from the right-of-way, must include at least one of the features listed in **a.** above.

6. Site Appearance

The site design and overall appearance should achieve proportionality and connectivity with adjacent sites to the extent possible, while recognizing that individual businesses and uses developed within the corridor are separate and have unique characteristics.

7. Underground Utilities

All on-site utilities (electrical, telephone, etc.) shall be located underground unless technical restrictions exist for doing so. Provisions must be made to significantly reduce the visual blight of any above ground utilities.

8. Paving Materials

Permitted paving materials for sidewalks, crosswalks, and similar pedestrian pathways include concrete, clay brick, concrete pavers, or materials similar in appearance and durability. Pervious paving materials are encouraged, provided they are similar in appearance and durability. In addition to other design best practices, creating intentional pattern breaks in the paving design to identify pedestrian spaces is encouraged to increase safety for both pedestrians and motorists. Pedestrian facilities located in an NCDOT right-of-way shall be designed and built in accordance with NCDOT standards.

9. Outside Display/Storage

Outside display or storage of inorganic products shall be screened from any public right-of-way in accordance with screening requirements of this UDO. Product can be displayed under a roof overhang area without screening; however, a defined unobstructed walkway of at least five feet must be maintained along the entire frontage of the building.

G. Multifamily Development and Design Standards

1. Multifamily development is only allowed as a component of a commercial and/or office mixed-use development where it is connected by vehicular and pedestrian ways in an intentional manner for easy and convenient access.

2. Consistent setbacks for multifamily units shall be used to create uniformity along the street.
3. Front-loaded garages, where constructed for multifamily developments, shall be at least ten (10) feet behind the primary plane of the front facade of the multi-family structure.
4. On-street parking for multifamily development is allowed and is encouraged to be located adjacent to public open spaces and parks.
5. Sidewalks for multifamily developments shall be provided on both sides of residential streets, with a minimum five-foot width.

H. Driveway Connection/Access Management

1. The minimum distance between a new driveway and an existing state road intersection must conform to the requirements in **Table 218-3** below. Where the NCDOT Policy on Street and Driveway Access to North Carolina Highways conflicts with these regulations, the stricter of the standards applies. The minimum distance between four-way intersections on a corridor road is 1,500 feet.

**Table 218-3. Driveway Connections/Access Management, MUC-O District**

| Frontage (feet) | Number of Driveways Allowed | Minimum Spacing (feet) |
|---|---|---|
| Less than 500 | 1 | N/A |
| 501-999 | 2 | 400 |
| More than 1000 | 3 | 400 |

2. Internal streets shall be separated by a minimum of 200 feet.
3. The requirements for traffic improvements to mitigate traffic impacts, as described in **Subsection 44-225.J,** apply to the MUC-O District.
4. The requirements for shared access found in **Subsection 44-225.J** apply to the MUC-O District.
5. The requirements for connected interior driveways and parking found in **Subsection 44-225.J** apply to the MUC-O District.
6. Channelization improvements must be installed where significant turning conflicts are involved with new development to separate conflicting traffic movements into well-defined paths of travel using traffic islands or significant pavement markings, as determined by the Planning Director.
7. Only after all other traffic improvements have been explored can traffic signals be used for intersections on public roadways.
8. All streets, with exception of alleys, shall be designed and paved to meet NCDOT and Fire Code standards. Streets can be designated as either public or private. Neighborhood streets shall be designed for a maximum 30 mph speed limit.

9. Cul-de-sacs 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.
10. Block lengths cannot exceed 750 feet. Exceptions can be made in cases where unusual land configuration, topography or interconnectivity dictates otherwise, as determined by the approval authority.
11. Interior streets shall be curbed. The standard two-foot-six-inch curb and gutter section is preferred; however, concrete valley gutter is an allowable type.
12. Entranceways

    Multitenant, multiparcel, or multibuilding developments shall install a median-type entranceway at all entrances on major or minor thoroughfares, subject to NCDOT approval. The median shall be landscaped with shrubbery and small decorative trees.

**Figure 218-4. Landscaping, MUC-O District**



**Entranceway Landscaping**



**Existing Buffer Landscaping**

l. Parking

The requirements found in **Article 3, Division 4** apply to off-street parking. An exception to the number of parking space requirements may be considered for parking within a Planned Development special district during the rezoning process, based upon documented industry standards or market studies. The following requirements also apply:

1. Generally
   a. Parking is discouraged in the area between the road and the front or side of a principal building or structure.
   b. On-street parking along the lot frontage of the proposed development may be used.
   c. When a parking lot is located in front of a building, a pedestrian walkway shall connect a customer entrance to the public street.

d. Shared parking lots located in the interior sections of multiple-building developments are encouraged.

e. Properties shall connect interior parking and driveways. Where adjacent property is vacant, sufficient provisions to connect to the properties shall be submitted.

2. Bicycle parking shall be provided and designed in accordance with recommendations from the Association of Pedestrian and Bicycle Professionals (APBP) or equivalent standards.

**Figure 218-5. Parking Options**



**Interior Parking**



**On-street Parking**

J. Pedestrian Design

These standards are designed to provide a unified and well-organized arrangement of buildings, service areas, parking, pedestrian, and landscaped common areas for the use and enjoyment of visitors and employees.

1. Pedestrian Design Requirements

a. Commercial buildings shall be grouped in a manner that allows visitors to park and visit multiple buildings with minimal need to walk through parking lots and vehicular travel ways.

b. Multi-tenant projects shall be designed to include provisions for pedestrian-scale amenities, which may include benches, picnic tables, pocket parks, courtyards, plazas, and water attractions. At least one area shall be reserved for open space and be improved and maintained accordingly. Such areas may include covered malls for general pedestrian use, exterior walkways/crosswalks, outdoor seating areas where the facilities are available for common use by employees and visitors, pocket parks, or urban plazas. Required buffer areas and setbacks as well as improved deck and roof areas may be used to meet this requirement.

**Figure 218-6. Pedestrian Amenities**



**Pocket Park with Benches**



**Plaza – Typically located at the Intersection of Major Streets**



**Crosswalk**

2. Heavy Traffic Generators

   Gas stations and drive-thru restaurants shall be located so that operations, stacking, and vehicular queuing do not block pedestrian or traffic flows in other parts of the development or onto any public street.

3. Location of Loading Zones and Maintenance Areas

   Loading zones where customers pick up goods must be located and arranged to prevent interference with pedestrian movement within the development. Facilities and access routes for deliveries and maintenance shall be located and arranged to prevent interference with pedestrian traffic in the center.

4. Pedestrian Travel

   All buildings or building clusters within the development must be connected with sidewalks or walking paths. When feasible, as determined by the Planning Director, connections shall be provided between adjacent existing developments and/or continue to the site parcel line to provide access to adjacent future developments. Pedestrian access may be provided at any suitable locations within the district but, where practicable, should be separated from vehicular access points, except in locations where traffic signals are used in such a manner as to control pedestrian and vehicular movements safely.

K. Signs

The following requirements apply to all signage in the MUC-O:

1. Generally

   All signs shall conform to the requirements in **Article 3, Division 6**, except where the requirements included in this subsection vary those standards. The following standards apply in the MUC-O:

a. One freestanding sign is permitted per property, with a maximum of two sign surface areas. The sign may not exceed 50 square feet per face and may not be over 16 feet in height.

b. If signs are larger than six (6) square feet, they shall be located no closer than 100 feet from a sign of similar size or larger.

## Section 44-219. Doublewide Manufactured Home (DWMH-O).

A. Purpose

This section establishes a class A doublewide or multi-section overlay district to provide opportunities for affordable housing, implement small area plan policies regarding the location of manufactured homes, and comply with the requirements of G.S. 160D-910.

Class A doublewide/multi-section manufactured homes are subject to the requirements of this section. All Class A Doublewide and multi-section manufactured homes must meet the following appearance criteria:

1. Length-Width Ratio

The main portion of the building must have a length not exceeding four (4) times the building width.

2. Roof Construction and Pitch

The pitch of the main roof of the building must have a minimum rise of two and one-half feet for each 12 feet of horizontal run. The roof must be finished with a type of shingle commonly used in standard residential construction or standing seam painted metal. A retrofitted standing seam roof or shingle roof must be designed by a professional engineer and be made part of the load-bearing walls of the existing structure.

3. Exterior Finish

The exterior siding must consist predominantly of vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint), wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

4. Placement of Homes

Dwelling units must be sited with the front running parallel to and facing the street providing access to the site. On corner lots, the property owner may choose which frontage to face the home. On cul-de-sacs, the dwelling unit must be sited with the front of the home being parallel to the street access.

5. Tongue Removal

The towing tongue must be removed upon final placement of the unit.

6. Skirting and Permanent Steps

Skirting and permanent steps must be provided as follows:

a. Class A manufactured homes in overlay districts must be permanently placed on a brick, concrete block or other masonry foundation. The foundation must be continuous and unpierced, except for ventilation as required by state regulations for manufactured/mobile homes.

b. All doublewide and multi-section manufactured homes placed on rental lots where the home and lot are in separate ownership must have the entire perimeter of each home enclosed from the ground to the bottom of the structure with material manufactured for this purpose, in accordance with standards set by state regulations for manufactured/mobile homes. Examples of commonly recognized building materials suitable for use as skirting include but are not limited to the following: brick masonry, concrete block masonry; natural or synthetic stone masonry; or vinyl. Assemblies, products and materials manufactured expressly for the purpose of skirting must be installed in accordance with the manufacturer's specifications.

c. All doublewide and multi-section manufactured homes must have either a deck or porch with steps. This structure must be located in front of the home. The deck or porch must be a minimum of 36 square feet. All steps, decks, porches and entrances must be installed and constructed in accordance with the standards set by the state regulations for manufactured/mobile homes or, when applicable, the building code.

## Section 44-220. Mountain Protection (MP-O)

A. Purpose

Mountains are the predominant natural landmarks in the County, with their land forms providing identification and orientation to residents and visitors alike. Their steep slopes, vegetation, erodible soils, and poor soil percolation characteristics pose severe challenges for development. Normal development techniques are likely to endanger the native flora and fauna on the mountains, cause severe disruptions adjacent to and downstream from the mountains, impair the physical integrity of the mountains' surface, and compromise their landmark character.

The intent of the MP-O district regulations is to avoid these hazards while permitting reasonable continuing use to be made of the land within the MP-O district, using appropriate architecture and landscaping to help reduce the visual prominence of buildings on the mountain sides to preserve their natural character.

B. Boundaries

The boundaries of the MP-O district are defined as the land area above the 1,100-foot contour on Baker Mountain and Anderson Mountain as identified on the U.S.G.S. topographic maps.

Except for manufactured homes in manufactured home subdivisions and nonconforming manufactured homes destroyed or damaged as referenced in section 44-407, manufactured homes are prohibited in the MP-O District.

C. Density Allowed

1. The maximum density allowed in the MP-O district is one (1) unit per two (2) acres.

D. Development Standards

In addition to the subdivision standards in **Article 3,** the design of developments and submittal requirements in the MP-O District shall include the following:

1. A contour map which includes a scale and contour interval on the site plan to determine the average slope of the tract of land in its natural state and the proposed road network and lots;
2. The preservation of protected trees, as defined in this UDO, and other significant existing vegetation on the site. Nothing prohibits the clearing of vegetation for firebreaks within developments in the MP-O;
3. The integration with and preservation of existing site topography, including but not limited to such characteristics as steep slopes, existing drainage features, rock outcroppings, ridgelines and scenic topographic features;
4. The preservation of significant habitat areas and minimization of impacts to sites, as identified in Catawba County's Natural Heritage Inventory, when feasible;
5. If the development abuts a publicly owned natural area or conserved land, the project shall be compatible with the management of the natural area or conserved land. In order to achieve this, as determined through the rezoning process or by the Subdivision Review Board, the development plan shall include measures, such as increased setbacks or open space, to provide a transition between the development and the publicly owned natural area or conservation land; and
6. Good grading design for safety and aesthetics shall, unless it is impractical to do so, as determined by the Subdivision Review Board, include the following:
    a. Roadways follow natural contours instead of being cut through landforms.
    b. Utilization of landform or contour measures to produce cut-and-fill slopes compatible with the existing land character.
    c. Graded slopes contoured by varying slope increments.
    d. Varied housing pad elevations above or below street level to avoid appearance of monotonous, flat, level pads.
    e. Single-loaded streets (streets with lots and building pads on one side only) are required on steep terrain so grading can be reduced.
    f. Building envelopes and limits of clearing of vegetation within this envelope shall be noted on the subdivision plat for both horizontal and vertical boundaries for future construction.

7. Residential Designs Standards

The following design standards apply to all new residential development in the MP-O district in order to maintain the natural rural aesthetic character of the area:

a. Structures should be designed to conform to and be built into the natural terrain and not be located at the crest of a ridge. Different types of foundations, such as pier and beam or step footing, are encouraged to limit excavation and filling.

b. Exterior lighting on individual lots must be muted, fully shielded (full cut-off, designed so the light source is completely concealed above and from the sides by an opaque housing, directing light downward onto the intended area), and directed to avoid illuminating entire structures, creating glare on the night sky, or creating highly visible illuminated areas that attract attention.

c. The maximum permitted height of structures is 30 feet above the average finished grade elevation adjacent to the structure.

d. Disturbance of natural vegetation around any building footprint is limited to 30 feet, unless practical reasons necessitate additional clearing, such as for a septic tank drainfield. This separation allows for a defensible space for minimizing the risk of wildfire damage to the structure.

e. The use of fire-resistant vegetation and Firewise techniques, as identified by the state forest service, is encouraged in the residential landscape to minimize vulnerability of structures to fire.

## Section 44-221. Watershed Protection District (WP-O)

A. Authority and Enactment

The Legislature of the State of North Carolina has, in Chapter 153A, 160A, Article 6, 8, Section 121, 174, General Ordinance Making Power; and in Chapter 143, Article 21, Water and Air Resources, authorized local governments to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. In addition, G.S. 160D-926 and G.S. 143-214.5 specifically authorize local governments to enact and enforce water supply watershed management regulations. The Board of Commissioners hereby ordains and enacts into law the following articles of this UDO as the Water Supply Watershed Protection Ordinance of Catawba County.

B. Purpose

1. Surface waters of the state and County are a precious but delicate natural resource. They are life-sustaining for humans, animals, and vegetation both directly and as a source of recharge for the underground aquifers. They provide an essential link in almost all natural processes, provide opportunities for recreation and refreshment, supply industrial needs for process and cooling water, generate power, and contribute immeasurably to scenic beauty.

2. Most importantly, surface waters provide raw water for domestic consumption and fire protection to scores of communities in the state, including those in the County and its surrounding jurisdictions.
3. For the protection of the public health, safety, and general welfare, it is essential that the integrity of these surface waters be protected from pollution, so that the well-being of present and future residents and visitors to the County and surrounding jurisdictions be assured, the costs of furnishing potable water be minimized, and the quality and quantity of surface water be protected.
4. The intent of the WP-O district is to provide regulations, which will limit the exposure of watersheds under County jurisdiction used as sources of supply for public water systems to pollution. The sources of such pollution include leachate from septic tank nitrification fields; stormwater runoff; and accidental spillage from residential, commercial, and industrial operations.
5. These occurrences can contribute biological contamination, turbidity from soil erosion and sedimentation, nutrient enhancement, and heavy metal pollution, all of which endanger the water supplies of communities dependent on these watersheds for life-giving and life-sustaining water.

C. Boundaries

1. The provisions of this UDO shall apply within areas designated as a Water Supply Watershed by the N.C. Environmental Management Commission and shall be defined and established on a water supply watershed protection map of Catawba County, North Carolina, which is adopted as part of this UDO.
2. The boundaries of the WP-O district encompass the water supply watersheds within the County's jurisdiction, as shown on the official zoning overlay map, and are adopted as part of this article.
3. Where water supply watershed boundaries follow topographic boundaries and the official zoning overlay map does not accurately represent the actual topographic boundary, a surveyed plat prepared by a registered land surveyor may be submitted to the County as evidence that one or more properties along these boundaries does not lie within the watershed area.
4. Where the watershed area boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of the watershed area boundaries shall be determined by use of the scale appearing on the watershed map. Any ambiguities should be resolved in favor of locating built-upon surface area in the least environmentally sensitive area of the project.
5. Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.
6. The WP-O district shall, as appropriate, impose greater restrictions, require higher development standards, prohibit certain uses, and require additional approvals as stated in this section.

7. Where other uncertainty exists, the Planning Director shall interpret the WP-O district as to location of such boundaries.

D. Existing Development and Exceptions to Applicability

1. Existing development, as defined in this section, is exempt from the requirements of the WP-O. The term Existing Development is defined as those projects that are built or those projects that at a minimum have established a vested right under state law as of the effective date of this section (January 1, 1994) based on at least one of the following criteria:
   a. Having expended substantial resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project;
   b. Having an outstanding valid building permit as authorized by G.S. 160D-108; or
   c. Having an approved site-specific or phased development plan as authorized by G.S. 160D-108.
2. Expansions to structures, other than single-family, classified as existing development must meet the requirements of this article; however, the built-upon area of the existing development is not required to be included in the density calculations. Where there is a net increase of built upon area, only the area of net increase is subject to this UDO. Where existing development is being replaced with new built upon area, and there is net increase of built upon area, only areas of net increase shall be subject to this article.
3. Any existing nonresidential or multi-family (three or more dwelling units) structure or built-upon area not in conformance with the density or built-upon restrictions of this section that has been damaged or removed may be repaired and/or reconstructed provided it meets the following conditions:
   a. The repair or reconstruction is in compliance with **Article 4, Nonconformities**.
   b. Repair or reconstruction is initiated within 12 months and completed within two (2) years of such damage; and
   c. The total amount of built-upon area may be increased according to the built-upon restrictions as allowed for existing development.
4. Uses existing on January 1, 1994, but which would not be permitted to be established in the WP-O watershed areas in which they are located, may continue subject to **Article 4, Nonconformities**, except as follows:
   a. When such nonconforming use of land has been changed to an allowed use, it cannot revert to any prohibited use.
   b. Expansions may be allowed subject to the built-upon restrictions as allowed for existing development.
5. If the requirements of this section conflict with other portions of this article, the more restrictive requirements shall apply.

6. Exclusions and exceptions to the rules described in Chapter 2B of Title 15A of the North Carolina Administrative Code, as amended, shall also be exclusions and exceptions to the requirements of the WP-O.

E. Watershed Protection Permit

1. Except for single-family residential development, no building or built-upon area shall be erected, moved, enlarged, or structurally altered, nor shall any building permit be issued or change in use of any building or land be made until a Watershed Protection Permit has been issued by the Planning Director. No Watershed Protection Permit shall be issued except in conformity with the provisions of this article.
2. Procedures for obtaining a Watershed Protection Permit are included in **Section 44-136**.
3. No permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.

**Table 221-1. Watershed Areas – Density and Built Upon Limits**

| Water Supply Classification | Location in the Watershed | Maximum Allowable Project Density or Minimum Lot Size | | |
|---|---|---|---|---|
| | | Low Density Development | | High Density Development |
| | | Single Family Detached Residential | Non-residential and all other residential | All types |
| WS-I | Not Applicable: Watershed shall remain undeveloped except for the following uses when they cannot be avoided: power transmission lines, restricted access roads, and structures associated with water withdrawal, treatment, and distribution of the WS-I water. Built-upon area shall be designed and located to minimize stormwater runoff impact to receiving waters. | | | |
| WS-II | Critical Area | 1 dwelling unit (du) per 2 acres or 1 du per 80,000 square foot lot excluding roadway right-of-way or 6% built-upon area | 6% built-upon area | 6 to 24% built-upon area |
| | Balance of Watershed | 1 du per 1 acre or 1 du per 40,000 square foot lot excluding roadway right-of-way or 12% built-upon area | 12% built-upon area | 12 to 30% built-upon area |
| WS-III | Critical Area | 1 du per 1 acre or 1 du per 40,000 | 12% built-upon area | 12 to 30% built-upon area |

| Water Supply Classification | Location in the Watershed | Maximum Allowable Project Density or Minimum Lot Size | | |
|---|---|---|---|---|
| | | Low Density Development | | High Density Development |
| | | Single Family Detached Residential | Non-residential and all other residential | All types |
| | | square foot lot excluding roadway right-of-way or 12% built-upon area | | |
| | Balance of Watershed | 1 du per one-half acre or 1 du per 20,000 square foot lot excluding roadway right-of-way or 24% built-upon area | 24% built-upon area | 24 to 50% built-upon area |
| WS-IV | Critical Area | 1 du per one-half acre or 1 du per 20,000 square foot lot excluding roadway right-of-way or 24% built-upon area | 24% built-upon area | 24 to 50% built-upon area |
| | Protected Area | 1 du per one-half acre or 1 du per 20,000 square foot lot excluding roadway right-of-way or 24% built-upon; or 3 du per acre or 36% built-upon area without curb and gutter street system | 24% built-upon area; or 36% built-upon area without curb and gutter street system | 24 to 70% built-upon area |
| WS-V | Not Applicable | | | |

**Table 221-2. Watershed Area Permitted Uses**

| Watershed Area | Permitted Uses |
|---|---|
| WS-II-CA | Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and all rules and regulations of the Soil and Water Conservation Commission. |

| Watershed Area | Permitted Uses |
|---|---|
| WS-III-CA<br><br>WS-IV-CA | Forestry/Silviculture, subject to the provisions of the Forest Practices Guideline Related to Water Quality (02 NCAC 60C). The division of forest resources is the designated management agency responsible for implementing this subsection. |
| | Residential development. |
| | Nonresidential development, excluding landfills and sites for land application of residuals or petroleum-contaminated soils. |
| WS-II-BW<br><br>WS-III-BW | Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and all rules and regulations of the Soil and Water Conservation Commission |
| | Forestry/Silviculture, subject to the provisions of the Forest Practices Guideline Related to Water Quality (02 NCAC 60C). The division of forest resources is the designated management agency responsible for implementing this subsection. |
| | Residential development. |
| | Nonresidential development excluding discharging landfills. |
| WS-IV-PA | Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and all rules and regulations of the Soil and Water Conservation Commission. |
| | Forestry/Silviculture, subject to the provisions of the Forest Practices Guideline Related to Water Quality (02 NCAC 60C). The division of forest resources is the designated management agency responsible for implementing this subsection. |
| | Residential development. |
| | Nonresidential development. |

F. WS-II Watershed Area — Critical Area (WS-II-CA)

1. In order to maintain a low-intensity land use development pattern, single-family residential uses are allowed on a lot with a minimum area of 80,000 square feet excluding roadway right-of-way.
2. All other residential and nonresidential development are allowed at a maximum six (6) percent built-upon area.
3. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.
4. New residuals application sites and landfills are specifically prohibited.

G. WS-II Watershed Area—Balance of Watershed (WS-II-BW)

1. In order to maintain a low intensity land use development pattern, single-family residential uses are allowed on lots with a minimum area of 40,000 square feet, excluding roadway right-of-way.

2. All other residential and nonresidential development is allowed at a maximum of 12 percent built-upon area. In addition, nonresidential uses may occupy ten (10) percent of the balance of watershed area outside the critical area, with a 70 percent built-upon area when approved as a 10/70 Bonus Permit according to **Section 44-221.L**.
3. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.

H. WS-III Watershed Area — Critical Area (WS-III-CA)

1. In order to maintain a low to moderate land use intensity pattern, single-family residential uses are allowed on lots with a minimum area of 40,000 square feet, excluding roadway right-of-way.
2. All other residential and nonresidential development is permitted at a maximum of 12 percent built-upon area.
3. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.
4. New residuals application sites and landfills are specifically prohibited.

I. WS-III Watershed Area—Balance of Watershed (WS-III-BW)

1. In order to maintain a low to moderate land use intensity pattern, single-family residential uses are allowed on lots with a minimum area of 20,000 square feet excluding roadway right-of-way.
2. All other residential and nonresidential development are allowed a maximum of twenty-four percent built-upon area.
3. In addition, nonresidential uses may occupy ten percent of the balance of watershed area outside the critical area, with a seventy percent built-upon area when approved as a 10/70 Bonus Permit according to **Section 44-221.L**.
4. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.

J. WS-IV Watershed Area — Critical Area (WS-IV-CA)

1. Only new development activities that require an erosion/sedimentation control plan under state law are required to meet the requirements of this section when located in the WS-IV Watershed.
2. Written verification of project exemption must be submitted by the entity responsible for enforcement of the erosion/sedimentation program.
3. In order to address a moderate to high land use intensity pattern, single-family residential uses are allowed on lots with a minimum area of 20,000 square feet excluding roadway right-of-way.

4. All other residential and nonresidential development is allowed twenty-four percent (24%) built-upon area.
5. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.
6. New residuals application sites and landfills are specifically prohibited.

K. WS-IV Watershed Area—Protected Area (WS-IV-PA)

1. Only new development activities that require an erosion/sedimentation control plan under state law are required to meet the requirements of this section when located in a WS-IV watershed.
2. Written verification of project exemption must be submitted by the entity responsible for enforcement of the erosion/sedimentation program.
3. In order to address a moderate to high land use intensity pattern, single-family residential uses are allowed on a lot with a minimum area of 20,000 square feet without public water or sewer or 15,000 square feet with public water or sewer where a curb and gutter street system is not installed.
4. All other residential and nonresidential development are allowed at a maximum of 24 percent built-upon area if a curb and gutter system is installed or 36 percent built-upon area if a curb and gutter system is not installed.
5. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.

L. 10/70 Bonus Permit

1. In addition to the nonresidential built-upon restrictions for the balance of WS-II and WS-III Watersheds, nonresidential uses may occupy no more than ten percent of the balance of each WS-II and WS-III watershed outside the critical area, with a maximum seventy percent (70%) built-upon area when approved as a 10/70 Bonus Permit. The 10/70 Bonus Permit will be reviewed in the same manner as a Special Use Permit. The Board of Adjustment shall review and take action on 10/70 Bonus Permits subject to all rules and procedures as established in **Section 44-112**. Requests for a 10/70 Bonus Permit will be considered once a completed application is accepted by the Planning Director for review. A 10/70 Bonus Permit is valid for two years, and if the development has not begun within that time period, the permit shall expire. Reapplication cannot be made for a period of 12 months following the date the permit expiration.
2. In reviewing an application for a 10/70 Bonus Permit, the Board of Adjustment shall make the findings of fact as stated in **Section 44-132**. In addition, the Board of Adjustment shall consider whether the property can be developed as proposed, according to any or all of the following pertinent factors:
   a. Whether the proposal is in conformance with the County's current land use plan.
   b. Whether the development is in coordination with the County's thoroughfare plan and urban area transportation plan.

c. The feasibility of the proposed development based on site-specific factors, such as but not limited to soil type; topography; distance to public utilities, such as water, sewer and gas lines; and road access.

d. Projects must minimize built-upon surface area and direct stormwater runoff away from surface waters. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.

e. Availability of 10/70 issuance in the watershed based on previously approved requests and the ten percent maximum land used for up to 70 percent development.

3. Where developments are approved under a 10/70 Bonus Permit, a 100-foot wide vegetative buffer is required for new development along all perennial waters indicated on the most recent version of USGS 1: 24,000 (7.5 minute) scale topographic maps or as determined by local government studies.

M. Density Averaging

An applicant may average development density on up to two (2) noncontiguous properties for purposes of achieving compliance with the Water Supply Watershed development standards if all of the following circumstances exist:

1. The properties are within the same water supply watershed. However, if one of the properties is located in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.

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

3. Vegetated setbacks on both properties meet the minimum statewide water supply watershed protection requirements.

4. Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

5. Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.

6. The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement unless it can be demonstrated that the local government can ensure long-term compliance through deed restrictions and an electronic permitting mechanism. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deeds. Any such limitations or restrictions on uses shall be irrevocable.

7. Development permitted under density averaging and meeting applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.
8. A Watershed Density Averaging Permit shall be obtained from the Board of Adjustment in accordance with the standards in **Section 44-145** to ensure both properties considered together meet the standards of this article and potential owners have record of how the watershed regulations were applied to the properties.
9. Watershed Cluster Development

   Clustering of development is permitted in all watershed areas under the following conditions:

   a. Minimum lot sizes are not applicable to single-family watershed cluster development projects; however, the overall density of the project must meet the associated density as allowed in the base zoning district and the WP-O listed in this UDO.
   b. Built-upon area of projects shall not exceed that allowed for the applicable critical area or protected area, balance of the watershed or protected area as required in each watershed area.
   c. All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
   d. The remainder of the tract must remain in a vegetated or natural state. The title to the open space must be conveyed to an incorporated homeowners' association for management, to a local government for preservation as a park or open space, or to a conservation organization for preservation in a permanent easement.
   e. Cluster developments that meet the applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

N. Buffer Area Required

1. In the WP-O, a minimum 30-foot wide vegetative buffer is required for all new development along all perennial waters indicated on the most recent version of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Developments approved under the high-density option, including the 10/70 Bonus Permit, are required to maintain a 100-foot wide vegetative buffer.
2. No new development is allowed in the buffer except for water-dependent structures and public projects, such as road crossings, railroad rights-of-way and the like, where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of stormwater Best Management Practices. Desirable artificial streambank or shoreline stabilization is permitted.

O. High-Density Development

1. Requirements

Development projects that require Sedimentation and Erosion Control Plans in a WS-IV Watershed Area and are being developed as a Planned Development as defined in this UDO may propose to use a high-density option as described in this section and must meet the requirements in **Table 221-1**. A minimum 100-foot wide buffer consistent with **Section 44-221.N** must be provided for all developments using the high-density option.

2. High-Density Development Permits and Procedures

a. Developers requesting to use the High-Density Development option must follow the application, review, public hearing, and approval procedures as required by this UDO for Planned Developments, along with the following additional procedures:

i. For all activities subject to this Article, no person shall initiate, proceed, or undertake any land disturbing or development activity for which a permit is required without first being issued a written Stormwater Control Permit. All other required applications must be received and permits must be obtained prior to the start of the work. These may include but are not limited to soil erosion and sedimentation control, flood damage prevention, subdivision, and building permits and inspections.

ii. Approval or denial of the proposed stormwater plan or amendment to an existing plan shall be in writing. In the case of denial, the reasons for denial shall be clearly stated.

iii. Appeals for denials of stormwater plans shall use the following process:

(1) The applicant may appeal decisions of the Planning Director to the Subdivision Review Board (SRB) within 15 days after receipt of written notice of disapproval.

(2) Only the applicant can appeal the decision of the Planning Director.

(3) Hearings held pursuant to this section shall be conducted by the SRB within a reasonable time after the date of the complete appeal application submittal.

(4) The SRB shall decide appeals within 15 days after the date of the hearing on a stormwater plan.

(5) The SRB may uphold or overturn the decision of the Planning Director. If the SRB upholds the disapproval of a proposed plan, the applicant shall then be entitled to appeal the SRB's decision to the Board of Adjustment within 15 days of receipt of the SRB's decision.

(6) An appeal of the SRB decision pursuant to this section shall conform with the provisions of **Section 44-117**.

iv. If a revised application is not resubmitted within 60 days of the date the applicant was notified of the plan's denial, the application shall be considered withdrawn and a new submittal shall be required, along with the appropriate fee and pursuant to the current standards.

v. Applications for an amendment to a stormwater plan in written and graphic form may be made and submitted to the Planning Director for review and approval at any time.

vi. An approved stormwater plan shall become null and void if the applicant has failed to make progress on the site within 12 months of the date of approval. The Planning Director may grant a single six-month extension of this time limit, for good cause shown, upon receiving written request from the applicant before the approved plan's expiration. In granting an extension, the Planning Director may require compliance with standards adopted since the original application was submitted, unless there has been substantial reliance on the original permit and the change in standards would infringe upon the applicant's vested rights.

b. The County may not approve a final plat or issue a building permit until:

i. The Stormwater Control Application has been approved by the Planning Director; and

ii. Other conditions of preliminary subdivision plat approval are met related to construction of required infrastructure, or an approved Financial Security is posted following the provisions of **Section 44-143**.

c. Upon completion of the required improvements, the Registered Professional must submit to the Planning Director as-built plans of the installed stormwater improvements or certify the existing plans as as-built if no changes have occurred. These plans must indicate that Stormwater Control Measures were constructed in accordance with this UDO.

3. SCM Application, Plan Review, and Inspection Fees for High-Density Development

Application, plan review, and inspection fees are required as follows:

a. Processing and inspection fees must be submitted in the form of a check or money order payable to Catawba County. Applications will be returned and labeled incomplete if not accompanied by the following:

i. SCM Application Form;

ii. SCM Application Review Fee Payment;

iii. Proposed Site Plan and SCM Plan ("Plans") with either written or graphic representations describing the SCM system in sufficient detail for review and any related easement documents;

iv. SCM Operation and Maintenance Manual;

v. SCM Maintenance Agreement as required below; and

vi. Performance Bond for construction of the SCM ("Construction Security") in accordance with the provisions of section 7 below.

b. Before an Application is deemed complete, the Planning Director or the Applicant can request a consultation on a concept plan to discuss procedural steps, timing, or any post-construction SCM changes or modifications necessary for the Project.

4. Final SCM Inspection, Approval and Recordation

Upon completion of the SCM, but prior to issuance of a Certificate of Occupancy ("CO"), the Planning Director must verify completion of the following:

a. Applicant shall provide a sealed set of as-built plans, executed Maintenance and Easement Agreements, Maintenance Bond, and certification by a Registered Professional that the SCM has been constructed in accordance with the approved plans. The Planning Director may issue COs where multiple units are served by the SCM, in which case the Planning Director may elect to withhold a percentage of permits or COs until as-built plans are submitted and the final inspection and approval have occurred.

b. Following final inspection and approval of the SCM and final as-built plans, the final plat (if there were deviations from the original plat), Maintenance Agreement, Easements and Deed of Conveyance of the SCM to the HOA (if applicable) must be recorded with the Catawba County Register of Deeds Office.

c. Following final inspection and approval of the SCM and upon posting and approval of a perpetual Maintenance Bond ("Maintenance Security") in accordance with the provisions of section (f) below, the Construction Security may be released.

5. Stormwater Control Measures

Standards for SCMs are as follows:

a. All SCMs must be designed by a Registered Professional with qualifications appropriate for the type of system required.

b. All SCMs must comply with the provisions of Section 15A NCAC 02H .1050 of the North Carolina Administrative Code, as amended, and meet the following design criteria:

i. Be designed to remove 85 percent of total suspended solids in runoff from a one-inch rainfall from the site above the permanent pool.

ii. The discharge rate following the one-inch design storm must be such that the runoff draws down to the pre-storm stage within five days, but not less than two days; or

iii. The post-development peak discharge rate must equal the pre-development rate for the one-year 24-hour storm.

c. All land areas outside the SCM must be provided with ground cover sufficient to restrain erosion within 14 days after any land disturbance for flat lands and 7 days after any land disturbance for slopes steeper than 3:1. Upon completion of the

SCM, a permanent ground cover must be established and maintained as part of the Maintenance Agreement.

d. The area containing the SCM must be depicted on the final recorded plat filed in the Catawba County Register of Deeds Office, reflecting any easements necessary for general access to the SCM. The described area must include the SCM, vegetative filters, all pipes and water control structures, berms, and dikes. Maintenance access must have a minimum width of 10 feet, not include lateral or incline slopes that exceed 3:1 (horizontal to vertical), and extend to the nearest public right-of-way.

e. Qualifying areas of the SCM may be considered pervious when computing total built-upon area. However, if a structure is used to compute the percentage of built-upon area for one site, it cannot be used to compute the built-upon area for any other site or area.

6. Maintenance and Upkeep

Maintenance and upkeep must be provided as follows:

a. An Operation and Maintenance Manual shall be provided by the developer for each SCM, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Maintenance Agreement, who is responsible for those actions. The plan must clearly indicate the steps that will be taken to restore an SCM to design specifications if a failure occurs.

b. Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the SCM structure is diminished or threatened or that it interferes with any easement or access to the SCM.

c. Except for general landscaping and grounds management, the owning entity shall notify the Planning Department prior to any repair or reconstruction of the SCM. All improvements must be made consistent with approved plans and specifications and the Operation and Maintenance Manual. After notification by the owning entity, the Planning Director shall have the completed improvements inspected and inform the owning entity of any required additions, changes or modifications and the time period to complete the improvements. The Planning Director may consult with a Registered Professional.

d. Amendments to the plans and specifications of the SCM and/or Operation and Maintenance Manual must be approved by the Planning Director. Proposed changes must be prepared by a Registered Professional and submitted to and reviewed by the Planning Director.

   i. If the Planning Director approves the proposed changes, the owning entity of the SCM must file sealed copies of the revisions with the Planning Department.

ii. If the Planning Director disapproves the changes, the proposal may be revised and resubmitted as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, the proposal will be returned to the applicant. Appeal of amendment disapproval decisions of the Planning Director must be in accordance with the provisions of this UDO.

iii. If the Planning Director finds the Operation and Maintenance Manual is inadequate for any reason, the Planning Director shall notify the owning entity of any required changes and the requirement to file any revised Operation and Maintenance Manual with the Planning Department and the owning entity.

e. All SCMs shall be inspected by a qualified inspector at least on an annual basis to determine whether the controls are performing as designed and intended. The costs of the inspections are the responsibility of the owning entity. Records of inspections shall be maintained on forms approved or supplied by the North Carolina Department of Environmental Quality (NCDEQ). Annual inspections will begin within one (1) year of the filing date of the deed for the SCM.

f. If the County discovers the need for corrective action or improvements, the Planning Director shall notify the owning entity of the corrective action needed and the date by which it is to be completed. All improvements shall be made consistent with the plans and specifications of the SCM and Operation and Maintenance Manual. After notification by the owning entity, the Planning Director may consult with a Registered Professional.

7. Posting of Financial Security and Maintenance Agreement

Posting of Financial Security is required as follows:

a. All new SCMs must be conditioned on the posting of adequate Financial Security for the purpose of construction, maintenance, repair or reconstruction necessary for adequate performance of the SCM.

b. Construction Security

Financial Security to ensure the required SCMs are installed as required must be provided to the County so that, if these structures are not properly installed, the County may use the Financial Security to have such structures properly installed. The bond or other instrument must be of an amount equal to 1.25 times the total cost of constructing the SCM, as estimated by the applicant and approved by the Planning Director. The total cost of the SCM must include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation and fill. The costs cannot be prorated as part of a larger project but are considered under the assumption of an independent mobilization.

c. Maintenance Security

Financial Security, to ensure the required SCMs are properly maintained, must be provided to the County consistent with this section so that, if these structures are not properly maintained, the County may use the Financial Security to have the structures properly maintained or repaired. The bond or other instrument must be of an amount equal to 15 percent of the total cost of construction of the SCM, as defined above, or the estimated cost of maintaining the SCM over a ten-year period, whichever is greater. The estimated cost of maintaining the SCM must be consistent with the approved Operation and Maintenance Manual provided by the developer.

d. Financial Security

Financial Security must be in the form of a certified check, a no-contest irrevocable bank letter of credit, or a performance and payment bond underwritten by a state-licensed corporate surety company. Except for a certified check, such sureties cannot be accepted unless the County Attorney has reviewed them and rendered a written opinion that the interests of the County are fully protected. The certified check must be deposited with the County Manager, as escrow agent, who shall deposit the check in an interest-bearing escrow account of the County. The no-contest irrevocable bank letter of credit must be from a banking corporation licensed to do business in the state and maintaining an office in the County. The terms of the letter must include the absolute right of the County Manager to withdraw funds from the bank upon the County Manager's certifying to the bank that the terms and conditions of the performance guarantee have been breached.

e. Default under the Financial Security

Upon default of the Applicant or Owning Entity ("Financially Responsible Entity") to complete, maintain, repair and/ or, if necessary, reconstruct the SCM in accordance with the applicable Performance Agreement or Operation and Maintenance Agreement, the County may obtain and use all, or any portion, of the security held to make the necessary improvements. In the event that the costs of such improvements exceed the amount of the security, the County may collect the difference from the Financially Responsible Entity using any legal means at the County's disposal.

f. Maintenance Agreement

The applicant must enter into a binding Maintenance Agreement between the County and all interested parties in the development. The Agreement must require the owning entity to maintain, repair, or reconstruct the SCM in accordance with the Operation and Maintenance Manual provided by the developer. The Maintenance Agreement must be referenced on the final plat and must be filed with the Catawba County Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the Maintenance Agreement must be

recorded with the Catawba County Register of Deeds and a copy provided to the Planning Director.

## Section 44-222. Economic Development Overlay (ED-O)

A. Purpose

The Economic Development Overlay District (ED-O) is designed to accomplish the following:

1. Promote a sensitive conversion of farmland and vacant land to more urban uses.
2. Support development that is compatible with and, whenever possible, enhances the visual attractiveness of the land.
3. Promote well-planned, economically viable development of all types.
4. Protect the environment by providing clean air, clean water, and an appropriate mix of natural vegetation and wildlife.
5. Encourage orderly planned development, especially at major roadway interchanges.
6. Avoid uncoordinated strip development patterns.
7. Promote flexibility in individual site design including diversification in location of structures, parking areas, and other components.
8. Encourage efficient use of land to facilitate an economical arrangement of buildings, traffic circulation systems, land uses, and utilities.
9. Provide for more usable and suitably located recreation facilities and other public and common facilities that would not otherwise be provided under conventional land development procedures.
10. Encourage high-quality development.
11. Ensure adequate traffic capacity is available to serve proposed projects.
12. Create an environment supportive of opportunities for alternative residential development consisting of well-planned, affordable housing.
13. Encourage cooperation between local governments concerning municipal growth and service extensions.
14. Support mixed-use projects that enhance opportunities to work, shop, entertain, and recreate on the same or adjacent sites.
15. Enhance the economic, tax, and employment base for the County.

B. Plan Consistency and Applicability

1. This section implements the land use recommendations and goals of the Comprehensive Plan.
2. The Economic Development Overlay (ED-O) shall apply to the areas depicted on the Official Zoning Overlay Map and generally to the following:
   a. U.S. Hwy. 321 corridor; and

b. I-40 industrial corridor consisting of two strips of land, with the first concentrated at Exit 138 at the Town of Catawba/Hwy. 10 interchange and the second including tracts of land north of the Conover/Claremont industrial areas. These areas are indicated as "business/light industrial park" and "industrial."

C. Development Standards

1. New residential subdivisions and existing and new single-family, manufactured homes, and duplexes are exempt from the requirements of the ED-O District.
2. Churches and existing commercial/office institutional/industrial uses or properties are exempt from the provisions of the ED-O District.
3. Property being developed for nonresidential or multifamily uses:
   a. In the Hwy. 321 corridor component of the ED-O must:
      i. Be rezoned to 321-ED-MX or 321-ED-I. Schools, public use facilities, and public utility facilities are exempt from rezoning; and
      ii. Meet the regulations of the 321-ED District, **Section 44-225.**
   b. In the I-40 corridor component of the ED-O must:
      i. Be rezoned to the applicable zoning district. Schools, public use facilities, and public utility facilities are exempt from rezoning; and
      ii. Meet the regulations of the 321-ED District, **Section 44-225.**

## Division 4. Special Districts

### Section 44-223. General

A. Purpose

It is the intent of this article to establish special districts for the purposes of:

1. Protecting existing or proposed character or principal views of, from, or through the areas;
2. Protecting buildings and their visual environment;
3. Creating higher development standards to accomplish the purpose for which the special district is established; and
4. Promoting purposes, land uses, and development patterns consistent with the County's adopted Comprehensive Plan.

B. Special District Regulations

The special district regulations are designed to promote the intent of the district, as set out in each district's purpose statement. In particular, such regulations may require submission of concept site plans, building plans, building elevations, and maps indicating the relation of proposed development to surrounding or otherwise affected property in terms of the following:

1. Location, amount, character, and continuity of open space;

2. Protection of desirable principal views;
3. Convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian congestion on public streets;
4. Separation of pedestrian and vehicular traffic;
5. Signs;
6. Lighting;
7. Mixtures of proposed uses; and
8. Other matters appropriate to determine the relation of the special interest district and the objectives to be promoted.

C. Procedure for Approval of Special Districts

Applications for special districts will be processed as a zoning map amendment (rezoning); therefore, the procedures outlined in **Section 44-116.B** apply.

### Section 44-224. Planned Development (PD)

A. Purpose

The PD district is established to encourage the master planning of large-scale, multiple, and/or mixed-use development patterns. Applicants who propose Planned Developments have more flexibility and creativity in design than that possible under conventional zoning regulations in order to achieve a higher level of design. The Planned Development process:

1. Allows for layout of uses and open space that promotes high standards in design and construction to further the goals of the Comprehensive Plan, in locations designated for more intensive development.
2. Encourages well-planned, efficient development to promote economic and efficient land uses.
3. Allows a planned and coordinated mix of compatible and harmonious land uses that were previously discouraged by conventional zoning procedures.
4. Encourages development of contiguous large lot parcels into an integrated and orderly pattern, with particular attention to an efficient and coordinated network of internal streets.
5. Promotes clustering of structures and other uses to preserve unique and natural features such as woodlands, wetlands, natural drainage systems, and scenic areas.
6. Reserves adequate public right-of-way within development areas for the eventual extension of arterial and collector streets, including proper width and spacing of such streets.
7. A Planned Development is defined based upon the following general characteristics:
   a. Aggregate size and number of non-residential buildings.
   b. Mixture of housing types.

c. A combination of different uses such as retail/commercial, office, and residential uses.

8. Control road access points and reduce traffic impacts through encouraging complementary uses to concentrate in locations adjacent to streets serving larger traffic volumes to provide for well-planned developments on sites with adequate road frontage and lot depth.
9. Encourage more organized designs for industrial projects and limit strip development.
10. Protect property values in surrounding residential neighborhoods.

B. Applicability

PD district zoning is required when one or more of the following factors are proposed:

1. The aggregate square footage of the nonresidential 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.
2. Multifamily attached units for rent or sale, including apartments, condominiums, and two or more duplex units on the same lot.
3. Townhouses on the same or adjoining lots.
4. Three (3) or more duplex buildings on separate adjoining lots, planned cumulatively.
5. A mix of housing types on a single zoning lot. An example of a mix of housing types would include the combination of single-family dwellings with duplex, multifamily, or zero lot line developments. This does not include a lot with an accessory dwelling unit or temporary manufactured home. Manufactured home parks are not included in this provision.
6. A single-family residential subdivision consisting of 75 or more lots planned cumulatively. Subdivisions of less than 200 lots may choose to apply for a PD District at the developer's option.
7. When more than one industrial principal structure is planned on a lot or when two (2) or more permitted industrial uses per principal structure are developed on a single lot.
8. When the high-density development option is proposed related to a multi-tenant, mixed-use project or an applicable project listed above.

C. General Criteria for Planned Developments

1. PD Districts must be established in accordance with the general procedures and requirements set forth in **Section 44-116** and the following criteria.
2. Enhanced design standards and negotiated amenities may apply subject to an application made for a voluntary Planned Development-conditional zoning in accordance with **Subsection 44-120.B.** The negotiated amenities could include enhanced public open space, trails, bicycle paths, conservation easements, traffic improvements, vegetative buffering, and connectivity.

3. All standards of this UDO apply to PD Districts, unless explicitly modified in this section, including but not limited to street design, lighting, landscaping, parking, and signage.

4. Relation to Major Transportation Facilities

   PD Districts should be located primarily along expressways, arterial, and collector roads to provide direct access to and from the District without creating traffic along surrounding local streets in residential neighborhoods.

5. Relation to Public Utilities, Facilities, and Services

   a. PD Districts for multifamily uses are not permitted unless public water and sewer are available and being used as part of the project.

   b. The cost of extension and/or enlargement of public water and/or sewer lines to serve PD Districts shall be the sole responsibility of the developer.

D. Concept Site Plan Relationships

PD Districts must be proposed according to site plans which include amenities such as streets, utilities, lots, buildings, parking, service areas, landscaped open space and their relationships to each other. Plans for other uses and improvements, along with a program for provision, operation, and maintenance of such areas whether for public or private use, must also be provided. All procedure requirements must be met.

E. Site Plans

In general, the concept site plan must provide a unified and well-organized arrangement of buildings, service areas, parking, pedestrian, and landscaped common areas providing for maximum comfort and convenience of visitors and occupants. Commercial buildings must be grouped in relation to parking areas, so visitors arriving by automobile can enter the walkway system and establishments can be visited conveniently with a minimum of internal automotive movements.

1. External Relationships

   Relation of the Planned Development District to surrounding areas must be as follows:

   a. Requirement for street access. No Planned Development should be located except where direct access to an arterial or collector street is available, or will be made available, at convenient locations at the edges of or within the district. Street access must be at a scale and of a character suited to the needs of occupants and visitors.

   b. Location of uses in relation to adjoining residential districts. Where a Planned Development adjoins any residential district, with or without an intervening street or alley, to the maximum extent reasonably practicable, residential uses within the Planned Development District must be located adjacent to the residential district, and nonresidential uses and signs located and oriented away from the residential district.

2. Internal Relationships

The concept site plan shall provide for safe, efficient, convenient, and harmonious groupings of structures, uses, facilities, and open spaces in a manner facilitating pedestrian movement between major origins and destinations within and adjacent to the district with a minimum of conflicts with vehicular traffic. In particular:

a. Pedestrian amenities must relate to a network of exterior open spaces reserved for pedestrian use and enjoyment. Pedestrian ways must be scaled for anticipated traffic and form a convenient pattern connecting major concentrations of uses within the district.

b. Streets, parking areas, and service areas must be located and designed to separate private vehicular use within the district from principal pedestrian areas. The separation may be horizontal, with vehicular areas concentrated and grouped in a logical location at the edges of the district adjacent to major or collector streets, or vertical, with vehicular areas under buildings.

c. Relationship of uses must work so that major commercial and service establishments are grouped for maximum pedestrian convenience along frontages. Residential or general office uses may be in separate areas within the districts or be separated vertically from commercial and service areas.

d. The development must be in complexes where residential (when proposed), commercial, and office uses are scaled, balanced, and located to reduce general traffic congestion by providing housing close to principal destinations and convenient pedestrian circulation systems. In general, local streets cannot be connected with streets outside the districts in such a way to encourage the use of such local streets by substantial amounts of through traffic.

e. A vacated building and an adaptive reuse plan for buildings greater than 75,000 square feet ("big box" design) must be submitted at the site plan approval stage.

F. Minimum Required Gross Land Area

The minimum required gross land area for establishment of a Planned Development District is 80,000 square feet. Additional adjoining land may be combined with existing Planned Development Districts. When this occurs, the additional land will be considered part of the total development with regards to size and standards required in this article. Adjoining land to be considered must be developed in harmony with the existing Planned Development with regards to review procedures, uses, design, access, and other standards as provided in this article.

G. Maximum Residential Density

**Table 224-1. Maximum Residential Density in PD District**

| Development Parcel Allocated for Residential Uses (Acres) | Dwelling Units Per Acre |
|---|---|
| Less than 2.0 | Not permitted |
| 2.0 – 9.99 | 6 |
| 10.0 – 19.99 | 8 |

| | |
|---|---|
| 20.0 or more | 10 |

H. Pedestrian, Landscaped Common Areas, and Open Space

1. Nonresidential Planned Development must reserve an area equal to 20 percent of the land area of the Planned Development for pedestrian use and landscaping, which shall be improved and maintained accordingly. Such space may include covered malls for general pedestrian use as well as exterior walkways, pocket parks, play areas for children, outdoor seating areas, and the like. When covered malls are included, they are to be excluded in computing floor area.
2. Residential Planned Development must reserve 30 percent of the land area of the Planned Development for passive or active recreation.
3. Land area for sidewalks may be counted toward the common open space area requirement. Stormwater Control Measures are not counted as part of the open space requirement unless integrated into the development as passive or active recreation.

I. Landscaping Buffer and Screening Requirements

1. Planned Developments must install a median-type entranceway at main entrances, subject to NCDOT approval.
2. The median must be landscaped with ground covers, shrubs, and small decorative trees.

J. Underground Utilities

All telephone, electric, cable, and other utilities must be underground in any Planned Development.

K. Height Limitations

The maximum height of buildings will be considered as part of the PD approval process and determined based on use in **Table 224-2.**

**Table 224-2. PD Maximum Structure/Use Height**

| Structure/Use | Maximum Structure Height (feet) |
|---|---|
| Single Family Dwelling | 45' |
| Two Family Dwelling | 45' |
| Multifamily Dwelling | 60' |
| Commercial Structure/Use | 60' |
| Industrial Structure/Use | 70' |

L. Minimum Setback Requirements Adjacent to Public Streets

Minimum front setbacks adjacent to public streets shall follow the minimum setback requirements in **Table 224-3** below.

**Table 224-3. PD Minimum Setbacks**

| Use | Minimum Setback (feet) |
|---|---|
| Residential | 40' |
| Commercial/Mixed-Use | 50' |
| Industrial | 70' |

M. Setbacks Required Adjacent to Residential or Nonresidential Districts (Non-Industrial or Commercial/Mixed-Use Developments)

1. Where a Planned Development District adjoins a residential district, a setback at least 50 feet in width must be provided along such joint boundary. No intensive recreational use or off-street parking is permitted within 30 feet of the district boundary in such circumstances.
2. Where a Planned Development District adjoins a nonresidential district, a 40-foot perimeter setback must be provided.

N. Setbacks Required Adjacent to Residential or Nonresidential Districts (Industrial Developments)

1. When an Industrial Development adjoins a non-industrial district, the building setbacks from the perimeter of the Industrial Development must be a minimum of 50 feet. The setback areas must be landscaped in accordance with **Section 44-317**.
2. When an Industrial Development adjoins a public street, the building setbacks from the street must be a minimum of 50 feet. The setback shall be landscaped in accordance with **Section 44-317.**

O. Setbacks Required Adjacent to Residential or Nonresidential Districts (Commercial/Mixed-Use Developments)

When a Commercial or Mixed-Use Development adjoins a non-commercial or mixed-use district, the building setbacks from the perimeter of the Commercial/Mixed-Use Development must be a minimum of 50 feet. The setback areas must be landscaped in accordance with subsection 44-523(f).

P. When a Commercial or Mixed-Use Development adjoins a public street, the building setbacks from the street must be a minimum of 50 feet. The setback shall be landscaped in accordance with subsection 44-532(f). Architectural Elements

Buildings within the PD shall be designed with a consistent architectural theme and color scheme. Building height, rhythm, articulation, massing, and bulk shall be compatible with the individual site attributes and be compatible with the surrounding neighborhoods. Industrial Developments are not subject to architectural elements. The following also apply:

1. Building Facades

   PD building facades shall contain setback relief and a variety of roof component shapes.

2. 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 four (4) feet or more from the primary building line shall be provided comprising a total of at least 33 percent of the storefront length along all sides facing public streets. An exception to the recesses and projections requirements may be granted where the intended effect can be accomplished through a different architectural design which breaks up the appearance of the building facade.

3. Building Construction Standards

   a. Building Facade(s) Visible from Public Rights-of-Way

      Building facade(s) that are visible from public rights-of-way or considered the building front are prohibited from consisting of unpainted cinder blocks, ribbed vinyl or metal (an exterior cladding material characterized by raised, repeating vertical or horizontal ridges that create a corrugated or grooved appearance) material as the primary building material. An exception may be made where a solid vegetative screen exists or is installed which shields that portion of the facade(s) from public view, as determined by the Planning Director.

   b. Facade(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.

   c. 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

   d. Garage fronts in a duplex or multifamily PD must be de-emphasized and not be the most prominent architectural feature of the house.

Q. Turn Lanes

Turn lanes along the road frontage are required and are subject to NCDOT regulations and approval.

R. Subdividing in Planned Developments

Individual lots can be established within a Planned Development in residential or nonresidential districts after a detailed site plan has been approved. Lots are not subject to lot area and internal setback requirements; however, all built-upon requirements of **Section 44-221** Watershed Protection District (WP-O) and perimeter setback requirements of **Section 44-221** shall be met. The subdivision procedures of this UDO shall apply to Planned Developments.

### Section 44-225. 321-Economic Development District (321-ED)

A. Purpose

The 321-ED District consists of two distinct subdistricts: the 321-ED-MX Mixed-Use District and the 321-ED-I Industrial District. While both subdistricts share many standards intended to promote coordinated, high-quality development along the U.S. 321 corridor, differences exist in their permitted uses, development patterns, dimensional requirements, and applicable design standards, as described in this section.

The 321-ED district is designed to accomplish the following:

1. Promote a sensitive conversion of farmland and vacant land to more urban uses.
2. Support development that is compatible with and, whenever possible, enhances the visual attractiveness of the land.
3. Promote well-planned, economically viable development of all types.
4. Ensure safe and efficient traffic flow along the U.S. 321 corridor and other roadways as designated in the small area plans.
5. Protect the environment by providing clean air, clean water and an appropriate mix of natural vegetation and wildlife.
6. Encourage orderly and sensitive planned development, especially at the interchanges.
7. Avoid uncoordinated strip development patterns.
8. Promote flexibility in individual site design including diversification in location of structures, parking areas and other components.
9. Encourage the efficient use of land to facilitate an economical arrangement of buildings, traffic circulation systems, land uses and utilities.
10. Provide for more usable and suitably located recreation facilities and other public and common facilities that would not otherwise be provided under conventional land development procedures.
11. Encourage high-quality development.
12. Ensure adequate traffic capacity is available to serve proposed projects.

13. Create an environment supportive of opportunities for alternative residential development consisting of well-planned, affordable housing.
14. Encourage cooperation between local governments concerning municipal growth and service extensions.
15. Support mixed-use projects that enhance opportunities to work, shop, entertain and recreate on the same or adjacent sites.
16. Enhance the economic, tax and employment base for the County and each municipality.

B. Intent

The intent of the 321-ED district is to implement strategies and policies contained in the U.S. 321 Corridor District Plan and the Comprehensive Plan. Similar to Planned Development Districts, the goal of the 321-ED district is to promote high-quality development through well-planned, well-designed development. The 321-ED district is the only new zoning classification that will be approved in the U.S. 321 Corridor for nonresidential and multifamily development. The U.S. 321 corridor is defined in the adopted U.S. 321 Corridor District Plan. Due to the unique nature of the 321-ED district, requests to rezone land to the 321-ED district shall only be allowed within the 321 Corridor District boundaries, set forth in the adopted 321 Corridor District Plan and corresponding maps.

C. Applicability

1. This section applies to any application for nonresidential or multifamily development approval within the 321-ED district, except as provided below.
2. New residential subdivisions, existing single-family, site-built or manufactured homes and duplexes are exempt from the requirements of the 321-ED district. Additions to such structures or accessory uses are permitted, without Board of Adjustment approval, subject to the zoning requirements of the District, before the time the property was rezoned to the 321-ED district. Existing single-family, site-built or manufactured homes and duplexes which are partially or fully destroyed may be rebuilt or repaired as a matter of right. Churches and existing commercial/office institutional/industrial uses or properties are exempt from the provisions of the 321-ED district; however, they shall be subject to the requirements of this article prior to their inclusion in the corridor.
3. This section does not apply to County public facilities.
4. Where there are conflicts between the special regulations in this section and general zoning, subdivision, or other regulations or requirements, the more restrictive requirement shall apply in the 321-ED district, unless the Planning Director finds provisions in this section do not serve public purposes to a degree at least equivalent to such general zoning, subdivision, or other regulations or requirements.

D. Permitted Uses

1. Use Elements

The 321-ED District includes two subdistricts, as follows:

a. 321-ED-MX

Any combination of retail commercial, office/institutional and residential components but never exclusively large-lot single-family homes.

b. 321-ED-I

Primarily industrial/warehousing/distribution with an accessory office/institutional component.

One of these two subdistricts shall be indicated on all rezoning applications and shall be delineated on the official zoning map.

2. 321 ED-I Districts

a. Permitted principal and accessory uses and structures in the 321 ED-I Districts shall be according to **Table 227-2**.

b. The following apply to all residential development in the 321-ED District:

i. Construction of single-family dwellings is prohibited in the 321-ED-I District, in order to preserve larger tracts of land and potential future assemblage of smaller parcels for more appropriate nonresidential uses.

3. New site-built homes in the 321-ED-MX district

Site-built single-family homes are permitted in the 321-ED-MX district only as part of a mixed-use project. The 321-ED-MX district is intended to encourage a mixture of development types including a range of residential types and densities.

4. Existing residential uses and structures in 321-ED district

Existing single-family, site-built or manufactured homes and duplexes are exempt from the requirements of the 321-ED district as long as the property is being used for residential purposes. Additions to such structures or accessory uses are permitted subject to the zoning requirements of the district prior to the time the property was rezoned to the 321-ED district. Existing single-family site-built or manufactured homes and duplexes which are partially or fully destroyed may be rebuilt or repaired as a matter of right.

E. Detailed Site Plan Required

1. Contents

No building permit shall be issued in the 321-ED district until a detailed site plan is approved. In addition to the site plan requirements, the detailed site plan must include the following:

a. Provisions that indicate any storage will occur in an enclosed building;

b. Provisions to significantly contain noise, odors, smoke and dust and light on site; and

c. Financial guarantees that public roadways damaged by the movement of heavy equipment or earthen materials shall be repaired at no cost to the public.

2. Minimum Parcel Size

The minimum parcel size for site plan review in the 321-ED district is five (5) acres of contiguous property. Property may be subdivided into lots less than five (5) acres subject to the requirements of subdivisions in subsection (c) below. The property may include more than one owner and more than one recorded lot, provided the total property equals or exceeds five (5) acres and the submitted site plan includes development plans for the entire development parcel. A site plan for parcels less than five acres that existed prior to the adoption of the 321-ED district (July 22, 1996) may be accepted by the Planning Director if a determination is made that practical difficulties exist and all opportunities have been exhausted. A site plan for a parcel or combined parcels of less than five acres but greater than one acre may be approved, provided the overall policies and goals of the Highway 321 corridor plan will not be compromised. A site plan pertaining to a parcel or combined parcels of less than five acres will be considered subject to the following criteria being met:

a. Where a site plan with less than five (5) acres provides for coordinated development with adjoining developments, including connected roads and shared driveways, the site plan may be approved provided the new development will not have independent driveway access onto a major/minor thoroughfare. The interior roads and driveways must be designed and built to connect to existing roads in the adjoining development; and

b. The remaining standards of the 321-ED district are met.

3. Subdivisions

Subdivisions are permitted in the 321-ED district only through review and approval of a site plan so as not to compromise the integrity of the site plan regulations and to avoid interference with the potential future assemblage of smaller parcels for more appropriate development. In addition to other County regulations, land subdivided as part of a site plan project must conform to the following:

a. Parcel Size

Individual lot sizes must be as indicated in **Table 225-2** below.

b. Road Designs

All roads must conform to the most recent design standards of NCDOT.

c. Future Development of Subdivided Lots

All future development of individual parcels in the subdivision requires a site plan which must conform to all applicable site design and improvement standards included in this section.

d. Applicable Site Design Standards

The site design must comply with all improvement standards included in this section.

F. General Development Standards

The following general provisions apply:

1. Other Regulations

The site design must conform to all local, state and federal regulations through the site plan review process.

2. Long-Range Plans

The plan must also conform to all long-range plans concerning such issues as road building and utility extensions.

3. General Site Design

In general, the site design must attempt to reduce cut and fill; protect groundwater resources; avoid unnecessary paved surfaces; provide adequate access; promote visual attractiveness; and mitigate adverse impacts of noise, odor, traffic, drainage and utilities on adjacent properties.

4. Suitable Sites

The site must be suitable for development in the manner proposed without hazards to persons or property, on or off the site, free from the probability of flooding, erosion, subsidence or slipping of the soil, or other dangers. Conditions of soil, groundwater level, drainage and topography must all be appropriate to both the kind and pattern of use intended.

5. Unified Site Planning

If appropriate to the form of development, lands to be included in the 321-ED district may be divided by streets, alleys, rights-of-way or easements, but must be so located, dimensioned and arranged as to permit unified planning and development and to meet all requirements, as well as to provide necessary protection against adverse relationships between uses in the district and uses in surrounding areas.

6. Phasing

Where a site plan is to be constructed in stages, the infrastructure and improvements must be in place on the initial phase before subsequent phases are developed.

G. Preservation

Protecting environmentally sensitive land and historical sites should be given high priority in site design. Unless the Planning Director determines preservation would interfere with all economically feasible use of the property, or if preservation is not possible because of unique topography, the following must be preserved:

1. Wetlands as defined through field inspection by the U.S. Army Corps of Engineers;

2. Lands in the floodplain as identified on FEMA flood hazard maps;
3. Slopes in excess of 20 percent over intervals of ten feet or more; and
4. Historic sites.

H. Dimensional Requirements

Development must conform to the following dimensional requirements:

1. Permitted Building Height

Buildings up to 75 feet are allowed in the 321-ED district subject to the setback requirements set forth in this section. Additional building heights are allowed subject to an increase in building setbacks of one foot for each additional one foot in building height.

2. Building Setbacks

The minimum building setback from the edge of all street rights-of-way, planned street rights-of-way and property lines for the outer boundaries of the development are as follows:

**Table 225-1. Building Setbacks, 321-ED District**

| Setback from... | Feet |
|---|---|
| U.S. 321 freeway right-of-way | 100 |
| Major and minor thoroughfare rights-of-way | 75 |
| All other road rights-of-way (public or private) | 50 |
| Nonresidential property lines | 50 |
| Residential property lines | 75 |

3. General Subdivision Lot Requirements

In subdivisions approved through the site-plan process, design of individual interior lots must conform to the following dimensional requirements.

**Table 225-2. Subdivision Lot Requirements, 321-ED District**

| Use Elements | Lot | Setbacks | | | |
|---|---|---|---|---|---|
| Minimum Sizes | Overall (sq. ft.) | Width (feet) | Front (feet) | Side (feet) | Rear (feet) |
| ED-MX | 20,000 | 100 | 30 | 20 | 30 |
| ED-I | 40,000 | 100 | 30 | 25 | 35 |

4. Street Line Preservation

Where a major or minor thoroughfare is planned to be built or widened, and initial roadway design and right-of-way locations have been completed, all building setbacks must be measured from the expanded right-of-way for these improvements.

Future roads or road improvements shown on the urban area transportation plan and the County's Thoroughfare Plan must be indicated on any subdivision plat, site plan, or zoning permit applications. Buildings and structures must be located outside the proposed right-of-way or pavement edge of such improvements where these locations are indicated on the urban area transportation plan and the County's Thoroughfare Plan and roadway design and right-of-way has been identified.

I. Nonresidential densities are allowed in accordance with **Table 225-3**.

**Table 44-446.08-3.**

**Table 225-3. Maximum Allowable Density in 321-ED**

| Sub District | Residential | Nonresidential |
|---|---|---|
| ED-MX | 4 units per acre | 20,000 sq. ft. per acre |
| ED-I | 6 units per acre (as part of a mixed-use development) | 30,000 |

J. Circulation System Design

The following circulation system requirements apply to all development in the 321-ED District:

1. Generally

321-ED Districts must have direct access to an arterial, collector, major or minor thoroughfare street and be designed to minimize traffic in residential neighborhoods.

2. Access to Major Roads

All site plans must depict access to at least one major or minor thoroughfare unless the plan depicts less acreage than the minimum parcel size requirement as noted in this section.

3. Access Points Permitted

a. One (1) access point is allowed on any property with less than 500 feet of frontage on a major or minor thoroughfare.

b. Two (2) access points are allowed on major and minor thoroughfares if the property has frontage that equals or exceeds 500 feet on a major or minor thoroughfare and the results of a site access study or a recommendation from NCDOT indicate the need for a second access point.

c. Three (30 access points are allowed if the property has frontage that equals or exceeds 1,000 feet on a major or minor thoroughfare and the results of a site access study or a recommendation from NCDOT indicate the need for a third access point. Three (3) access points are the maximum number of access points allowed for a single project on any major or minor thoroughfare.

d. The location of access points must conform to NCDOT policies for street and driveway connections.

4. Off-Site Traffic Improvements

The applicant must provide a site access study when required by NCDOT. Transition tapers and deceleration lanes are required for all site plan projects where a site access study requires it or a recommendation from NCDOT indicates such improvements are necessary. The costs of deceleration lanes and transition tapers are the responsibility of the owner or developer of the property.

5. Shared Access

Mutual shared access agreements are required between adjacent property owners with frontage on major or minor thoroughfares when site plans are submitted concurrently. When access is to be shared, easements, liability arrangements and a maintenance agreement must be submitted to the County? prior to occupancy. Where no mutual shared access is feasible due to topographical or other physical constraints, access must conform to NCDOT policies for street and driveway connections.

6. Connected Interior Driveways/Parking

Adjacent commercial developments with access to a major or minor thoroughfare must connect interior parking and driveways. Where adjacent commercial property is vacant, sufficient provisions to connect to the properties must be submitted. Parcels with frontage on major or minor thoroughfares are required to provide or reserve sufficient access to any adjacent properties with poor or nonexistent access. When a site plan is submitted for a tract located immediately adjacent to properties less than five (5) acres which front along a common public street, the plan must provide reasonable access to the adjacent properties by one of the following:

a. Building layout must be shown with a break or open space to allow for construction of a future road serving the adjoining property. The plan must show future road site(s) at a location where, according to sound engineering practices, actual construction of the road would be practical.

b. The internal road circulation pattern on the site plan must show a roadway connection to the adjoining property that will be constructed as part of the site plan.

7. Channelization

Channelization improvements must be installed where significant turning conflicts are involved with the new development. "Channelization" means the separation of conflicting traffic movements into well-defined paths of travel by traffic islands or significant pavement markings.

8. Signalization

Only after all other traffic improvements have been explored can signalizations be installed, subject to NCDOT approval.

9. Street design

All streets must be designed and paved to meet NCDOT standards.

K. Landscaping, Buffering, and Screening

The following landscaping requirements apply to all development in the 321-ED District:

1. Construction Cleanup

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

2. Maintenance

All landscaping and screening must be maintained so as to continue their effectiveness.

3. Landscaping of Disturbed Land

Landscaping of all cuts and fills must be sufficient to prevent erosion. All roadway slopes must be landscaped.

4. Interior Street Landscaping

For multitenant, multiparcel or multibuilding developments, shade trees must be planted along both sides of all interior access streets, excluding streets not typically used by the public. Street trees must be planted adjacent to the sidewalk and must meet the following:

a. An average of one shade tree is required for every 40 linear feet of lot frontage on each side of the street or, where overhead lines are present, street trees of low-growing varieties must be planted an average of one tree for every 30 feet of street frontage on each side of the street. Trees should be spaced approximately equal distance.

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

c. In the absence of overhead lines in the planting area, the shade tree should achieve a mature height of over 20 feet and a mature spread of at least 15 feet.

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

5. Entranceways

Multitenant, multiparcel or multibuilding developments must provide for the installation of a median-type entranceway at all entrances on major or minor thoroughfares. The median must be grassed and landscaped.

6. Use of Existing Topography

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

7. Highway 321 Buffer

   A 50-foot landscaped buffer area is required for the portion of all development adjacent to the U.S. 321 right-of-way. The buffer must include the following improvements planted in an offset pattern:

   a. One tree (two-inch caliper) per 50 linear feet of frontage;
   b. One tree (smaller ornamental tree) per 50 feet of linear feet of frontage; and
   c. One shrub or similar planting per 15 linear feet of frontage.
   d. The remaining area must include a ground cover of seeded grass, sod, or rock, brick, or wood mulch or any combination of these items.

   The developer may substitute existing vegetation for some or all of these requirements when practical. Buildings or parking areas are prohibited in the buffer areas. The buffer areas must extend along the entire length of the lot.

8. Residential Buffers

   a. When a 321-ED District directly abuts a residential zoning district, all structures for the nonresidential uses must be set back 75 feet from all residential property lines. This area must be labeled as the "natural buffer area." No buildings, signs or parking are allowed in this area.
   b. The buffer must meet the requirements of **Section 44-317.**

9. Water Body Buffers

   An undisturbed natural buffer must be provided along all rivers, streams, creeks and other natural bodies of water which:

   a. Are identified as perennial waters on the United States Geological Survey (USGS) quadrangle topographic maps; and
   b. Qualify as environmentally sensitive areas (for example, floodplains as delineated by FEMA, and wetlands, as identified by the U.S. Army Corps of Engineers through field inspection).

   Where the resources are present, no design shall be approved unless it complies with the requirements of all applicable federal, state and local laws and regulations pertaining to these resources. These laws and regulations include but are not limited to section 404 of the Clean Water Act and its implementing regulations, and all requirements of this article. Existing undesirable vegetation may be cleared and the buffer revegetated or landscaped within a reasonable time period to minimize sedimentation and erosion. Manmade bodies of water, such as retention ponds or

aesthetic water attractions, are not subject to this requirement. These areas may be used to calculate required open space as provided for in this section.

10. Parking Area Landscaping

Where parking facilities are located in the front of the development, the following landscaping standards apply:

a. Internal Landscaping

Internal landscaping must meet the requirements of **Section 44-317.**

b. Perimeter Parking Landscaping

Perimeter parking landscaping must meet the requirements of **Section 44-317.**

11. Foundation Plantings

The pedestrian entranceway and/or surface parking facilities outside of the commercial areas must be separated from the exterior wall of any principal structure by a landscape buffer. The landscaped buffer strip must be at least five (5) feet in width along the building foundation.

12. Maintenance Area Screening

All loading, shipping, storage, maintenance, trash/refuse and mechanical areas must be landscaped in accordance with **Section 44-318.**

13. Open Storage Screening

Open storage must comply with the screening requirements in **Section 44-321.**

L. Pedestrian Access

1. Purpose

This section is designed to ensure the site plan provides a unified and well-organized arrangement of buildings, service areas, parking, pedestrian and landscaped common areas providing for maximum comfort and convenience of visitors and employees. Commercial buildings should be grouped in relation to parking areas such that, after visitors arriving by automobile enter the walkway system, establishments can be visited conveniently with a minimum of conflicts with vehicles. Pedestrian enhancements are essential to creating an efficient and functional environment as well as promoting a sense of place.

a. Pedestrian Design

For multitenant/building/parcel projects, the site plan must include provisions for pedestrian-scale amenities, which may include benches, picnic tables, courtyards, plazas, water attractions and trash receptacles. An area must be reserved for pedestrian use and/or open space. This area must be improved with a hard surface, or a combination of hard surfaces and landscaping and/or pedestrian-scale amenities. Such areas may include covered malls for general

pedestrian use, exterior walkways, and outdoor seating areas where the facilities are available for common use by employees and visitors. Required buffer areas and setbacks as well as improved deck and roof areas may be used to meet this requirement.

b. Heavy Traffic Generators

Convenience stores, fast-food restaurants and similar uses, if provided, must be so located that operations do not interrupt pedestrian or traffic flows in other parts of the development.

c. Location of Loading Zones and Maintenance Areas

Loading zones where customers pick up goods must be located and arranged so as to prevent interference with pedestrian movement within the development. Facilities and access routes for shopping center deliveries, servicing, and maintenance must be located and arranged so as to prevent interference with pedestrian traffic in the center.

d. Pedestrian Travel

All buildings or building clusters within the development must be connected with linkages other than roads (i.e., sidewalks, bikeways and walking paths). When feasible, these linkages must be provided between adjacent sites. Pedestrian access may be provided at any suitable locations within the district, but should be separated from vehicular access points in order to reduce congestion, marginal friction and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movements safely.

e. Natural Areas

Protecting environmentally sensitive areas for use as open space in the development should be given a high priority in site design. The site plan must identify these environmentally sensitive areas, for example, floodplains as delineated by FEMA, and wetlands, as identified by the U.S. Army Corps of Engineers through field inspection. Where these resources are present, no design shall be approved unless it complies with the requirements of all applicable federal, state and local laws and regulations pertaining to these resources. These laws and regulations include, but are not limited to, section 404 of the Clean Water Act and its implementing regulations and all requirements of this article.

M. Parking

The following requirements apply to all parking in the 321-ED District:

1. Generally

Off-street parking must be provided as required by **Section 44-225.M.** Off-street loading must be provided with area location and design appropriate to the needs of

occupants of the district and protection of adjacent property from adverse effects. No space designated as required off-street parking space for the general public must be used as off-street loading space or maneuvering room for vehicles being loaded or unloaded.

2. Rear Parking Encouraged

   a. Parking lots are encouraged to be located in the rear of multiple-building developments and not visible from streets.

      i. If the parking facility is visible from a street, a landscape island is required for every ten (10) spaces in a continuous row.

      ii. If the parking facility is not visible from a street, a landscape island is required for every fifteen (15) spaces in a continuous row.

   b. In single-building developments, parking areas must be located in the rear of the site when practical. If parking must be located in the front of buildings, the parking area landscaping requirements listed in **Section 44-317** must be met.

3. Parking Setbacks

   All parking areas must be located outside of the required setbacks and have a minimum of eight feet of separation from all buildings. This separation must be grassed and landscaped and may include sidewalks.

4. Connected Parking Areas

   All parking areas should be linked to parking on adjacent project sites. When adjacent property is zoned 321-ED, provisions must be made to allow for this parking connection when the property develops.

N. Signs

The following requirements apply to all signage in the 321-ED District:

1. Generally

   All signs for the site plan must conform to the requirements in **Article 3, Division 6,** except where the requirements included in this subsection are more restrictive. The following also apply:

   a. No on-site sign larger than six (6) square feet may be located closer than 100 feet from another similar or larger sign;

   b. No signs may be placed within any sight triangle, as that term is defined by **Section 44-337**; and

   c. No signs may be located in any street right-of-way. Signs may be placed in the landscaped buffer areas.

2. Prohibited Signs

   In addition to the signs prohibited in **Article 3, Division 6**, the following signs are prohibited on any land zoned 321-ED:

a. Off-premise signs, including billboards;
b. Portable signs, whether temporary or permanent;
c. Roof signs;
d. Rotating multi-panel technology signs;
e. Posters, streamers, or similar devices used to attract attention (temporary or permanent); and
f. Permanent windblown signs (banners, balloons, streamers, etc.).

3. Permitted Signs

The following signs are permitted:

a. One on-premise sign for a development with multiple buildings, parcels, or establishments, having not more than two (2) sign surface areas, may be erected along each section of road frontage on a major or minor thoroughfare from which there is a median entranceway to the development. The signs may not exceed 100 square feet on each side of a back-to-back sign; may not be over 20 feet in height; and may identify the development as a whole and the establishments, buildings, and parcels within the development, but it must not contain any other commercial copy; or

b. One on-premise sign for development with multiple buildings, parcels, or establishment, having not more than two (2) sign surface areas, may be erected to identify the development along each section of road frontage on a major or minor thoroughfare from which there is a median entranceway to the development. The following height and area requirements apply, based on the type of road the development fronts:

**Table 225-4. On-premise Sign Requirements for Single Developments in 321-ED District**

| Lanes | Speeds (mph) | Area (sq. ft.) | Height (feet) |
|---|---|---|---|
| 2 | 15-25 | 10 | 5 |
| 2 | 30-40 | 20 | 6 |
| 2 | 45-55 | 50 | 16 |
| 4 | 15-25 | 15 | 6 |
| 4 | 30-40 | 35 | 11 |
| 4 | 45-55 | 80 | 18 |
| 6 | 15-25 | 20 | 14 |
| 6 | 30-40 | 40 | 16 |
| 6 | 45-55 | 100 | 20 |
| Source: Street Graphics and the Law, Mandelker and Ewald, 1988. | | | |

4. One additional on-premise sign, with a maximum area of twelve (12) square feet and a maximum height of six (6) feet is permitted for each individual building within a development.

5. Wall signs are permitted subject to **Section 44-342**.
6. Light-emitting diodes (LED), electronic messages and other similar technologies are allowed. This technology can be utilized subject to the following:
   a. Pulsating or flashing sign structures or messages are prohibited.
   b. LED signs must hold a static message a minimum of eight (8) seconds.
7. In addition to one freestanding sign, one static fascia canopy sign is permitted on sides visible from the public right-of-way. Each canopy sign may have a maximum area equal to 25 percent of the canopy fascia surface, up to a maximum height of two (2) feet.

O. Site Appearance

1. Purpose

   This subsection promotes building designs in the 321-ED District that provide diversity in style with distinct character and a high-quality development standard.

   a. Underground Utilities

      All on-site utilities (electrical, telephone, etc.) must be located underground unless technical restrictions exist for doing so. Provisions must be made to significantly reduce the visual blight of any above-ground utilities.

   b. Lighting

      Lighting must be provided at intersections, along walkways, in parking lots, between buildings and at development entrances. All lighting must be arranged to reflect the light away from adjacent properties and roadways. The maximum height is 25 feet for all lighting standards. Spacing of the standards is four times the height of the standard. Alternative lighting design may be approved which meets or exceeds the lighting pattern required in this subsection. The lighting plans must be endorsed by the utility provider.

   c. Paving Materials

      Design and choice of paving materials in pedestrian areas, including crosswalks and sidewalks, include brick, concrete (aggregate exposed finish), cement pavers, brick pavers or similar materials. Pervious paving materials are encouraged provided they are similar in appearance and durability to that which is listed above.

   d. Rooftop Equipment

      Rooftop mechanical equipment shall be screened or sited so as not to be visible from the ground level.

   e. Building Construction Materials

      The following standards must be met for building construction in the 321-ED District:

      i. Building Front

Ribbed paneling consisting of vinyl or metal material (an exterior cladding material characterized by raised, repeating vertical or horizontal ridges that create a corrugated or grooved appearance), 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.

ii. Facade(s) Visible from Public Rights-of-Way

Ribbed paneling (consisting of vinyl or metal material) or unpainted cinder blocks are prohibited along the portion(s) of the building visible from public rights-of-way. An exception can be made for the side or rear facade, where a solid vegetative screen exists or is installed which shields that portion of the facade(s) from public view, as determined by the Planning Director.

iii. Facade(s) Not Visible from Public Rights-of-Way

Sides not visible from public rights-of-way may use ribbed paneling, painted cinder blocks or other materials.

iv. 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.

v. Exception—Building Construction Materials

An exception to allow ribbed vinyl or metal panels is made for development within the 321-ED-I District.

P. Mixed-Use Development in the 321-ED-MX District

1. Purpose

The 321-ED-MX District regulations are designed to:

a. Permit a flexible mixture of various residential development types which may include certain commercial/office/civic establishments primarily serving the residents living in the development.

b. Encourage commercial and office uses that do not attract large volumes of traffic and continuous consumer turnover.

c. Provide for an alternative to strip-style, highway-oriented commercial uses.

d. Permit uses that promote the construction of new buildings and the conversion of existing buildings that maintain the visual character and architectural scale of other uses in the same project.

e. Minimize the visual and functional conflicts between residential and nonresidential uses within and surrounding the development.

f. Create relatively self-contained residential neighborhoods that provide many services on site that would otherwise require frequent automobile use.

2. Permitted Uses

See **Section 44-227.**

3. Use Compatibility Criteria

The site plan shall include an analysis of the following compatibility guidelines:

a. There is a clear relationship between nonresidential and residential uses on any one site or adjacent sites.

b. The use will not require more than one access point.

c. Minimum visual and functional conflict will be created between the proposed uses or nearby uses.

d. Anticipated noise and congestion created by the use will be insignificant, especially in the evenings.

e. The bulk, height and scale of the buildings will be compatible with surrounding or proposed residential development.

4. Mixed-Use Development Standards—General Design Guidelines

In addition to the applicable 321-ED District requirements listed in this section, all mixed-use developments must conform to the following standards:

a. All building sites and/or buildings shall be accessed on interior streets, not on thoroughfares or arterials or collectors.

b. The placement of all buildings shall take into consideration topography, privacy, building height, orientation, drainage and aesthetics.

c. The commercial development on the site shall preferably be located at the development entranceways at major or minor thoroughfares unless significantly reliant on pedestrian customers. Higher density residential development shall be located along major interior roads between or at intersections.

d. Common, accessible open space is required for all mixed-use developments. The open space shall be pedestrian oriented and shall include such amenities as park benches, walking trails and gazebos. Parking or vehicular access within these areas shall be prohibited. The open space must comprise at least 20 percent of the gross project area and may be more when the reduced lot sizes are used or transfer-of-development rights are granted.

e. The site shall be divided into clusters or mini neighborhoods that separate the different development types. This must be done while maintaining the interconnectivity and accessibility of all uses. The use of curving cul-de-sac off interior collector roads is recommended to achieve the clusters.

f. There must be one central focus area for the project. The focus may be a recreation or common open space area (playground, tennis courts, golf course),

an entertainment facility (clubhouse, meeting facility, amphitheater) or a pedestrian-oriented commercial area needing little or no parking.

g. There shall be several small pocket parks that serve as convenient passive open space and/or recreation areas for the adjacent properties.

h. Sidewalks, five (5) feet wide, shall be included with all interior access street and parking area designs. Sidewalks may be constructed at the time of development or may be phased in over a period of several years as demand warrants. If the sidewalks are to be phased in over time, the developer must make payments to a fund that would pay for the sidewalks over time. This payment arrangement must be satisfactory to the Planning Director. All sidewalks between residential, open space and commercial sections shall be safe and lead to storefronts, not service areas.

5. Residential Developments

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

a. Clustered single-family and duplexes, subject to the following:

i. Minimum lot size: 20,000 square feet. Lot sizes may be reduced by up to 50 percent of the minimum required lot size, provided at least 75 percent of the balance of the original lot size must be preserved as common open space, accessible by all reduced building sites. Up to 50 percent of the common open space may be located in a designated floodplain or may be reserved for a public use.

ii. Minimum lot width: 50 feet (60 feet for duplexes); add ten (10) feet on corner lots.

iii. Minimum front setback: 15 feet (25 feet where the lot abuts a dedicated street or a large-lot single-family home site).

iv. Minimum side setbacks: 10 feet.

v. Minimum rear setbacks: 20 feet.

vi. Maximum height: 35 feet or 3 stories.

vii. Accessory buildings: Accessory buildings shall be located in the rear setback no closer than five (5) feet from the principal dwelling or any property line and no more than ten (10) feet in height.

b. 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 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.

i. Minimum lot size: 20,000 square feet. However, lots may be reduced by up to 75 percent of the minimum required lot size, provided at least 75 percent of the balance of the original lot size must be preserved as common open space, accessible by all reduced building sites. Up to 50 percent of the common open space may be located in a designated floodplain or reserved for public use (school, library, community building, etc.).

ii. Minimum lot width: Forty (40) feet (50 feet on corner lots).

iii. Minimum front setback: Ten (10) feet (25 feet where the lot abuts a dedicated street or a large-lot single-family home site).

iv. Minimum side setbacks: Ten (10) feet on one side, zero feet on the opposite. However, in no case shall a zero-lot-line dwelling be closer than ten (10) feet to the lot line of a large-lot single-family home site or a dedicated street.

v. Minimum rear setbacks: 20 feet.

vi. Maximum height: 35 feet or three stories.

vii. Location of dwellings. Dwellings shall be constructed against one side lot line, and no windows, doors or other openings are permitted on this side. The developer must provide for an unobstructed wall maintenance easement of five feet on the adjacent property.

viii. Accessory buildings. Accessory buildings shall be located in rear setback no closer than five (5) feet from the principal dwelling or any property line and no more than ten (10) feet in height.

c. Multifamily

To encourage land assemblage, densities for all multifamily projects shall be administered on the sliding scale as follows (densities are based on the size of the development parcel allocated to residential use):

**Table 225-5. Multifamily Density, 321-ED-MX Subdistrict**

| Development Parcel Allocated for Residential Uses (Acres) | Dwelling Units per Acre |
|---|---|
| Less Than 5 | Not Permitted |
| 5-9.99 | 6 |
| 10-19.99 | 8 |
| 20 or more | 10 |

i. Multifamily units: In no case shall there be more than four (4) multifamily units in one linear-designed building or more than ten (10) units where the design is not linear.

ii. Minimum front setback: 15 feet (25 feet where the lot abuts a dedicated street or a large-lot single-family home site).

iii. Minimum side setbacks: 10 feet.

iv. Minimum rear setbacks: 20 feet.

v. Maximum height: 35 feet or 3 stories.

d. Nonresidential Standards

The permitted commercial uses listed in **Section 44-227** are allowed in the 321-ED-MX District. These uses shall comply with the following standards:

i. The nonresidential uses are encouraged to comply with the use compatibility guidelines above.

ii. The following site design and dimensional standards apply to all nonresidential components of a mixed-use development:

(1) Minimum lot size: 10,000 square feet.

(2) Minimum lot width: 50 feet (60 feet for duplexes); add 10 feet on corner lots.

(3) Maximum height: 35 feet or 3 stories.

(4) Accessory buildings. Accessory buildings shall be located in rear setback no closer than five (5) feet from the principal dwelling or five (5) feet from any property line and no more than ten (10) feet in height.

e. Parking Requirements

The following parking requirements shall apply to multifamily and nonresidential components of all mixed-use developments.

i. Off-street parking shall comply with the requirements of **Article 3, Division 4.**

ii. Off street loading shall comply with the requirements of **Section 44-326.**

iii. The parking area location criteria and design and standards of **Subsection 44-225.K and Subsection 44-225.M** shall be adhered to for all mixed-use developments.

iv. On-street parking located within 200 feet of the establishment's main entrance shall be counted toward the required off-street parking requirements.

## Section 44-226. Manufactured Home Parks (MHP)

A. Purpose:

The purpose of this section is to:

1. Further the orderly layout of manufactured home parks;

2. Help secure safety from fire, floods, congestion and other dangers in manufactured home parks;
3. Provide for adequate light, air, and open space in manufactured home parks; and
4. Ensure facilities for transportation, parking, water, sewer, and recreation are provided to residents of manufactured home parks within this chapter's jurisdiction.

B. Applicability

The Manufactured Home Park Special District (MHP) may be established only on property located within the Double-Wide Manufactured Home Overlay District (DWMH-O) and served by available public water and public sewer. The maximum residential density permitted within the MHP-O must not exceed the density allowed by the underlying general residential zoning district in effect immediately before application of the MHP-O.

C. Permitted Uses

1. Class A and B (doublewide/multi-section and singlewide) manufactured homes meeting the following appearance criteria are allowed as permitted uses in manufactured home parks:

a. Roof Construction and Pitch

The pitch of the main roof of the building must have a minimum rise of two and one-half feet for each 12 feet of horizontal run. The roof must be finished with a type of shingle commonly used in standard residential construction. A retrofitted standing seam roof or shingle roof must be designed by a professional engineer and made a part of the load-bearing walls of the existing structure.

b. Exterior Finish

The exterior siding must consist predominantly of vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint), wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

c. Tongue Removal

Upon final placement of the unit, the towing tongue must be removed, skirted or screened with shrubbery. Such shrubbery must be of a height to ensure a total visual barrier of the towing apparatus and maintained so as to continue its effectiveness.

d. Skirting and Permanent Steps

Skirting and permanent steps must be provided. The manufactured home must have the entire perimeter enclosed, from the ground to the bottom of the structure, with material manufactured for this purpose in accordance with standards set by state regulations for manufactured/mobile homes. Examples of commonly recognized building materials suitable for use as skirting include but are not limited to the following: brick masonry, concrete block masonry; natural or

synthetic stone masonry; or vinyl. Assemblies, products and materials manufactured expressly for the purpose of skirting must be installed in accordance with the manufacturers' specifications.

e. Deck

The manufactured home must have either a deck or porch with steps. This structure must be located in front of the home. The deck or porch must be a minimum of 36 square feet. If the homeowner chooses to construct the deck or porch larger than 36 square feet, it must meet the building code. All steps, decks, porches and entrances must be installed and constructed in accordance with the standards set by state regulations for manufactured/mobile homes or, when applicable, building code.

2. Existing singlewide or doublewide manufactured homes not meeting the appearance criteria of this UDO which are located in parks approved prior to the adoption of this chapter are allowed to remain in their current locations as nonconforming structures.

D. Nonconforming Manufactured Home Parks

Nonconforming manufactured home parks must meet the requirements in **Article 4**.

E. Conforming Manufactured Home Parks

Manufactured home parks operating as existing conforming approved parks as of the effective date of the chapter may continue to operate under the terms of the operating permit originally issued. However, any expansion of the park must conform to this chapter. If the park has its operating permit revoked or if it ceases operation for a period of 90 days, the park cannot reopen until it complies with all standards of this section as well as all other applicable state and local laws.

Manufactured homes must meet the appearance criteria of this UDO.

F. Inspections

In order to achieve the objectives of this chapter, authorized representatives of all review agencies are authorized and allowed to enter the property on which a proposed or operating park exists and make such necessary inspections as may be required to enforce this chapter. Inspections will be made during the regular business hours of the agencies. Failure to permit such inspections may result in delays of plan approval or loss of the operating permit.

G. Loss of Operating Permit

Upon issuance of an operating permit to an approved manufactured home park, the operator of the park must operate the park in compliance with this chapter and all applicable laws and regulations. If any of the inspecting agencies discover a violation of an applicable regulation, the agency will notify the Planning Director. Upon receipt of this notification, the Planning Director shall notify the holder of the operating permit of the park of such violation and grant a 30-day period in which to correct the violation. If, at the end of

30 days, the Planning Director and a representative from the agency find corrections have not been made, the operating permit may be revoked and returned, along with the tenant roster, within five (5) days to the Planning Director. The owner may reapply to open and operate the park at a later date; however, the park must meet all applicable laws and regulations in this chapter in effect at that time.

H. Notice to Tenants

Upon receipt of a tenant roster by the Planning Director, notice of the nature of violations and loss of permit shall be given to each tenant, and tenants will have 90 days to vacate the premises.

I. Penalty

Any owner or developer of a manufactured home park (or their agent) who violates any section of this chapter shall be given notice of such violation by the Planning Director and be given a maximum of 30 days to correct the violation or be guilty of a misdemeanor. Following notice by the Planning Director, each day a violation exists shall be considered a separate offense and may be prosecuted in accordance with G.S. 14-4. If at the end of 30 days the violation has not been corrected, the operating permit shall be revoked.

J. Manufactured Home Spaces

1. Placement of Homes

Every manufactured home placed in a manufactured home park must be placed in a space that has been properly approved and is currently listed on the park operating permit.

2. Park Acreage and Space Design

Any site, tract of land or lot to be developed as a manufactured home park cannot be less than five (5) acres in area or more than twenty (20) acres, excluding street rights-of-way. The minimum space design in manufactured home parks is determined by the provision of sewer facilities. The following minimum space requirements also take into account the need for adequate space to prevent overcrowding, prevent fire hazards, and provide sufficient light and air.

3. The minimum space requirements where public water and sewer are available are as follows:

a. Minimum space size is 10,890 square feet.

b. Minimum space width is 50 feet.

c. Minimum space setbacks are:

i. On street side or front, ten feet.

ii. On sides, ten feet.

iii. On rear or side opposite street, ten feet.

Note: Setbacks are measured to the body or box of the manufactured home and not to the pull structure or hitch on the end of the home.

4. Corners Marked

Each space must have the front and rear corners clearly marked so visual establishment of each space's boundaries can be made. This requirement applies during the inspection and approval phases, and markers may be removed from a space after it is occupied by a home and has passed all inspections. Reestablishment of corners may be required by authorized inspectors at future times to verify compliance with this chapter.

5. Spaces Numbered

Each manufactured home space must have a permanent number to identify the space. The numbers must be four inches in height and be visible from the street in front of the space.

K. Street and Parking Requirements

1. Access

The primary access to all manufactured home parks must be either from a publicly maintained street on the NCDOT system or from a street that has been properly approved and placed on public record in accordance with this chapter.

2. Minimum Street Design

All streets within a manufactured home park must be graded and paved with impermeable material. Minimum pavement widths of streets within manufactured home parks are as follows:

a. Two-way street, 20 feet or as required by Fire Code;
b. One-way street, 18 feet or as required by Fire Code;
c. Cul-de-sac, 60 feet or as required by Fire Code; and
d. Speed bumps, 200 feet apart with the first bumps being placed within the first 200 feet of street after entering the park.

3. Intersections

All streets in manufactured home parks must intersect as nearly as possible at 90-degree angles; however, in no case can a street intersect another street at less than a 60-degree angle. Street jogs of less than 100 feet are not allowed.

4. Cul-de-sac

All permanent dead-end streets or streets that end with a cul-de-sac must be marked by a sign as a dead-end or no outlet. The sign must be provided, installed, and maintained by the park owner/operator.

5. Parking

Each manufactured home space must have a minimum of 400 square feet of parking area. This area may be in the form of off-street parking contained on the space or a parking apron a minimum of nine (9) feet wide parallel to the street. The parking area must be paved with impermeable material. If there is off-street parking on the space, a minimum setback of four feet is required between the edge of the street and the parking area. This drive or setback space must also be paved with impermeable material.

6. Internal Driveway Access

In no case can a manufactured home space have direct access to a street or road outside the manufactured home park except through the approved street layout of the park.

L. Utility Requirements

1. Generally

The approval and installation of all utility improvements in a manufactured home park, including but not limited to water, sewer, electricity, and solid waste collection, must be in accordance with this section.

2. Water

Every manufactured home located in a manufactured home park must be supplied water from an approved public water system. Before a final approval and operating permit may be issued to a manufactured home park, the public water system must be installed to meet the local jurisdiction's standards. Individual water wells are not permitted in manufactured home parks.

3. Sewer

Every manufactured home in a manufactured home park must be supplied with a hookup to a municipal sewer system. Before a final approval and operating permit may be issued to a manufactured home park, the public sewer system must be installed to meet the local jurisdiction's standards. Individual septic systems are not permitted in manufactured home parks.

4. Electrical Hookups

Every manufactured home space in a manufactured home park must be provided with its own separate metered electrical service. Installation of this electrical service must be in accordance with the building code and all other state and local regulations that apply. Before a final approval or operating permit may be issued to a manufactured home park, the Building Inspector must certify the proposed electrical service has been installed to meet all applicable codes.

5. Streetlights

Streetlights must be provided in manufactured home parks in sufficient numbers and spaced appropriately to provide a continuous and uninterrupted lighting pattern on all streets in the manufactured home park. Installation of streetlights must be in accordance with applicable building code. Before final approval or an operating permit may be issued to a manufactured home park, the Building Inspector must certify the streetlights installed meet all applicable codes.

6. Solid Waste Collection

Solid waste and refuse collection must be provided in manufactured home parks in accordance with the solid waste requirements of the County Code. Before final approval or any operating permit may be issued to a manufactured home park, the County Utilities and Engineering Department must certify the proposed method of solid waste collection is in accordance with the County Code.

M. Recreation and Open Space Requirements

All proposed manufactured home parks must provide a recreational area for the occupants. The minimum requirements are 25 percent of the total park area. Recreational areas must be located to be free of traffic hazards and easily accessible to all park occupants.

N. Space Preparation and Grade

All manufactured home spaces in proposed parks must be prepared and graded so there is a slope of no more than three percent (3%) where the manufactured home is to be located.

O. Steps

All manufactured home spaces in proposed parks must have a solid, well-constructed set of steps built in accordance with building code. Loosely stacked brick, block, or other materials are not permitted. The manufactured homeowner has the responsibility to furnish the steps.

P. Setup and Tie Down

All manufactured homes located in proposed parks must be set up and tied down in accordance with the building code and all other applicable state and local codes.

Q. Signs

Manufactured home park signs must be in accordance with sign regulations in **Article 3, Division 6**.

R. Office

Manufactured home parks are allowed to set aside one space for the placement of an office to conduct the business of operating the park. This office may be of permanent or manufactured construction. Activities associated with the office must be in accordance with the zoning regulations set forth in this chapter.

S. Buffer

All manufactured home parks must provide a buffer between the park and any property adjacent to the park, including road frontage. All buffers must consist of a double row of evergreens staggered at a maximum of six (6) feet apart, with a minimum height of six (6) feet at the time of planting to block visual access to all adjoining properties. Existing on-site vegetation that forms an opaque visual buffer can be used in lieu of evergreens.

T. Screening

All manufactured home parks must provide screening around all waste disposal receptacles, including dumpsters. The screening must be opaque and at least six (6) feet high. Chain link or wire fencing with plastic slats or screening fabric does not meet the requirements of this section.

U. Operating Permit

Upon final approval of the manufactured home park, the Planning Director will issue an operating permit. There is no fee associated with this permit. The operating permit does not exempt the owner or operator from any other permits that may be required by federal, state local laws. This operating permit must be placed in a conspicuous place in the park and be available for inspection upon demand by authorized officials.

Division 5. Land Uses

## Section 44-227. Land Use Regulations

A. The permitted use and structures within each zoning district are shown in **Table 227-2**.

B. Uses or structures not expressly listed in the land use table or throughout this UDO are permitted in districts where similar uses are permitted, as determined by the Planning Director.

C. The letter symbols in **Table 227-1** have the following meaning.

**Table 227-1. Land Use Table Symbols**

| Letter | Description |
|---|---|
| P | *Permitted uses.* The letter "P" indicates the listed use is permitted by-right within the zoning district. Permitted uses are subject to all other applicable standards of this UDO. |
| S | *Special uses.* The letter "S" indicates the listed use is permitted within the respective zoning district only after review and approval of a special use permit, in accordance with the review procedures of **Section 44-132**. Special uses are subject to all other applicable standards of this UDO and those requirements that may reasonably be imposed by the County, consistent with the criteria set forth in **Section 44-132** and any supplementary use regulations that apply to the use. |
| A | *Accessory uses.* An "A" indicates the listed use is permitted only where it is accessory to another use permitted in the district on the same lot. |
| CD | *Conditional district.* A "CD" indicates the listed use is permitted only when part of a Conditional Rezoning, in accordance with **Section 44-120.B.** |

**Table 227-2. Land Use Table**

| Land Use | R-CON | R-80 | R-40 | R-30 | R-20 | RC | HC | OI | LI | GI | MUC-O | DWMH-O | MP-O | ED-O | PD | 321-ED-MX | 321-ED-I | MHP | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Aboveground Pipelines | | | | | | | | | A | S/A | | | | | | | | | 44-229.A |
| Aboveground Storage Tank | | | | | | | | | A | S/A | | | | | | | A | | 44-229.B |
| Accessory Dwelling Unit | P | P | P | P | P | | | | | | P | | P | | P | P | | | 44-229.C |
| Accessory Structure/Use, Commercial | | | | | | P | P | P | P | P | P | | | | P | P | | | 44-229.D |
| Accessory Structure/Use, Residential | P | P | P | P | P | | | | | | | | | | | P | | | 44-229.D |
| Adult Care Center | S | S | S | S | S | P | P | P | | | P | | | | | P | | | |
| Adult Uses | | | | | | | | | | S | | | | | | | | | 44-229.E |
| Agriculture | P | P | P | P | P | P | P | P | P | P | P | | P | | P | | P | | |
| Airport | S | S | S | | | | | | | S | | | | | | | | | 44-229.F |
| Animal Shelter | | | | | | | S | | S | | | | | | | | S | | |
| Animal Slaughter and Meat Processing | | | | | | | | | | P | | | | | | | | | |
| Artisan Workshop | | | | | | P | P | P | | | P | | | | P | | | | |
| Asphalt or Concrete Plant | | | | | | | | | | P | | | | | | | | | |
| Assisted Living Residence | S | S | S | S | S | | P | P | | | P | | | | P | | | | |
| Backyard Business | A | A | A | A | A | | | | | | | | | | A | | | | 44-229.G |
| Battery Energy Storage | | | | | | | | | C D | CD | | | | | | | C D | | 44-229.H |

| Land Use | R-CON | R-80 | R-40 | R-30 | R-20 | RC | HC | OI | LI | GI | MUC-O | DWMH-O | MP-O | ED-O | PD | 321-ED-MX | 321-ED-I | MHP | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bed and Breakfast Inn | S | S | S | S | S | P | P | P | | | P | | | | | P | | | 44-229.I |
| Brewery, Micro/Nano | | | | | | P | P | | P | | P | | | | P | P | | | |
| Brewery, Winery, Distillery | | | | | | | P | | P | P | P | | | | P | P | | | 44-229.K |
| Brick, Tile, & Pottery Yards | | | | | | | | | | P | | | | | | | | | |
| Bus or Truck Terminal | | | | | | | | | P | P | | | | | | | P | | |
| Campground | S | S | S | S | | | P | | | | | | | | | | | | 44-229.L |
| Car Rental | | | | | | | P | | P | P | P | | | | | P | P | | |
| Carwash | | | | | | | P | | | | P | | | | | | | | 44-229.M |
| Cemetery | S | S | S | | | | P | P | | | | | | | | | | | 44-229.N |
| Cemetery, Private Private/Family | | | | | | | | | | | | | | | | | | | 44-229.N |
| Child Care Center | S | S | S | S | S | P | P | P | A | A | P | | | | P | P | | | |
| College/University | | | | | | P | P | P | P | P | P | | | | P | P | | | |
| Conference or Retreat Center | S | S | S | S | S | | P | P | | | P | | | | P | | | | 44-229.O |
| Contractor's Office | | | | | | P | P | | P | P | P | | | | | | P | | |
| Correctional Facility | | | | | | | | | | P | | | | | | | | | |
| Cottage Business | S | S | S | S | S | | | | | | | | | | | | | | 44-229.P |
| Country Club | S | S | S | | | | | | | | P | | | | P | | | | |
| Cryptocurrency Mining | | | | | | | | | C D | CD | | | | | | | C D | | 44-229.Q |

| Land Use | R-CON | R-80 | R-40 | R-30 | R-20 | RC | HC | OI | LI | GI | MUC-O | DWMH-O | MP-O | ED-O | PD | 321-ED-MX | 321-ED-I | MHP | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Cultural | S | S | S | | | P | P | P | | | P | | | | P | P | | | 44-229.R |
| Data Center | | | | | | | | | C D | CD | | | | | | | C D | | 44-229.S |
| Dormitory | | | | | | A | A | A | A | A | A | | | | A | A | | | 44-229.T |
| Dragstrip/Racetrack | | | | | | | | | S | S | | | | | | | | | 44-229.U |
| Dwelling, Manufactured Home, Class A | O | O | O | O | O | | | | | | | P | | | | | | P | |
| Dwelling, Manufactured Home, Class B | | | | | | | | | | | | P | | | | | | P | |
| Dwelling, Manufactured Home, Class C | | | | | | | | | | | | | | | | | | | |
| Dwelling, Manufactured Home, Class D | | | | | | | | | | | | | | | | | | | |
| Dwelling, Multifamily | | | | | | | | | | | P | | | | P | P | | | |
| Dwelling, Single Family | P | P | P | P | P | | | | | | P | | P | | P | P | | | |
| Dwelling, Two-Family (Duplex) | P | P | P | P | P | | | | | | | | P | | P | P | | | 44-229.V |
| Dwelling, Accessory/Guesthouse | A | A | A | A | A | | | | | | A | | A | | A | A | | | |
| Equipment Rental (Light) | | | | | | | P | | P | P | P | | | | | | P | | |
| Equipment Rental (Outdoor) | | | | | | | | | | | | | | | | | | | |
| Event Venue | S | | | | | S | P | | P | | P | | | | P | P | | | |
| Family Care Home | P | P | P | P | P | | | | | | | | | | P | | | | |

| Land Use | R-CON | R-80 | R-40 | R-30 | R-20 | RC | HC | OI | LI | GI | MUC-O | DWMH-O | MP-O | ED-O | PD | 321-ED-MX | 321-ED-I | MHP | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Farm and/or Heavy Equipment Sales and/or Rental | | | | | | | P | | P | P | | | | | | | P | | |
| Farmers Market | P | S | | | | P | P | | | | P | | | | | P | | | 44-229.W |
| Firing/Shooting Range (Indoor) | | | | | | | P | | | | P | | | | | | | | |
| Firing/Shooting Range (Outdoor) | S | | | | | | | | | | | | | | | | | | 44-229.X |
| Fish Lake or Pond, Commercial | S | S | S | | | P | P | | P | P | | | | | | P | | | 44-229.Y |
| Flea Market (Outdoor) | | | | | | | | | P | P | | | | | | P | | | 44-229.Z |
| Food Catering | | | | | | P | P | | | | P | | | | | | | | |
| Food Truck | | | | | | A | A | A | A | A | A | | | | A | A | A | | |
| Food Truck Court | | | | | | P | P | P | | | P | | | | A | P | | | 44-229.AA |
| Fraternity or Sorority House | | | | | | S | S | S | S | S | S | | | | S | S | | | |
| Funeral Home and Crematorium | | | | | | P | P | P | P | P | P | | | | | P | | | |
| Gas Station | | | | | | P | P | | | | P | | | | P | P | | | |
| Golf Course and Ranges | P | P | P | P | P | | P | P | | | P | | | | P | P | | | 44-229.BB |
| Greenhouse (Commercial) | S | S | S | | | P | P | | P | P | | | | S | | P | P | | 44-229.CC |
| Home Daycare | A | A | A | A | A | | | | | | A | | A | | A | A | | | |
| Home Occupation | A | A | A | A | A | | | | | | A | | A | | A | A | | | 44-229.DD |
| Hospice Care Facility | S | S | S | S | S | | | P | | | | | | | | | | | |
| Hospital | | | | | | | | P | | | P | | | | P | P | | | |

| Land Use | R-CON | R-80 | R-40 | R-30 | R-20 | RC | HC | OI | LI | GI | MUC-O | DWMH-O | MP-O | ED-O | PD | 321-ED-MX | 321-ED-I | MHP | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hotel/Motel | | | | | | | P | P | P | P | | | | | P | P | | | |
| Incinerator, Composting, or Similar Facility | | | | | | | | | | P | | | | | | | | | |
| Indoor Recreation | | | | | | P | P | P | | | P | | | | P | P | | | |
| Indoor Self Storage | | | | | | | P | | P | | P | | | | P | P | P | | |
| Landfill, Beneficial Fill | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | | 44-229.EE |
| Landfill, Land-Clearing and Inert Debris (LCID) | S | S | S | S | S | | | | S | S | | | | | | | | | 44-229.FF |
| Landfill, Sanitary | S | S | S | | | | | | S | S | | | | | | | | | 44-229.GG |
| Laundry & Cleaning | | | | | | | P | | P | P | P | | | | P | P | P | | |
| Light Manufacturing | | | | | | | | | P | P | | | | | | | P | | |
| Livestock Sales | | | | | | | | | | P | | | | | | | | | |
| Major Outdoor Recreation | | | | | | | P | | | | | | | | | | | | 44-229.HH |
| Manufactured Home Sales | | | | | | | P | | | | | | | | | | | | |
| Manufacturing | | | | | | | | | P | P | | | | | | | P | | |
| Marina & Boat Dry Storage Facilities | S | S | S | S | | P | P | | P | P | P | | | | P | | | | 44-229.J |
| Medical Office | | | | | | P | P | P | | | P | | | | P | P | | | |
| Mixed-Use | | | | | | P | P | P | | | P | | | | P | P | P | | |
| Natural Resources & Mining | | | | | | | | | S | P | | | | | | | | | 44-229.II |
| Nightclub | | | | | | | P | | | | | | | | | | | | |

| Land Use | R-CON | R-80 | R-40 | R-30 | R-20 | RC | HC | OI | LI | GI | MUC-O | DWMH-O | MP-O | ED-O | PD | 321-ED-MX | 321-ED-I | MHP | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Nursery/Landscaping Business | S | S | S | | | P | P | | P | P | P | | | | | P | P | | 44-229.JJ |
| Nursing Home | | | | | | P | P | P | | | P | | | | | | | | |
| Outdoor Recreation | | | | | | | P | | | | | | | | | P | | | 44-229.KK |
| Outdoor Self-Storage Facility | | | | | | | P | | P | | | | | | P | | P | | 44-229.LL |
| Parking Facilities for Active Noncommercial Recreation | P | P | P | P | P | P | P | P | P | P | P | | | | | P | | | |
| Personal Services | | | | | | P | P | P | P | P | P | | | | P | P | P | | |
| Pet Care | S | S | S | | | P | P | | P | P | | | | | | P | | | 44-229.MM |
| Pet Care, Mobile | | | | | | P | P | P | | | P | | | | | | | | |
| Professional Services | | | | | | P | P | P | | | P | | | | P | P | | | |
| Public Facilities | P | P | P | P | P | P | P | P | P | P | P | | P | | P | P | | | 44-229.NN |
| Radio and Television Studio/Broadcasting | | | | | | | | P | P | P | P | | | | | P | P | | |
| Recreational Uses, Community (Freestanding) | S | S | S | S | | P | P | P | | | P | | | | P | | | | |
| Religious Institutions | P | P | P | P | P | P | P | P | | | P | | | | P | P | P | | |
| Research & Labs | | | | | | | | P | P | P | P | | | | P | P | P | | |
| Residential Care Facility, Over 6 Residents | S | S | S | S | S | | | P | | | P | | | | P | | | | |
| Residential Care Facility, Up to 6 Residents | P | P | P | P | P | | | | | | | | | | P | | | | |

| Land Use | R-CON | R-80 | R-40 | R-30 | R-20 | RC | HC | OI | LI | GI | MUC-O | DWMH-O | MP-O | ED-O | PD | 321-ED-MX | 321-ED-I | MHP | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Restaurant and Drinking Establishments | | | | | | P | P | P | | | P | | | | P | P | A | | |
| Retail | | | | | | P | P | | | | P | | | | P | P | | | |
| Roadside Stand, Commercial | S | S | S | | | P | P | | | | | | | | | | | | 44-229.OO |
| Roadside Stand, Residential | A | A | A | A | A | | | | | | | | | | | | | | |
| Salvage Yard | | | | | | | | | | P | | | | | | | | | 44-229.PP |
| Sanitarium and Mental Institution | | | | | | | | S | S | | | | | | | S | | | |
| Sawmill & Lumberyard | | | | | | | | | | P | | | | | | | | | |
| School | P | P | P | P | P | P | P | P | P | P | P | | | | P | P | | | |
| Scientific Equipment/Testing | | | | | | | P | P | P | | | | | | P | P | P | | |
| Shipping/Storage Container | | | | | | A | A | A | A | A | | | | | | A | A | | 44-229.QQ |
| Software Development/Coding | | | | | | | P | P | P | | P | | | | P | P | P | | |
| Solid Waste Affiliated Enterprise | P | P | P | P | P | | | | P | P | | | | | | P | P | | |
| Stable - Public | S | S | S | | | | | | | | | | | | | | | | |
| Taxidermy | | | | | | P | P | | P | P | | | | | | | | | |
| Telecommunications Facilities, Collocation/Modification Wireless | A | A | A | A | A | A | A | A | A | A | A | | | | A | A | A | | |
| Telecommunications Facilities, Wireless | S | S | S | S | S | S | S | S | S | S | S | | | | P | S | S | | |
| Television and/or Radio Tower Facilities | S | S | S | | | P | P | P | P | P | P | | | | | P | P | | |

| Land Use | R-CON | R-80 | R-40 | R-30 | R-20 | RC | HC | OI | LI | GI | MUC-O | DWMH-O | MP-O | ED-O | PD | 321-ED-MX | 321-ED-I | MHP | Supplemental Regulations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Temporary Use/Special Event | P | P | P | | | P | P | P | P | P | P | | | | P | P | P | | 44-229.RR |
| Temporary Wood Waste Grinding Operation | P | P | P | P | P | P | P | P | P | P | P | | P | | P | P | P | | |
| Tire Sales | | | | | | | P | | P | P | P | | | | | P | | | |
| Tower Structure, Alternate | A | A | A | A | A | A | A | A | A | A | A | | | | | A | A | | |
| Truck Stop | | | | | | | P | | P | | | | | | | P | | | |
| Utility-Scale Solar Facility | CD | C D | | | | | | | P | P | | | | | | C D | C D | | 44-229.SS |
| Vehicle Parking | A | A | A | A | A | A | P | A | A | A | A | | A | | A | A | A | | 44-229.TT |
| Vehicle Repair, Commercial | | | | | | P | P | | P | P | P | | | | | | | | 44-229.UU |
| Vehicle Sales | | | | | | | P | | | | P | | | | | | | | 44-229.VV |
| Vehicle Storage/Impound Lot | | | | | | | | | P | P | | | | | | | | | |
| Veterinary Clinic | S | S | S | S | S | | P | | P | P | P | | | | P | P | | | |
| Warehouse and Distribution | | | | | | | | | P | P | | | | | | | P | | |
| Waste Disposal Services | | | | | | | | | P | P | | | | | | | | | |
| Wholesale | | | | | | | | | P | P | | | | | | | P | | |
| Woodworking Shop | | | | | | P | P | | P | P | P | | | | | | P | | |
| Zoo | S | S | S | | | | | | P | P | | | | | | | | | 44-229.WW |

## Division 6. Supplemental Uses

### Section 44-228. General Provisions

A. Applicability

The provisions in this section are supplemental to the general provisions of the other requirements in this UDO. All uses and structures must comply with all other applicable provisions of this UDO.

B. Relationship to Use Table

Uses listed as having a reference to supplemental regulations in **Table 227-2** must satisfy these additional criteria before development will be approved, regardless of the approval type or method.

C. Site Plans

A plot plan or detailed site plan, complying with any applicable standards in this UDO and the supplemental use or special use standards listed in this article, must be submitted.

### Section 44-229. Standards for Individual Supplemental Uses

The following sections contain standards relevant for each individual supplemental use and are in addition to any other applicable regulations in this UDO.

A. Aboveground Pipelines

1. Above-ground pipelines and associated facilities must comply with all applicable federal, state, and local regulations.
2. Pipelines must be located outside of public rights-of-way, unless otherwise authorized by the applicable agency or utility provider.
3. Above-ground pipelines must comply with the setback requirements of the underlying zoning district.
4. Above-ground pipelines and associated equipment must be screened from adjacent residential properties and public rights-of-way where practicable, in accordance with the County's buffering and screening standards.
5. Associated valves, pumps, meters, and other above-ground equipment must be maintained in good working condition and operated in accordance with applicable regulations.
6. Lighting associated with the facility must be directed away from adjacent properties and public rights-of-way.
7. Pipelines that are abandoned or no longer in service must be removed or properly decommissioned in accordance with applicable regulations.

B. Aboveground Storage Tank

1. Above-ground storage tanks must comply with all applicable federal, state, and local regulations, including fire, building, environmental, and hazardous materials requirements.

2. Tanks must be located outside all required setbacks and shall not be located within any public right-of-way or required landscape area.
3. Tanks must be screened from adjacent residential properties and public rights-of-way in accordance with the County's buffering and screening standards.
4. Secondary containment must be provided where required by applicable federal or state regulations.
5. All associated piping, pumps, valves, and dispensing equipment must be maintained in working condition and operated in accordance with applicable codes.
6. Lighting associated with the facility must be directed away from adjacent properties and public rights-of-way.
7. Abandoned or unused tanks must be removed from the site or decommissioned in accordance with applicable federal and state regulations.
8. Tanks used exclusively for agricultural operations are exempt from these regulations.

C. Accessory Dwelling Unit

1. An accessory dwelling unit (ADU) is a secondary dwelling located on the same lot as a detached single-family dwelling and shall remain clearly subordinate to the principal dwelling.
2. An accessory dwelling unit may be:
   a. A site-built home;
   b. A modular home; or
   c. A Class A or B manufactured home on property located within the DWMH-O district.
3. The use must comply with all requirements of Catawba County Environmental Health for on-site sewage and well regulations.
4. A detached accessory dwelling unit shall be permitted as an accessory to any detached primary single-family dwelling unit. A manufactured home may be considered an accessory dwelling unit only if it is categorized as real estate by the Catawba County Tax Office, as opposed to personal property. The accessory dwelling unit must be clearly subordinate to the principal structure.
5. No more than one accessory dwelling unit shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.
6. The principal dwelling and the accessory dwelling unit must be under common ownership. The property owner shall reside in either the principal dwelling, the accessory dwelling unit, or on an adjacent parcel.
7. Accessory dwelling units must adhere to the maximum permitted height requirement and principal setbacks for the zoning district.
8. Unless the accessory dwelling unit is accessed from a different road or street than the principal structure, the accessory dwelling unit must share a driveway with the principal structure.

9. Where a site-built or modular unit is the principal dwelling, the accessory dwelling unit must not exceed 1,000 square feet or 50 percent of the gross heated floor area of the principal dwelling, whichever is greater.
10. Where a manufactured home is the principal dwelling, the accessory dwelling unit must occupy less than the square footage of the principal dwelling.
11. The accessory dwelling unit may be combined with a garage, workshop, or other accessory building.

D. Accessory Structure

1. An accessory structure shall be permitted only on a lot containing a principal structure or on a lot with a valid, approved building permit for a principal structure. All accessory structures must:
   a. Comply with the maximum height requirements of the underlying zoning district.
   b. Be located outside any required front setback. On corner or multi-frontage lots, accessory structures may be located no closer than 20 feet from a side street right-of-way, as determined by the Planning Director based on roadway classification, existing development pattern, and lot configuration. A collector or higher-classification roadway is not considered a side street for this purpose.
   c. Be separated from the principal structure by a minimum of five (5) feet.
   d. Not consist of or be converted from a manufactured home, truck trailer, RV, camper, shipping container, or similar structure or vehicle.
2. Accessory structures that are single-story, uninhabitable, and accessory to a residential use must:
   a. Be located at least 10 feet from any side property line and 5 feet from any rear property line.
   b. On property adjoining Lakes Hickory, Lookout, or Norman, or the Catawba River main stem, maintain a minimum rear setback of 30 feet, or greater where required by applicable state riparian buffer regulations.
3. Residential accessory structures containing habitable space or consisting of multiple stories must comply with the principal structure setback requirements of the underlying zoning district.
4. Accessory structures serving a nonresidential use shall comply with the principal structure setback requirements of the underlying zoning district.
5. Ground-mounted solar energy systems in residential districts shall not be located within a front yard and must not exceed 12 feet in height.
6. Fences and walls are not considered accessory structures, and cannot exceed 6 feet in height in any required front setback. Fences and walls must comply with the requirements of this UDO.
7. A well house or cover shall not exceed 6 feet in length and width and 7 feet in height.

E. Adult Uses

1. All windows, doors, and entries for all adult uses must be located, covered, screened, or otherwise treated so any view of the interior of the establishment is not possible from any public or semipublic area, street, or way.
2. No adult use shall be located within a 1,000-foot radius of another adult use. Distance shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.
3. No adult use shall be located within 500 feet of any adjacent residential property. Distance shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.
4. Nothing in this section shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this UDO or the laws of the county or state.

F. Airport

1. No airstrip/runway/taxiway shall be located on a parcel of land less than ten (10) acres.
2. Applicant must provide proof in writing of compliance with all FAA and NCDOT regulations.
3. The minimum length for the landing strip, approach zones, and other land and air space criteria must comply with FAA and NCDOT regulations.
4. One nonilluminated sign with a maximum area of 16 square feet is permitted.

G. Backyard Business

Backyard businesses are intended to be greater in intensity than a home occupation but less intensive than a cottage business. Businesses that exceed these standards shall relocate to an appropriate commercial or industrial district or qualify as a cottage business.

1. Backyard businesses may be established in residential zoning districts and may include but are not limited to:
   a. Any use permitted as a home occupation;
   b. Cabinetmaking and woodworking;
   c. Furniture upholstery; and
   d. Household appliance repair and maintenance.
2. The business must be conducted within an accessory structure located on the same lot as the principal dwelling.
3. A manufactured home may not be used as a backyard business.
4. No more than one nonresident employee can work on the site.
5. Backyard businesses are not permitted within approved major subdivisions.

6. New accessory structures established for a backyard business must comply with the principal structure setbacks of the underlying zoning district. Existing accessory structures may comply with the accessory structure setback requirements applicable at the time of approval.
7. The total floor area devoted to the business must not exceed 50 percent of the gross floor area of the principal dwelling.
8. All equipment, machinery, raw materials, products, and work in progress must be stored within an enclosed building. Outdoor display or storage is prohibited.
9. Activities involving power tools, air compressors, or similar equipment must be conducted entirely within an enclosed structure.
10. Adequate off-street parking must be provided on the property for customers and employees.
11. Commercial vehicles associated with the business must comply with the County's Vehicle Parking standards.
12. The following single-motor vehicles, excluding trailers, associated with a backyard business are permitted to be parked or stored outside, on the site of the backyard business:
    a. Dump truck;
    b. Box truck;
    c. Bucket truck;
    d. Pump truck; and
    e. Tow truck.
13. Only one commercial vehicle per employee, up to a maximum of three (3), are allowed to be parked or stored on the site of the backyard business. No more than two commercial vehicles associated with the backyard business are allowed to be parked or stored in the front or side yard.
14. One nonilluminated sign not exceeding 4 square feet in area and 4 feet in height is permitted.

H. Battery Energy Storage Systems (BESS)

1. Setbacks shall be a minimum of 150 feet when adjacent to residential districts or residential uses, 100 feet when adjacent to commercial districts or uses, and 50 feet when adjacent to any industrial district or use.
2. A fire plan coordinated with local fire department and Emergency Services is required. It is the responsibility of the BESS operator to prepare and train first responders in BESS risks.
3. An unobstructed emergency access around the perimeter of the site at a minimum of 20 feet in width shall be provided.
4. Any access gates shall contain acceptable access controls such as Knox locks or siren activated systems acceptable to the County Fire Marshal.

5. All combustible material shall be identified on a site plan and stored a minimum of 50 feet from battery energy storage systems.
6. BESS structures containing batteries shall be spaced a minimum of 20 feet apart.
7. A decommissioning plan is required. Financial security shall be provided between the operator and the County at 100% of the estimate of removing the BESS. The decommission plan shall be updated every 5 years to determine if the financial security shall be increased.
8. Any damaged BESS shall be replaced or removed from the site.
9. BESS applications shall meet NFPA 855 standards.
10. The use must be designed and operated to minimize impacts related to noise, lighting, vibration, and heat generation on surrounding properties.
11. The use shall be enclosed by a security fence at least 6 feet in height and a maximum height of 9 feet.
12. The height of buildings or any structures that are part of the battery storage units shall not exceed 15 feet in height.
13. BESS is allowed as an accessory to a utility scale solar facility.
14. Existing natural screening meeting the UDO requirements in **Section 44-317**, screening meeting requirements in **Section 44-317**, or a combination of a berm and vegetation meeting **Section 44-317** are required around the site.

I. Bed and Breakfast Inn

1. All required off-street parking must be located outside of required setbacks.
2. No more than six (6) bedrooms may be devoted to guest accommodations.
3. The operators must be full-time residents of the premises.

J. Boat Dry Storage Facilities

1. All operations must be located and designed to avoid hazards to navigation.
2. Open storage of equipment, materials, and supplies associated with the use is prohibited.
3. Dry storage of boats, trailers, and other watercraft must be fully screened from view from adjacent properties with less intensive land uses and from public rights-of-way to the extent feasible.
4. The height of dry storage structures must not exceed the height limitations of the underlying zoning district and must be set back at least 50 feet from any residential-zoned side property line.
5. Marinas and dry storage facilities that provide boat slips for vessels equipped with marine sanitation devices (MSDs) must provide an approved pump-out facility.

6. Boat launch facilities associated with marinas or dry storage facilities must be set back at least 50 feet from any residential-zoned side property line and incorporate low-impact development stormwater management practices in accordance with applicable County and state standards.
7. The construction or assembly of seawalls, docks, or piers not directly associated with the marina operation is prohibited.
8. A minimum of 7 acres is required for any marina that includes an accessory campground.
9. Watercraft sales are permitted as an accessory use.
10. Exterior colors of dry storage structures should be muted or natural tones that blend with the surrounding environmental conditions.

K. Brewery, Winery, Distillery

1. Alcoholic beverages sold on the premises shall be limited to those produced on-site.
2. Wholesale distribution of products manufactured on the premises is permitted, provided loading activities occur in designated loading areas and do not interfere with traffic or the use of public rights-of-way.
3. The production, fermentation, storage, and disposal of materials used in the manufacturing process shall be properly managed to prevent odors, wastewater, or other nuisance impacts on surrounding properties.
4. Taprooms, tasting rooms, outdoor seating areas, and the sale of pre-packaged food or the operation of food trucks are permitted as accessory uses.
5. The use shall not be located within a major subdivision.

L. Campground

1. Campgrounds may include group camps, primitive camping areas, recreational vehicle (RV) parks, cabins, and associated recreational facilities.
2. Campgrounds must have a minimum site area of 10 acres.
3. Group camping areas must provide a minimum of one-fourth acre per camper.
4. Tent sites, cabins, and RV spaces must provide a minimum of 1,500 square feet per campsite or space.
5. All buildings, campsites, cabins, RV spaces, and organized recreation areas must be set back a minimum of 100 feet from all property lines.
6. Where centralized restroom facilities are provided:
   a. Cabins must be located between 75 feet and 200 feet from toilet facilities.
   b. A potable water source must be located between 200 feet and 400 feet from toilet facilities.

c. Bathhouses must be located within 1,500 feet of all tent and RV spaces. This requirement does not apply to individual RV spaces served by water and sewer hookups.

7. A minimum of 1,500 square feet of common active or passive recreation area must be provided for each tent, cabin, or RV space.
8. Animal-resistant trash enclosures sufficient in size must be provided in the campground to prevent litter.
9. Internal roadways must be paved or graveled and designed to provide safe access throughout the campground.
10. Campgrounds must comply with all applicable County Environmental Health requirements for water supply, wastewater disposal, and sanitation.

M. Carwash

In the MUC-O district, the following supplemental standards apply:

1. All site frontages must be screened with ornamental fencing a minimum of six (6) feet high, bracketed by stone or brick columns with a maximum separation of 18 feet apart. The fence cannot be located in the front setback. Fencing is not required in front of the office when the office abuts the setback or the fencing line; and
2. Landscaping requirements of this UDO must be met. In addition, landscaping must be installed on frontages to achieve 50 percent opacity within three (3) years, at a six-foot height, both in plan (aerial view) and elevation (street level view) and include the following:
   a. Plant species must be a minimum of 75 percent evergreen; and
   b. A mixture of species and a variety of shapes and forms must be utilized throughout the frontage landscaping; or
   c. A maintained earthen mound or berm may be installed with vegetation, to achieve 50 percent opacity from the top of the berm to the height of six (6) feet, both in plan (aerial) view and elevation (street level) view. Plants must be a minimum of 75 percent evergreen and a minimum five-gallon in size and two (2) feet in height at the time of planting. The berm must have a minimum base width of 12 feet. The mound or berm cannot impound storm water runoff or direct runoff to adjacent properties.

N. Cemetery

1. The cemetery must comply with all applicable state laws regarding the burial of human remains.
2. The site must contain at least five (5) acres.
3. Adequate space must be provided within the site for parking and maneuvering of funeral processions.
4. Burial plots and interment areas must be at least 30 feet from all property lines.

5. Buildings and structures shall comply with the setback and height requirements of the zoning district in which the use is located.
6. Any mausoleum, columbarium, or similar structure shall be located at least 25 feet from all property lines.
7. All structures are limited to 25 feet in height.
8. Cemeteries associated with a religious institution are considered accessory uses and are exempt from the minimum lot size requirement of this section.
9. One non-illuminated sign with a maximum area of 16 square feet is permitted on the same lot as the use.

O. Conference or Retreat Center

1. The lot must be at least five (5) acres.
2. The facility may only be used by organized groups for educational, training or recreational purposes.
3. All buildings and outdoor activity areas must be at least 100 feet from all property lines.
4. The site must have frontage on a major collector road or a higher classification road as identified on the County Thoroughfare Plan or a major thoroughfare as identified on the Urban Area Transportation Plan.

P. Cottage Business

Cottage businesses are intended to accommodate businesses greater in scale than a home occupation but still remain compatible with nearby residential uses. Businesses exceeding these standards shall relocate to an appropriately zoned commercial or industrial district. The Planning Director may use discretion when interpreting permitted cottage business uses and can rely on professional publications such as the current edition of the North American Industry Classification System (NAICS), American Planning Association resources, or other materials.

1. Cottage businesses may be established in residential zoning districts and may include but are not limited to:
   a. Any use permitted as a home occupation or backyard business;
   b. Commercial machinery repair and maintenance;
   c. Specialty trade contractors, including electrical, plumbing, roofing, masonry, drywall, painting, and general construction contractors; and
   d. Upholstery and similar repair or fabrication businesses.
2. The cottage business must maintain the residential character of the property and not create excessive noise, dust, odor, vibration, lighting, or other nuisance impacts on adjacent properties.
3. The site must be at least one (1) acre.
4. Only one cottage business can be permitted per lot.

5. The business must be operated by the property owner residing on the site or on an adjacent parcel under the same ownership.
6. The business may operate within the principal dwelling, an accessory structure, or a legal accessory structure located on an adjacent parcel under the same ownership.
7. Manufactured homes cannot be used as detached cottage business structures.
8. New accessory structures constructed for a cottage business must comply with the principal structure setbacks of the underlying zoning district. Existing accessory structures may comply with the accessory structure setback requirements applicable at the time of approval.
9. Detached structures to be used by the cottage business located on the same lot as the principal dwelling must be located in the side or rear yard.
10. The area devoted to the business must not exceed 75 percent of the gross floor area of the principal dwelling.
11. All equipment, machinery, raw materials, and work in progress must be stored within an enclosed building. Outdoor storage is prohibited.
12. The site must be screened from adjacent residential properties in accordance with the County's buffering and screening standards.
13. The business can generate no more than 50 average daily trips (ADT), as determined by the current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
14. No more than two nonresident employees can work on the site.
15. The use must comply with all applicable federal, state, and local regulations, including building and fire codes.
16. Off-street parking must be provided for all employees and up to five (5) customer parking spaces. Parking areas must be located to the side or rear of the principal dwelling where located on the same lot and must be surfaced with crushed stone, grasscrete, or other approved all-weather material.
17. Parking areas must be landscaped in accordance with the County landscaping standards.
18. No more than one (1) commercial vehicle per employee, up to a maximum of four (4) commercial vehicles, may be parked or stored on the property. No more than two commercial vehicles may be located within the front or side yard.
19. Vehicles must not be displayed on the property primarily for advertising purposes. The following single-motor vehicles, excluding trailers, associated with the cottage business are permitted to be parked or stored outside, on the site of the business:
    a. Dump truck;
    b. Box truck;
    c. Bucket truck;
    d. Pump truck; and

e. Tow truck.

20. Only one (1) commercial vehicle per employee, up to a maximum of three, (3) are allowed to be parked or stored on the site of the cottage business. No more than two (2) commercial vehicles associated with the business use are allowed to be parked or stored in the front or side yard.
21. The property must front on a publicly maintained road with legal access.
22. Cottage businesses are not permitted within approved residential subdivisions containing more than three lots.

Q. Cryptocurrency Mining

1. The use shall not be located within any Voluntary Agricultural District (VAD) or Enhanced Voluntary Agricultural District (EVAD), or within ½ mile of the boundary of either district.
2. The use shall not be located within the WP-O district.
3. All mechanical, electrical, and operational equipment, including cooling systems, generators, and backup power supply systems, must be fully enclosed within a building.
4. The maximum gross floor area of a facility established for cryptocurrency mining is 100,000 square feet.
5. All structures and development associated with the principal use shall maintain a minimum setback of 500 feet from any lot line or public right-of-way and 1,000 feet from any residence, church, school, hospital, daycare, park, group/family care home or retirement/nursing home.
6. The building used for cryptocurrency mining shall not exceed 40 feet in height.
7. Structures where cryptocurrency mining exists must comply with applicable industrial form and design standards, including standards related to building massing, materials, and screening. Facades facing and visible from public rights-of-way shall include a minimum of 15% fenestration and bulk columns approximately every 100 feet.
8. Loading areas, service yards, and mechanical yards must be located to the rear of buildings and shall be screened from view of adjacent properties to the extent feasible.
9. Natural screening that meets the UDO requirements, screening that meets requirements of **Section 44-317**, or a combination of a berm and vegetation that meets **Section 44-317** are required around the site, regardless of the adjacent use.
10. The use must be designed and operated to minimize impacts related to noise, lighting, vibration, and heat generation on surrounding properties.
11. The facility shall connect to public water and sewer and cannot use ground water for facility water usage or cooling.
12. The facility shall use a non-evaporative cooling system.

13. The facility shall provide a will serve letter from the public utility and electrical provider.
14. If used, energy storage systems shall be long duration storage systems (10 hours of storage minimum), not lithium-ion batteries.
15. Generators shall only be used as a backup power source.

R. Cultural Facility

1. The facility must have frontage on a major collector road or a higher classification as identified on the County Thoroughfare Plan or a major thoroughfare as identified on the Urban Area Transportation Plan.
2. The site must be at least 40,000 square feet.
3. Retail sales, excluding artisan works, are limited to five (5) percent of the total usable floor area and no external evidence of retail sales is permitted.
4. The light source of outdoor lighting fixtures must not be directly visible from property outside the zoning lot on which the fixture is located.
5. The Board of Adjustment may approve the use of gravel parking, if using asphalt, concrete, or another surface will harm the historic character of the property.

S. Data Center

1. The use shall not be located within any Voluntary Agricultural District (VAD) or an Enhanced Voluntary Agricultural District (EVAD).
2. The use shall not be located within the WP-O district.
3. All mechanical, electrical, and operational equipment, including cooling systems, generators, and backup power supply systems, must be fully enclosed within a building or screened from view from adjacent properties and public rights-of-way.
4. All structures and development associated with the principal use shall maintain a minimum setback of 500 feet from any lot line or public right-of-way and 1,000 feet from any residence, church, school, hospital, daycare, park, group/family care home or retirement/nursing home.
5. The building used for a data center shall not exceed 70 feet in height.
6. Buildings must comply with applicable industrial form and design standards, including standards related to building massing, materials, and screening. Facades facing and visible from public rights-of-way shall include a minimum of 15% fenestration and bulk columns approximately every 100 feet.
7. Loading areas, service yards, and mechanical yards must be located to the rear of buildings and shall be screened from view of adjacent properties to the extent feasible.
8. Existing natural screening that meets the requirements of **Section 44-317**, screening that meets requirements of **Section 44-317**, or a combination of a berm and vegetation that meets **Section 44-317** are required around the site.

9. The use must be designed and operated to minimize impacts related to noise, lighting, vibration, and heat generation on surrounding properties.
10. The facility shall connect to public water and sewer and cannot use ground water for facility water usage or cooling.
11. The facility shall use a non-evaporative cooling system.
12. The applicant shall provide a will serve letter from the local utility provider related to public water and sewer and evidence of submittal of a large load system impact study to the local electric service provider.
13. Generators shall only be used as a backup power source.

T. Dormitory

1. Dormitories are permitted only when directly associated with an approved educational, religious, or similar institutional use and shall not be established as standalone residential developments.
2. A dormitory must be located on the same parcel as the associated institutional use or on a separate parcel owned by the associated institutional use located within one mile of the principal institutional use, measured in a straight line from property line to property line.
3. Dormitories located on the same site as the principal institutional use are considered accessory to that use and operated as part of the overall institutional campus.
4. Dormitories must be designed and operated to serve only individuals actively enrolled in, employed by, or officially affiliated with the associated institution.
5. Dormitories must not be used for general rental housing, transient lodging, or short-term rental purposes.
6. The use shall comply with all applicable building, fire, and life safety codes, including requirements for occupancy classification and emergency access.

U. Dragstrip/Racetrack

1. The site must be at least 40 acres.
2. The facility must have frontage on a major collector road or a higher classification road as identified on the County Thoroughfare Plan or a major thoroughfare as identified on the Urban Area Transportation Plan.
3. Outdoor lighting shall be directed away from adjacent properties and public rights-of way.
4. Active operations (including starting and racing engines) are prohibited during the hours of 11:00 p.m. and 7:00 a.m.

V. Dwelling, Two-Family (Duplex)

1. A duplex should be designed to resemble a single-family home and should include the following:
   a. Building facades containing setback relief utilizing a variety of roof designs and shapes;

b. Materials incorporated as part of an architecturally designed scheme; and

c. Garage fronts built to be de-emphasized as the most prominent architectural feature of the house.

2. Driveways serving front-loaded garages should be shared to reduce driveway cuts. Other driveways servicing garages must have side or rear access.

3. If garages are not provided, off-street parking areas are required. Parking areas must be paved but are not required to be striped. The parking area perimeter does not have to be buffered or landscaped.

W. Farmers Market

1. Farmers markets must have primary access from a collector or higher-classification roadway and must not rely on direct access from local residential streets.

2. Farmers markets may include the sale of agricultural products, prepared foods, and arts and crafts, provided a significant portion of products are locally grown, produced, or sourced within the region.

3. All vendor stalls, booths, and associated sales areas must be set back at least 25 feet from all public streets and rights-of-way.

4. Walkways and circulation areas must remain unobstructed at all times and must not be used for the display or storage of goods.

5. A designated operator must be responsible for establishing and enforcing market rules, including hours of operation, vendor eligibility, maintenance, and site security.

X. Firing/Shooting Range, Outdoor

1. The use on the property must be located at least 2,640 feet (one half mile) from any residential property.

2. The facility must comply with all applicable federal, state, and local regulations.

3. A projectile-proof backstop, consisting of concrete, steel, earth, or a combination of these materials, must be provided behind all rifle and handgun target areas and shall be at least 15 feet in height.

4. Shotgun courses and shooting lanes shall be located to prevent pellets/shots from falling within 250 feet of the property line.

5. Facilities must comply with the County's noise regulations.

6. Shooting may not take place across any right-of-way, easement, or other property on which traveling public may be located.

Y. Fish Lake or Pond, Commercial

1. The site must be at least five acres.

2. All buildings, ponds, and primary activity areas must be set back at least 100 feet from all property lines.

3. The facility must have frontage on a major collector road or a higher classification road as identified on the County Thoroughfare Plan or a major thoroughfare, as identified on the Urban Area Transportation Plan.
4. Parking areas are to be constructed of impervious materials.
5. Outdoor lighting must be designed and located so direct illumination is not visible from adjacent properties or public rights-of-way.
6. The facility must comply with all applicable state and local environmental health regulations related to water quality, sewage disposal, and related systems.

Z. Flea Market (Outdoor)

1. The site must be at least five acres and have frontage along a major collector road or a higher-classification road identified on the County Thoroughfare Plan or a major thoroughfare identified on the Urban Area Transportation Plan.
2. All vendor and pedestrian areas must be paved.
3. All buildings, vendor areas, and outdoor sales areas must be set back at least 60 feet from all property lines.
4. The use must comply with all applicable state and local environmental health regulations.

AA. Food Truck Court

1. The site must comply with all applicable local, state, and federal regulations related to mobile food vendors and associated operations.
2. Food trucks and associated seating or dining areas must be located on a stable, all-weather surface such as pavement, gravel, or other dust-free material. Food trucks shall not operate on grass or dirt.
3. Food trucks and associated customer areas must not take up more than two required parking spaces and may not interfere with drive aisles, fire lanes, sidewalks, pedestrian pathways, or required landscaped areas. Food trucks can be located on designated paved areas not designed for typical vehicular parking.
4. The layout of food trucks, seating areas, and pedestrian circulation must be shown on an approved site plan to permit safe access and internal traffic flow. Access drive(s) and parking areas for customers shall be paved with pervious or impervious material.
5. Food truck courts may have bathroom facilities for guests and electrical and/or water and sewer hookups for food trucks.
6. If on-site dining is allowed, trash cans shall be provided in a suitable manner to prevent litter.

BB. Golf Course and Ranges

1. In the MUC-O district, the following supplemental standards apply:
   a. Fairways and driving ranges and nets must be set back a minimum of 150 feet from the rights-of-way.

b. All frontages of the site must be screened with ornamental fencing a minimum of six feet high, bracketed by stone or brick columns with a maximum separation of 18 feet apart. The fence cannot be located in the front setback. Fencing is not required in front of the office when the office abuts the setback or the fencing line.

c. Landscaping requirements of article V must be met. In addition, landscaping must be installed on frontages to achieve 50 percent opacity within two to three years, at a six foot height, both in plan (aerial) view and elevation (street level) view, that include the following:

i. Plant species must be a minimum of 75 percent evergreen; and

ii. A mixture of species and a variety of shapes and forms must be utilized throughout the frontage landscaping; or

iii. A maintained earthen mound or berm may be installed with vegetation, to achieve 50 percent opacity from the top of the berm to the height of six feet, both in plan (aerial) view and elevation (street level) view. Plants must be a minimum of 75 percent evergreen and a minimum five gallon in size and two feet in height at the time of planting. The berm must have a minimum base width of 12 feet. This mound or berm cannot impound stormwater runoff or direct runoff to adjacent properties.

CC. Greenhouse (Commercial)

1. The site must have frontage on a state-maintained road.
2. All greenhouse operations, sales, display areas, and associated activities must be located entirely on private property and shall not extend into any public right-of-way.

DD. Home Occupation

1. Home occupations are permitted in all residential zoning districts, provided they comply with the standards of this section.
2. The home occupation must be clearly incidental and subordinate to the residential use of the dwelling.
3. The use must not alter the residential character or exterior appearance of the dwelling and must not be visible from the street.
4. Allowable uses include:
   a. Professional services (attorney, computer programmer, accountant, office, travel agency, etc.)
   b. Personal services (tailoring/sewing, hair salon, etc.)
   c. Catering, cooking, and/or baking
   d. Taxidermy
   e. Company operations, such as lawncare, housekeeping, call center, employment services, real estate, and specialty trades
   f. Tutoring or instruction of students of no more than 4 at a time

5. A maximum of 25 percent of the gross floor area of the dwelling unit may be used for the home occupation. Accessory structures are not permitted to be used for home occupations.
6. No outdoor storage or outdoor display of materials, equipment, or products is permitted.
7. The use must not generate more than two customer vehicles at any one time.
8. Only one non-resident employee is permitted to be on-site at any time.
9. Not more than one commercial vehicle associated with the home occupation may be stored on the property, and it must be screened from view from public rights-of-way where practicable. The following single-motor vehicles, excluding trailers, associated with the home occupation are permitted to be parked or stored outside, on the site of the home occupation:
    a. Dump truck;
    b. Box truck;
    c. Bucket truck;
    d. Pump truck; and
    e. Tow truck.
10. Only one (1) commercial vehicle per employee, up to a maximum of three (3) , are allowed to be parked or stored on the site of the home occupation. No more than two commercial vehicles associated with the business are allowed to be parked or stored in the front or side yard.
11. Only one non-illuminated sign is permitted, not exceeding 4 square feet in area and 4 feet in height, on the same lot as the use.

EE. Landfill, Beneficial Fill

1. The applicant must provide documentation of required state solid waste permits and an approved reclamation or closure plan.
2. A reclamation plan must be submitted with the application.
3. The use is classified as a general industrial use for purposes of determining buffering and separation requirements under this UDO.
4. The landfill must be screened in accordance with the buffering and screening requirements of this UDO, including screening from adjacent properties and public rights-of-way.
5. All landfill operations, including waste disposal areas, support facilities, and equipment storage arees, must be set back at least 100 feet from all property lines and public rights-of-way.
6. The use must comply with all applicable federal, state, and local regulations.

FF. Landfill, Land-Clearing and Inert Debris (LCID)

1. Where the designated area of the landfill is less than two (2) acres, a Special Use Permit is required by the County with notification to the state. Where LCID landfills are two acres or larger, a special use permit is required by the County and a state permit is required. Only one LCID is permitted per parcel.
2. The facility may only be used for the purpose of disposal of land-clearing debris, concrete, brick, concrete block, uncontaminated soil, used pavement asphalt, gravel or rock, untreated or unpainted wood, yard waste, and other inert materials as defined by applicable state regulations. Construction and demolition debris not classified as inert is prohibited.
3. The total area devoted to LCID disposal activities, including active and previously filled disposal areas, shall not exceed 25 percent of the total parcel area. For purposes of this requirement, access drives, required buffers, stormwater facilities, and other areas not used for the placement or disposal of LCID materials shall not be included in the calculation of the disposal area.
4. The site must be located outside of the 100-year floodplain and must not be located in wetlands regulated under state or federal law.
5. All disposal areas shall be set back at least:
   a. 100 feet from all property lines and public rights-of way;
   b. 100 feet from any existing dwelling or building;
   c. 100 feet from any well; and
   d. 50 feet from any surface water body.
6. The required buffer shall have a minimum width of 50 feet and shall consist of existing vegetation and/or supplemental evergreen and deciduous trees and shrubs sufficient to provide an effective year-round visual screen.
7. The disposal area must be placed above the seasonal high groundwater table, as demonstrated through documentation prepared by a soil scientist or qualified professional.
8. The site must be secured to prevent unauthorized access.
9. A sign, with a minimum letter size of four inches, must be posted at the entrance stating, "Authorized Persons Only" and "No Trespassing—Keep Out."
10. The site shall have direct access to a state-maintained road. All entrances and internal access drives serving the landfill shall be designed and maintained to safely accommodate anticipated truck traffic and emergency vehicles. Access through an existing residential subdivision or along a privately maintained road shall be prohibited.
11. A survey map of the property must be prepared by a registered land surveyor. The survey map must be either eight and one-half inches by 11 inches or eight and one-half inches by 14 inches. The map must show the following:
    a. Name of the owner, property lines, north arrow, scale, bearings and distances taken from the deed.

b. Disposal area delineated, which meets all setbacks noted above.

c. Certification and seal of the registered land surveyor or registered engineer.

d. The review officers' certificate to be signed by a County Review Officer. A memorandum of the land-clearing and inert debris landfill, along with an attached survey map delineating the landfill, must be recorded at the County Register of Deeds Office. After the documents are recorded, a copy must be furnished to the Planning Department.

12. Adequate soil cover must be applied monthly, as inspected by the Utilities and Engineering Department. The final cover must be a minimum of two feet of compacted earth properly graded with the establishment of suitable vegetative cover.

13. The permit shall be issued for not more than five (5) years. After the five-year period, the landfill must be properly closed or another LCID application must be submitted and approved.

14. The use must comply with all applicable federal, state, and local regulations.

15. A truck wash, wheel wash, or other effective tire and vehicle-cleaning facility shall be provided on-site near the facility exit. All trucks and other vehicles leaving the active disposal area shall be cleaned as necessary to prevent mud, dirt, dust, debris, or other material from being tracked or deposited onto any public road or right-of-way.

16. The operator shall be responsible for promptly removing any mud, dirt, debris, or other material deposited on a public road or right-of-way as a result of landfill operations. Public roads and rights-of-way shall not be used for washing, cleaning, or storage of vehicles, equipment, or materials associated with the landfill.

17. Open burning is prohibited.

GG. Landfill, Sanitary

1. The applicant must provide documentation of required state solid waste permits and an approved reclamation or closure plan.

2. A reclamation plan must be submitted with the application.

3. The use is classified as a general industrial use for purposes of determining buffering and separation requirements under this UDO.

4. The landfill must be screened in accordance with the buffering and screening requirements of this UDO, including screening from adjacent properties and public rights-of-way.

5. All landfill operations, including waste disposal areas, support facilities, and equipment storage areas, must be set back at least 100 feet from all property lines and public rights-of-way.

6. The use must comply with all applicable federal, state, and local regulations.

HH. Major Outdoor Recreation

1. Major outdoor recreation facilities include large-scale or high-intensity outdoor recreation, amusement, or entertainment use conducted primarily outdoors or within temporary or permanent structures. Such uses may include amusement parks, carnivals, fairs, traveling shows, rides, games, performances, and similar attractions, together with accessory booths, stages, restaurants, retail, and service areas. These uses are generally characterized by significant attendance and may generate increased levels of noise, lighting, traffic, and other activity.
2. The site must be at least ten (10) acres, unless otherwise approved as part of a temporary event permit.
3. The site must have frontage on a collector or higher-classification roadway identified on the County Thoroughfare Plan or major thoroughfare identified on the Urban Area Transportation Plan.
4. All permanent structures and primary activity areas must be set back a minimum of 500 feet from any residential property line.
5. Adequate on-site vehicular circulation and parking must be provided to accommodate peak attendance, including queuing areas sufficient to prevent vehicle stacking onto public streets.
6. Outdoor lighting must be designed and oriented to minimize glare and spillover onto adjacent properties and public rights-of-way.
7. Sound amplification systems must be operated and oriented to minimize impacts on adjacent properties.
8. Temporary and permanent structures must be located and designed to maintain safe pedestrian circulation and emergency access throughout the site.
9. All uses shall comply with applicable federal, state, and local health, fire, and safety regulations, including temporary assembly requirements where applicable.
10. The use must provide adequate solid waste collection and sanitation facilities to serve peak attendance periods.
11. Where the use includes seasonal or traveling components (such as fairs or carnivals), all temporary structures and equipment must be removed upon completion of the event period and the site restored to its original condition.

II. Natural Resources and Mining

1. The use must comply with all applicable federal, state, and local regulations, including permits required by NCDOT and/or state environmental agencies for mining, resource extraction, or processing operations.
2. The applicant must submit documentation of all required state permits and an operational plan describing:
   a. Proposed hours of operation;
   b. Types and volume of materials processed or extracted;
   c. Timing of any blasting;

d. Equipment to be used; and

e. Phasing and duration of operations, where applicable.

3. The site must contain an undisturbed buffer of at least 100 feet along all property lines, excluding approved access points.

4. All equipment, processing areas, and primary operational activities must be located at least 150 feet from all property lines and public rights-of-way.

5. All operations must be located and designed to minimize dust, noise, and visual impacts on surrounding properties through use of vegetative buffers, berms, fencing, or other appropriate measures.

6. Where operations occur within 300 feet of residential dwellings, schools, churches, hospitals, or public or institutional uses, additional buffering, screening, or operational controls are required to mitigate impacts.

7. Internal haul roads must be surfaced or maintained with dust-controlled materials, and dust suppression measures must be used on all active areas as needed to prevent off-site impacts.

8. Off-site waste or refuse must not be imported or disposed of on-site unless expressly authorized under a valid state permit.

9. The use must comply with all applicable state air quality, stormwater, and solid waste management regulations.

JJ. Nursery/Landscaping Business

1. The site must have at least 150 feet of frontage along a state-maintained road.

2. The site must be at least 40,000 square feet and a maximum of 120,000 square feet. Areas used for plant cultivation are not included in this calculation.

3. All vehicles and/or equipment must be stored in an enclosed building.

4. All buildings and structures must comply with the setback requirements of the zoning district; however, no building or structure may be located closer than 40 feet to any property line.

5. Maximum lot coverage for structures may not exceed 30 percent.

6. Outdoor storage areas, including mulch, soil, plant materials, and gravel piles, must be located outside required setbacks and must be screened from view of adjacent properties and public rights-of-way

7. All equipment and materials shall be stored and maintained in a manner that minimizes dust, debris, and visual impacts on adjacent properties.

8. Parking areas are to be constructed of concrete, asphalt, brick, pavers, or gravel. If gravel is used, the parking lot design must include ways to mitigate gravel from entering the public road, such as a concrete apron and paved entrance drive.

KK. Outdoor Recreation

1. Outdoor recreation facilities include community recreation facilities, outdoor theaters or drive-in theaters, and similar outdoor assembly uses conducted primarily outside of enclosed buildings.
2. All structures, assembly areas, projection screens, and related facilities must be set back at least 300 feet from any residential property line and at least 50 feet from all other property lines.
3. The site must have frontage on a collector or higher-classification road identified on the County Thoroughfare Plan or major thoroughfare identified on the Urban Area Transportation Plan.
4. The site must contain adequate on-site queuing and stacking areas to prevent vehicles from backing onto public streets. For drive-in or theater uses, queuing areas must be provided in an amount sufficient to accommodate at least 30 percent of the facility's vehicle capacity.
5. Outdoor lighting must be directed away from adjacent properties and public rights-of-way and must be designed to minimize off-site glare.
6. Audio amplification systems must be oriented and operated to minimize sound impacts on adjacent properties.
7. Projection screens or similar display surfaces must be oriented to minimize visibility from public rights-of-way and adjacent residential properties.
8. Waterfront public access sites must incorporate low-impact development stormwater management practices in accordance with County standards.
9. All facilities must be designed and operated to minimize impacts to surrounding properties related to noise, lighting, traffic, and safety.

LL. Outdoor Self Storage Facility

1. Facilities must be used solely for storage of personal or business goods and must not be used for assembly, fabrication, processing, retail sales, repair, or similar activities.
2. The storage of hazardous, toxic, explosive substances, or any other substance requiring placarding under applicable fire codes is prohibited.
3. All storage units must be accessed from internal drive aisles with a minimum paved width of 20 feet.
4. Outdoor lighting must be directed away from adjacent properties and public rights-of-way.
5. Self-storage facilities must be constructed with the compartment doors facing internally, not facing a public street. An exception is allowed for self-storage facilities located on corner lots that include a buffer created by a staggered row of large evergreen shrubs, planted every 6 feet along the frontage of the secondary road.
6. Any building façade facing a public street must be constructed with brick, stone, wood, or split-faced block. An exception is allowed for self-storage facilities located on corner lots provided adequate landscaping is used to screen the side of the building not being used as the front facade.

7. If the self-storage facility has gated or controlled entry, adequate on-site stacking or staging space must be provided to prevent vehicles from queuing within the public right-of-way.
8. Outdoor display of materials, goods, or equipment is prohibited.
9. Any outdoor storage of larger items, such as cars, boats, or RVs, shall be located in the rear, occupy less than 30% of the site, and be screened from view from all adjacent properties and public rights-of-way using an opaque fence or wall and landscaping.
10. Property in the MUC-O shall also meet the following supplemental requirements:
    a. All frontages of the site must be screened with ornamental fencing a minimum of six feet high, bracketed by stone or brick columns with a maximum separation of 18 feet apart. The fence cannot be located in the front setback. Fencing is not required in front of the office when the office abuts the setback or the fencing line; and
    b. Landscaping requirements of this UDO must be met. In addition, landscaping must be installed on frontages to achieve 50 percent opacity within two to three years, at a six-foot height, both in plan (aerial) view) and elevation (street level) view, including the following:
        i. Plant species must be a minimum of 75 percent evergreen; and
        ii. A mixture of species and a variety of shapes and forms must be utilized throughout the frontage landscaping; or
        iii. A maintained earthen mound or berm may be installed with vegetation, to achieve 50 percent opacity from the top of the berm to the height of six feet, both in plan (aerial) view and elevation (street level) view. Plants must be a minimum of 75 percent evergreen and a minimum five-gallon in size and two feet in height at the time of planting. The berm must have a minimum base width of 12 feet. This mound or berm cannot impound storm water runoff or direct runoff to adjacent properties.

MM. Pet Care

1. All activities shall occur within an enclosed building, except for outdoor animal exercise or training areas.
2. Outdoor animal exercise and training yards shall be located at least 300 feet from any dwelling on an adjacent lot.
3. Operations with outdoor confinement areas (kennels) shall be located on a minimum of ten acres of land. The kennels shall be located at least 300 feet from any dwelling on an adjacent lot.
4. Buildings used for boarding or overnight housing of animals shall be located at least 300 feet from any dwelling on an adjacent lot.

NN. Public Facility

Facilities exceeding 2,000 square feet must meet:

a. The landscape buffer, screening, and parking regulations in this UDO; and

b. Fifty-foot front, rear, and side setbacks, unless larger setbacks are required by other standards in this UDO.

OO. Roadside Stand, Commercial

1. The use must provide off-street parking and loading on private property.
2. The use must have frontage on a state-maintained road.
3. No sales or display activity can be located on public land or within state-maintained road rights-of-way.
4. One non-illuminated sign with a maximum area of 16 square feet is permitted on the same lot as the use.

PP. Salvage Yard

1. The site must have frontage on a major collector road or a higher classification road as identified on the County Thoroughfare Plan or a major thoroughfare as identified on the Urban Area Transportation Plan.
2. All salvage yards must provide a perimeter buffer, including along the road frontage. The buffer must consist of a double row of evergreens staggered at a maximum of 6 feet apart and have a minimum height of 6 feet to block visual access to all adjoining properties.
3. All salvage yards must provide a perimeter fence to secure the property, and all contents on the property must be located within the fenced area.
4. No material may be stored closer than 100 feet from any property lines.
5. All operations shall comply with applicable environmental, air quality, and stormwater management regulations.
6. Outdoor storage areas must be secured to prevent unauthorized access through use of fencing, gates, and other security measures
7. Where a principal structure exists on the site, all vehicle storage areas must be located to the side or rear of the building.
8. Storage of vehicles is prohibited within the minimum front setback applicable to principal structures in the zoning district.

QQ. Shipping/Storage Container

1. Shipping containers or other portable storage containers are permitted as temporary accessory uses during residential moves for up to seven (7) days and are not subject to the standards listed below. Extensions may be granted by the Planning Director for demonstrated hardship.
2. In office, commercial, and industrial districts, containers are permitted subject to the following standards:

   a. Screening

      Containers must be screened from view of all streets, public places and adjacent properties, through use of features such as berms, fences, building walls, false facades, or dense landscaping, except for necessary access points.

b. Location

Containers shall be located behind the principal building where feasible, or at the side if rear placement is not possible, as determined by the Planning Director. Containers are not permitted in the front yard.

c. Setbacks

Containers must comply with the principal building setbacks for the zoning district.

3. Containers used for storage must not contain hazardous, toxic, or explosive materials unless properly labeled and stored in compliance with applicable fire and building codes.
4. Containers with electrical or plumbing connections must comply with applicable building code requirements.

RR. Temporary Use/Special Event

1. A temporary use or special event permit is required for any temporary event or activity not otherwise permitted by this UDO.
2. The application must include a plot plan and a description of the proposed use or event, dates, hours of operation, expected attendance, location of parking, driveways/access, any temporary structures (tent, stage, etc.), proposed power source, and any other pertinent information.
3. The following standards must be met when issuing a temporary use/special event permit:
   a. If not on the applicant's privately owned property, the applicant must provide written approval of the temporary use from the property owner.
   b. The event shall be located and designed to minimize impacts on surrounding properties, including traffic, noise, lighting, and general site impacts. The site should contain sufficient land area to accommodate all proposed activities. The owner or event organizer shall notify surrounding property owners of the event.
   c. Adequate off-street parking and vehicle circulation must be provided on-site and must not displace the required off-street parking spaces or loading areas for existing uses. Access points must be designed to prevent traffic congestion and safety hazards.
   d. Display areas and/or temporary structures must comply with required setbacks and must not interfere with the sight triangle of any intersection of roads or streets.
   e. Each permit is limited to a maximum duration of 14 consecutive days, and no more than two events per parcel per calendar year are permitted unless otherwise approved by the County.
   f. Temporary uses and special events are prohibited from occurring between the hours of 11:00 p.m. and 7:00 a.m.
   g. Any applicable permits must be obtained from NCDOT.

h. Temporary signage meeting the requirements of **Section 44-336** is permitted 14 days before the event and must be removed within 24 hours following the conclusion of the event.

i. The site must comply with all applicable building, fire, life safety, health and sanitation regulations.

j. If a particular use is not listed in the definition of temporary use/special event, the Planning Director has the authority to grant a temporary use/special event permit for a similar and compatible use.

SS. Utility-Scale Solar Facility

1. All structures and security fencing must meet a 100-foot front setback measured from the edge of the rights-of-way and 50-foot side and rear setbacks.
2. A landscape buffer/screen along all exterior sides of the security fence must consist of:
   a. On-site mature vegetation at a minimum height of ten feet and depth of 75 feet between the security fence and adjacent property, including rights-of-way; or
   b. A single row of evergreens planted 6 feet apart in combination with mature vegetation, installed at a height of 6 feet, achieving opaqueness and a minimum height of 10 feet in 5 years; or
   c. A staggered, double row of offset evergreens planted 6 feet apart, absent mature vegetation, installed at a height of 6 feet, achieving opaqueness and a minimum height of 10 feet in 5 years; or
   d. A landscaped berm a minimum height of 3 feet combined with evergreen vegetation installed at a height of 3 feet, achieving opaqueness and a minimum height of10 feet in 5 years.
3. Where visibility of the solar farm is increased due to topography, the landscape buffer/screen must be planted on-site in an area that lessens the view of the solar farm. Where visibility of the solar farm is decreased due to topography, the landscape buffer/screen may be reduced. Both shall be determined by the Planning Director.
4. All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic or create a safety hazard.
5. The applicant must secure all necessary approvals and/or permits from NCDOT for access points for project entrances prior to issuance of a zoning permit.
6. All construction parking must be located outside of the public right-of-way.
7. Erosion control measures must be installed at construction entrances to minimize off-site soil damage. Existing grass must be maintained or a suitable ground cover planted to prevent erosion in perpetuity.
8. The applicant must provide written authorization from the local utility company acknowledging and approving connection to the utility company's grid.

9. A warning sign concerning voltage must be placed at the main gate to include the name of the solar farm operator and a local phone number for the solar farm operator in case of an emergency.
10. Power transmission lines must be located underground to the extent practical.
11. A security fence equipped with a gate and a locking mechanism must be installed at a minimum height of eight feet along all exterior sides of the solar farm. Landscape buffer/screens, ground cover, security fences, gates, and warning signs must be maintained in good condition until the solar farm is dismantled and removed from the site.
12. The zoning permit is subject to revocation if the Planning Department is not notified when the solar farm company holding the permit sells or otherwise transfers its interest to another entity or individual.
13. Removal of solar farm equipment and site restoration:
    a. All utility-scale solar energy facilities shall comply with the decommissioning, restoration, recycling, and financial assurance requirements of G.S. 130A-309.240, as amended.
    b. Decommissioning Requirement
        i. The owner of a utility-scale solar project shall be responsible for proper decommissioning of the project upon cessation of operations and restoration of the property in compliance with this subsection, including all costs associated therewith, no later than one year following cessation of operations. The owner shall notify the Planning Department within 30 days of cessation of operations, which notice shall include a detailed description of the steps to be taken to properly decommission the project and for restoration of the site. At a minimum, an owner shall take the following steps in decommissioning a project:
            (1) Disconnect the solar project from the power grid.
            (2) Remove all equipment from the solar project, and collect and ship equipment for reuse, or recycle all of the components thereof practicably capable of being recycled, including the PV modules; the entire solar module racking system; aboveground electrical interconnection and distribution cables that are no longer deemed necessary; subsurface cable no longer deemed necessary; any metal fencing; electrical and electronic devices, including transformers and inverters; and energy storage system batteries, as that term is defined under this section. Components that will not be shipped for reuse, are incapable of being recycled, and do not meet the definition of hazardous waste shall be properly disposed of in an industrial landfill or a municipal solid waste landfill. PV modules that meet the definition of a hazardous waste shall comply with hazardous waste requirements for recycling and disposal as applicable.

(3) Restore the property as nearly as practicable to its condition before the utility scale solar project was sited or to an alternative condition agreed upon in a written contract or lease agreement between the landowner and the project owner. A copy of the agreement signed by both parties shall be provided to the Planning Department prior to decommissioning. The condition of the property shall otherwise comply with any applicable statutory requirements, rules adopted thereunder, and requirements in local ordinance. Land that was cleared of trees for the solar project may be revegetated or reforested with seedlings.

ii. Decommissioning Plan

(1) The owner of a utility scale solar project shall submit a decommissioning plan to the Planning Department for approval, which shall be prepared, signed, and sealed by a professional engineer licensed in the State and shall contain all of the following information:

(a) The name, address, and contact information for the owner of the project, and name, address, and contact information for the landowner of the property on which the project is sited, if different than the owner.

(b) A narrative description of how the decommissioning will be conducted, including the decommissioning sequencing; the disposition of materials to be used upon decommissioning, such as landfilling, reuse, or recycling of project equipment, which shall specifically delineate methods to be used for solid and hazardous waste; and a schedule for completion of the decommissioning activities.

(c) Information on equipment proposed to be salvaged, including estimated salvage value of the equipment for the purpose of determining financial assurance.

(d) Information on steps to be taken to restore the property.

(e) A cost estimate for decommissioning the project and restoration of the property.

(f) The proposed mechanism to satisfy the financial assurance requirements established under this section, including information on which legal entity will establish the mechanism, when it will be established in accordance with the requirements of this section, and how the Department will access the funds from the mechanism if needed.

iii. Following a continuous six-month period in which no electricity is generated, the permit holder will have six months to complete decommissioning of the solar farm.

iv. Prior to issuance of a zoning compliance certificate, the applicant must provide the county with a performance guarantee as provided below. For the first ten years of the solar facility's life, the amount of the guarantee shall be 1.25 times the estimated decommissioning cost minus 50 percent of the salvageable value, or $75,000.00, whichever is greater. Estimates for decommissioning the site and salvage value shall be determined by a North Carolina licensed engineer or a licensed contractor. It is the responsibility of the applicant to provide the County with the certified cost estimate.

v. An updated decommissioning plan providing decommissioning costs and salvageable values is required at the ten-year mark and every five years thereafter. A new performance guarantee in the amount of 1.25 times the updated decommissioning cost minus 50 percent of the salvageable value, or $75,000.00, whichever is greater, is required.

vi. Financial Assurance Requirement

(1) The owner of a utility scale solar project shall establish financial assurance in an amount acceptable to the Planning Department to ensure sufficient funds are available for project decommissioning and property restoration in compliance with this section, even if the owner becomes insolvent or ceases to reside in, be incorporated, do business, or maintain assets in the State. To establish sufficient availability of funds under this section, the owner of a utility scale solar project may use insurance, financial tests, third party guarantees by persons who can pass the financial test, guarantees by corporate parents who can pass the financial test, irrevocable letters of credit, trusts, surety bonds, or any other financial device, or any combination of the foregoing, shown to provide protection equivalent to the financial protection that would be provided by insurance if insurance were the only mechanism used.

(2) Financial assurance shall be established by the owner of a utility scale solar project and maintained until such time as the project is decommissioned and restoration of the property has been completed in compliance with this section. Documentation of establishment of financial assurance shall be submitted to the Planning Department at the time of registration and at the time of required update every five years, as required by this section.

vii. Registration

(1) Each owner of a utility scale solar project shall register with the Planning Department and update such registration every five years. At the time of registration, or periodic required update, the owner shall provide the following information:

(2) Identification of the owner and any other legal entity responsible for decommissioning the project and establishment of financial assurance, if applicable.

(3) Summary of project equipment subject to decommissioning requirements under this section, including the location, size, number, and type of PV modules, as well as identification of any per and poly fluoroalkyl substances (PFAS) associated with the project, and a determination as to whether the PV modules are likely to be characterized as hazardous waste upon decommissioning. The hazardous waste determination must be made in compliance with rules adopted by the Department of Environmental Quality or the Environmental Management Commission.

(4) Summary of project timeline, including actual or anticipated initiation and completion of construction, initiation of operations, and expected service life of the project.

(5) Estimates of costs to decommission the project and restore the property.

(6) Proposed financial assurance mechanism to be used to meet the requirements of this section, if applicable.

(7) Copies of any decommissioning plan executed, or documentation of financial assurance established, pursuant to local government ordinance or agreement with a landowner, prior to registration under this subsection.

(8) Any other information the Planning Department may require.

viii. Annual List.

The Utilities Commission shall develop and maintain a list of all utility scale solar projects operating within the State and shall provide the Planning Department with an updated list annually on or before July 1 of each year.

ix. Landowner and Local Authority Not Preempted for Adoption of More Stringent Requirements.

Nothing in this section shall be construed as limiting the authority of any:

(1) Local government to establish and implement requirements more stringent than those set forth in this section for decommissioning and financial assurance for utility scale solar projects located within its jurisdiction.

(2) Landowner to enter into an agreement with an owner to lease property on which a utility scale solar project will be sited that expressly establishes requirements more stringent than those set forth in this section for decommissioning and financial assurance for utility scale solar projects to be located on the landowner's property.

x. Fees

The Department shall collect fees from the owner of a utility scale solar project subject to the requirements of this section at the time of registration and periodic update, as required by this section. Fees collected under this subsection shall be applied to the Planning Department's cost of administering the program.

xi. Department Report

Information regarding implementation of the requirements of this section shall be included in the annual report required under G.S. 130A 309.06(c).

xii. Rules Required

The North Carolina Department of Environmental Quality shall adopt rules establishing criteria to set the amount of financial assurance required for utility scale solar projects as set forth in this section. These rules shall consider, at a minimum, the solar technology to be employed, i.e., PV, CPV, CSP, or other technology; the approximate number and size of PV modules included in the solar arrays to be constructed; any ancillary facilities to be constructed in association with the project; the condition of the property prior to construction of a utility scale solar project; the amount of acreage that would be impacted by the proposed project; and any other factors designed to enable establishment of adequate financial assurance for decommissioning and restoration on a site by site basis. In establishing requirements for financial assurance for a utility scale solar project, the Planning Department shall consider the salvage value of the project's equipment. The rules shall require periodic updates to be provided by owners with respect to financial assurance maintained. In addition, the Department shall adopt rules as necessary to implement other requirements of this section, including rules to address the following matters:

(1) Requirements for decommissioning plans, including required information, and processes for submittal and review of plans.

(2) Fees to be assessed upon registration.

(3) Any other matter the Department deems necessary.

c. The full amount of the bond, certified check, or letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration is completed.

d. The land owner or tenant must notify the County when the site is abandoned.

TT. Vehicle Parking

1. Domestic and Recreational Vehicles

An owner of a domestic or recreational vehicle may park or store such vehicle on their private residential property, subject to the following limitations:

a. At no time may the vehicle be occupied or used for living, sleeping, or housekeeping purposes except as allowed under a valid temporary recreational vehicle (RV) permit.

b. At no time may the vehicle be connected to any utility service except as allowed under a valid temporary recreational vehicle (RV) permit.

2. Commercial Vehicles

a. Parking semi-trucks (tractors) in any residential district is permitted. Parking trailers, semi-trailers, and tractor-trailer combinations in any residential district is prohibited, except when located within a fully enclosed structure that meets the regulatory requirements for the applicable zoning district. Short-term loading and unloading activities not exceeding 24 hours are permitted. The parking of commercial truck-trailers in residential districts for use as permanent storage is prohibited.

b. Commercial vehicles used as the primary means of transportation to and from work and/or the off-site business location are permitted in residential districts.

c. Commercial vehicles parked and stored outside of an enclosed garage must be parked or stored 20 feet or more from any street right-of-way, and at least five feet from any interior lot line.

d. Commercial vehicles must be maintained in an operable condition and must not be stored in a manner that creates a nuisance, blight, or safety hazard.

3. Recreational Vehicle Temporary Use Permit

A temporary permit for the placement of a recreational vehicle (RV) is allowed in all residential zoning districts in accordance with the following standards:

a. The permit may be issued when a principal dwelling is rendered uninhabitable due to fire, natural disaster, or other similar event, and the RV is used as temporary living quarters during the reconstruction of the principal structure.

b. A visual inspection will be conducted by the County to determine that the home is uninhabitable prior to the issuance of a temporary recreational vehicle permit.

c. Electrical, water, and sewer connections shall comply with applicable building and environmental health codes

d. The RV must be located on the same lot as the damaged dwelling and must not be located within required setbacks or easements unless approved by the County.

e. Permits are valid for one year and may be extended by the Planning Director upon demonstration of continued need and progress toward reconstruction

UU. Vehicle Repair, Commercial

1. All outdoor storage of parts, scrap materials, or equipment shall be screened from view from adjacent properties and public rights-of-way.

2. Repair activities on the site must be set back a minimum of 200 feet from residential zoning districts, as measured to the nearest property line.

3. Repair activities shall not include dismantling, salvaging, or wrecking operations unless otherwise permitted as a separate use in this UDO.

4. The storage or accumulation of inoperable vehicles shall be limited to those actively awaiting repair and shall not be stored in a manner that creates a nuisance or blight.

5. All operations shall comply with applicable environmental, air quality, and stormwater management regulations.

6. Vehicle repair operations shall be conducted in a manner that does not create noise, odor, or other impacts beyond the property boundary.

VV. Vehicle Sales

1. Vehicle sales facilities are limited to the display, sale, and leasing of operable motor vehicles and do not include vehicle dismantling, salvage, or wrecking operations unless otherwise permitted as a separate use.
2. Vehicle display areas shall be outside of any rights-of-way and applicable buffer.
3. No vehicles, merchandise, or other materials for sale are permitted to be displayed on rooftops or above any building level.
4. Outdoor displays shall be limited to operable vehicles intended for sale or lease. Inoperable, damaged, or non-roadworthy vehicles must not be displayed unless located within an enclosed structure or inside a fully screened service area.
5. All vehicle storage and display areas must be paved or otherwise improved to support vehicle circulation and shall be maintained.
6. Light repair and service functions may be permitted as an accessory use, provided all repair activities are conducted within an enclosed building or within a screened area not visible from adjacent properties or public rights-of-way.
7. Outdoor storage of parts, equipment, tires, scrap materials, or similar items is prohibited unless fully enclosed or screened from view of adjacent properties and public rights-of-way.
8. Customer parking areas must be provided separately from vehicle display areas and not interfere with internal circulation or required fire access.
9. Outdoor lighting must be directed away from adjacent properties and public rights-of-way and designed to minimize glare and spillover.
10. In the MUC-O district, the additional following requirements apply:
    a. No vehicle display, other than what is visible in an enclosed building may occur in the front yard.
    b. Any outdoor vehicle display shall be located in the side and rear yards a minimum of 50 feet from any property lines, with screening installed as listed in this section.
    c. All frontages of the site must include ornamental fencing a minimum of four feet high, bracketed by stone or brick columns with a maximum separation of 18 feet apart. Fencing is not required in front of the office when the office abuts the setback or the fencing line.
    d. In addition to meeting all other requirements of this UDO, landscaping must be installed along the entire frontages to achieve 50 percent opacity within three years, at a five-foot height.
    e. Plant species must be a minimum of 75 percent evergreen.
    f. A mixture of species and a variety of shapes and forms must be utilized throughout the frontage landscaping.

g. A maintained earthen mound or berm may be installed with vegetation, to achieve 50 percent opacity for a total height of six feet within 3 years. Plants must be a minimum of 75 percent evergreen and a minimum three-gallon in size and two feet in height at the time of planting. The berm must have a minimum base width of 12 feet. This mound or berm cannot impound stormwater runoff or direct runoff to adjacent properties.

h. No stacking of items or materials outdoors is permitted.

i. Vehicle service entrances must be rear entry, or in the rear or side yard for a corner lot on the lower classified street.

j. Vehicle repairs are allowed as an accessory use, as long as storage of any vehicles awaiting repair is located inside a building and does not have open sides or bays visible from any road rights-of-way.

WW. Zoo

1. The site must be at least ten (10) acres.
2. The site must have frontage on a major collector road or a higher classification as identified on the County Thoroughfare Plan or a major thoroughfare as identified on the Urban Area Transportation Plan.
3. All outdoor lighting must be designed and located to minimize visibility of light sources from adjacent properties.
4. All structures and animal enclosures must be set back a minimum of 100 feet from all property lines.
5. Retail sales within the facility must not exceed 25 percent of the total floor area under roof, excluding animal enclosure areas.

## Division 7. Density Bonus

### Section 44-230. Affordable Housing

A. As an incentive to provide affordable housing, a developer can receive a density bonus.

B. Affordable housing is defined as units sold or rented to families earning less than the County median income, as determined by the U.S. Department of Housing and Urban Development.

C. For each affordable housing unit constructed, an additional housing unit is allowed which can be developed for market-rate housing, up to 10 percent maximum of the base density allowed, if all of the following are met:

1. The affordable housing units and market rate units are located in the same development and distributed in equal proportions throughout the development.
2. For multifamily developments, the affordable housing units shall be scattered throughout buildings and not concentrated in one building or in one location.
3. The affordable units shall be designed and constructed using the same types and qualities of materials as the market rate units and will be of similar size.

4. The affordable units will be deed restricted for a minimum of 15 years and recorded with the Catawba County Register of Deeds Office to ensure continued affordability.

D. The density bonus applies in both the conventional and cluster subdivisions and for single-family, duplex, and multifamily housing.

E. Increased density may not exceed the maximum allowance in the WP-O district.

### Section 44-231. Open Space

A. For every ten percent (10%) increase above the required minimum in open space area, a one percent (1%) increase in residential dwelling units can be obtained up to a total increase of ten percent (10%) above the permitted density.

B. Increased density may not exceed the maximum allowance in the WP-O district.

### Section 44-232. Public Use Facilities

A. A density increase may be granted and specified in the terms and conditions of a development agreement where the development provides dedication of land for public use facilities including but not limited to active and passive public parks and recreation areas, public buildings, and school sites.

B. Increased density may not exceed the maximum allowance in the WP-O district.

### Section 44-233. Transportation Facilities

A. Density bonuses can be provided where a project dedicates right-of-way for future roadway projects.

1. The following types of dedication may qualify a project for a density bonus:
    a. Future road-widening improvements designated in County-approved transportation plans that are not required by NCDOT in association with the project; or
    b. New road alignments designated in County-approved transportation plans.
2. The reservation area must be clear of any improvements such as parking, signs, buildings, stormwater facilities, or other structures; however, landscaping may be included in the reservation area.

B. Density bonuses may be provided as follows:

1. For nonresidential properties, the allowable building area for the property may be increased by 0.5 above the maximum allowance permitted in the zoning district.
2. For residential properties, densities can be increased by a factor of 1.10 above the maximum allowance permitted in the zoning district.

C. Increased density may not exceed the maximum allowance in the WP-O district.

# Article 3. Development Standards

## Division 1. General

### Section 44-301. Applicability

A. This article applies to all new development or expansions to existing development, unless otherwise exempted by this UDO.

B. No part of a setback, area, open space, or off-street parking and loading space required for one structure or use can be included as meeting requirements of another, except where specific provisions are made in this article.

### Section 44-302. Suitable Building Sites

Lots that may be developed to include buildings shall contain sufficient land for suitable building sites, using the following determining factors:

A. Area outside of required setbacks;

B. Area outside of designated floodplain area;

C. Area outside of power line and other utility easements;

D. Areas outside of slopes that exceed 20%;

E. Lot configuration reasonably adapted to building; and

F. Ability to accommodate on-site water and wastewater systems, whether public or private.

### Section 44-303. Utility Lots and Unsuitable Building Sites

Where a lot or parcel is not intended for residential or nonresidential building purposes, such as a utility substation or community well lot, the lot must be clearly identified on the plat and clearly noted: "Not for residential or nonresidential building purposes." These lots are exempted from minimum lot size requirements listed in this UDO.

### Section 44-304. Arrangement and Location of Structures

A. All buildings and other structures, land preparation, and landscaping must be located and arranged on lots to provide safe and convenient access for emergency purposes, fire protection, servicing, and off-street parking and loading located on the premises.

B. No private land in a residential zoning district may be used for vehicular or pedestrian access to land or structures not permitted in that district.

## Division 2. Infrastructure and Improvements

### Section 44-305. Purpose

This division establishes requirements for infrastructure improvements, dedication, reservation, and minimum design standards.

## Article 3. Development Standards

Infrastructure and Improvements

### Section 44-306. Applicability

A. This division requires infrastructure improvements to be provided to meet the demands created by the development project.

B. Before development approval, each development shall complete construction of the required improvements and conditions of approval.

C. The improvements shall be installed and paid for by the developer, unless other means of financing are approved by the County.

D. Land must be dedicated and/or reserved in each development as specified in this Article.

E. Each concept and detailed site plan shall comply with the minimum standards of design established by this UDO, any applicable County regulation or ordinance and the Procedures Manual.

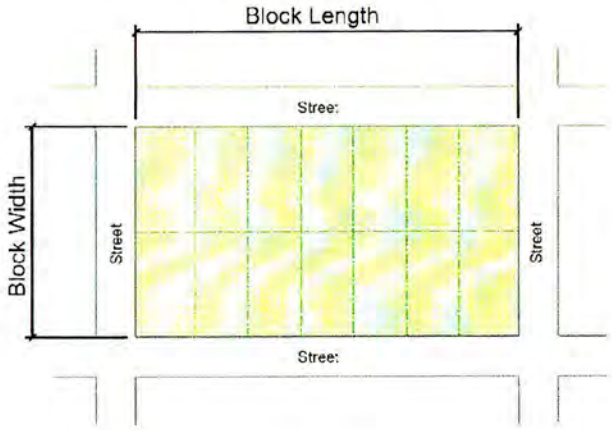
### Section 44-307. Blocks

A. General Design Criteria

Lengths, widths, and shapes of blocks shall be determined in accordance with the following:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated (residential, commercial, industrial or other);
2. Zoning requirements related to lot sizes and dimensions;
3. The need for convenient access, circulation, traffic control, and safety; and
4. The maximum length of a street segment should not exceed 1,000 feet unless the Subdivision Review Board determines topography, drainage, natural water features, or surrounding development patterns dictate otherwise.

**Figure 307-1. Block Length**



B. Pedestrian Crosswalks Within Blocks

1. Pedestrian crosswalks shall be provided at locations that provide public access to public spaces and facilities and may be required at additional locations.
2. The minimum width of a crosswalk is five (5) feet.
3. Crosswalks must be delineated in paint, thermoplastic, or another highly visible pavement marking, as approved by the Subdivision Review Board and/or NCDOT.
4. If required pedestrian access is designed for emergency vehicle use, it shall be designed in a manner to prevent other motor vehicles from using it by providing gates, bollards, or other physical elements that limits access.

## Section 44-308. Access Management

A. Purpose

Access management serves to:

1. Improve the efficiency of roadway systems;
2. Minimize traffic congestion;
3. Avoid unsafe traffic circulation conditions by regulating the number of access points for new development;
4. Enhance emergency services and access between sites;
5. Provide improved internal circulation and parking capabilities; and
6. Reduce conflict points and increase the distance between driveways.

B. Applicability

This section applies to all development and subdivisions, except family subdivisions and estate settlements.

C. Shared Driveways

Adjacent property owners may construct a shared driveway by written mutual agreement to serve both properties. Shared driveways must be designed and constructed to NCDOT residential subdivision road standards, with the exception of the right-of-way.

D. Driveways and Driveway Aprons

Paved driveways connecting to a public roadway for properties in the residential planned development zoning district and residential cluster subdivisions shall be a minimum of 10-feet wide for single-car driveways and 18-feet wide for 2-car driveways and include an apron with a minimum 3-foot radius.

E. Out-Parcels

Access to "out-parcels" as part of a larger development should be provided from the development's internal circulation system, dependent upon:

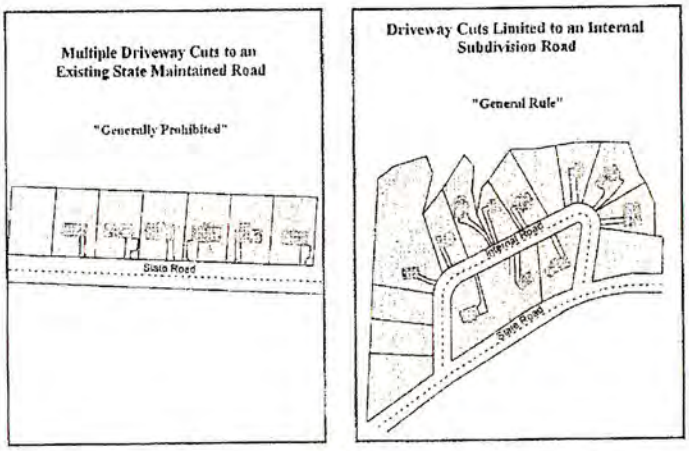
1. Length of road frontage adjacent to the development; or
2. Location of the out-parcel relative to the internal circulation system.

F. Internal Circulation

Internal street systems or service roads shall be constructed as part of a development that contains three or more residential lots or two or more multifamily, commercial, or industrial buildings in an effort to eliminate or reduce multiple-lot access connections directly to state-maintained roads in accordance with the following:

1. No more than three driveway cuts on an existing road are allowed for a development, including all phases under single ownership, without creating an internal street. See **Figure 308-1** below.
2. Property not separated by a state road cannot be subdivided for the purpose of circumventing this requirement.

**Figure 308-1 Driveway Management**




G. Reserve Strips

Reserve strips (spite strips) of land that may be used to control access to streets or circumvent right-of-way dedication are prohibited.

H. Half Streets

Half streets are prohibited. When a 4-lane boulevard is planned, a development may build half (two travel lanes instead of four) of the roadway as part of a development, if supported by a traffic study and pursuant to Planning Director approval.

I. Permits for Connection to State Roads

An approved NCDOT driveway connection permit is required for any change of use or new or modified connection to any existing state system road. This permit is required before any construction connects the development road to the state system road, whether that development road is public or private.

J. Marginal Access Street

1. To limit connections to a principal arterial, minor arterial, or major thoroughfare, as designated on the urban area transportation plan or the County thoroughfare plan, the subdivider of property adjoining these road typologies shall:
   a. Provide a collector road parallel to the arterial/thoroughfare that provides access to the lots, or
   b. Utilize the development's public road for access to the lots.
2. Where double frontage lots are utilized, private driveways cannot have direct access to a principal arterial, minor arterial, or major thoroughfare. When it is not technically feasible for the subdivider to avoid direct access and when the County approving authority determines the installation of such would result in a less desirable development design, the County approving authority may grant an exception to this requirement. The County approving authority must find the spirit and intent of this article are met and the circumstances particular to the subject property, such as topography, shape of the tract, water features, or surrounding development patterns, warrant an exception.

### Section 44-309. Street Standards

A. Applicability

This section applies to any development, subdivision, or other action that includes the construction of internal roads. The term "private" as it appears in this chapter refers to the maintenance responsibilities only of the road and not the dedication status, with the exception of **Subsection (D)** below pertaining to neighborhood private roads. Exempt and expedited minor subdivisions may be exempt from this section, as long as a minimum of 15' wide access easement is established that provides adequate access to the parcels.

B. Designation

All road rights-of-way must be designated in writing on the face of the plat as being a:

1. Dedicated Public ROW

   A ROW that has been dedicated to the public, but does not necessarily refer to construction status, nor does it imply acceptance for maintenance by NCDOT.

2. State Road

   A constructed road with a designated State Road number, which is being maintained by NCDOT.

3. Private Road

   A constructed road not dedicated to the public that will be maintained by an entity other than NCDOT.

C. Roads Standards within Major Subdivisions and Developments

1. All roads shall have a dedicated right-of-way, with roads designed and constructed to minimum NCDOT standards within subdivision, and must connect to a state-maintained road, including alleys and service roads.

2. Roads shall be maintained by the developer, owner(s), or homeowners' association until NCDOT assumes responsibility for maintenance. Maintenance responsibility shall be noted on the final plat/plans and described within Covenants, Conditions, and Restrictions.
3. Roads not eligible to be accepted into the NCDOT system shall still be dedicated for public use and built in accordance with NCDOT standards and Fire Code. Where a road has been offered for public dedication, that offer may not be withdrawn without prior review and approval from the County approving authority.
4. Curvilinear streets, roundabouts, and other traffic calming designs are encouraged in all subdivisions, as long as they do not negatively impact connectivity.

D. Private Roads

A private road is a road that meets the minimum NCDOT construction standards and meets NCDOT classification standards as verified by a state-licensed professional engineer but is not dedicated to the public and will not be maintained by NCDOT.

1. Private roads may be allowed in the following situations:
   a. When the road is not eligible to be taken into the NCDOT maintenance system;
   b. Roads proposed in special districts, such as planned developments; or
   c. Where the County approving authority or NCDOT makes a determination that a public road is impractical.
2. Private roads are reviewed for approval with the development proposal by the applicable County approving authority. Private roads shall be perpetually maintained privately by a homeowners' association. At a minimum, the maintenance agreement shall include the following:
   a. A legally incorporated homeowners' association established for the property owners within the entire development;
   b. All property owners within the development shall be members of the homeowners' association;
   c. The developer shall convey, in a fee simple ownership, all private roads within the development to the homeowners' association; and
   d. The homeowners' association shall have responsibility for all maintenance of private roads.

## Section 44-310. Street Connectivity

A. Purpose

In general, interconnected developments provide for improved traffic flow, safety, reduced overall traffic congestion, and access within and between adjoining developments. Interconnected developments and cross connections between properties are highly encouraged. The use of cul-de-sacs is generally discouraged, and their use requires approval from the County approving authority.

B. External Connectivity

Multiple access points into a development may be required to provide additional ingress and egress. In determining whether to require multiple accesses, the County approving authority shall look at the following:

1. The overall number of lots served by the street system;
2. The proposed street system pattern;
3. The configuration and natural features of the tract of land;
4. The amount of road frontage available; and
5. The classification of NCDOT roads.

C. Internal Connectivity

Internal connectivity is needed for convenient access, circulation, traffic control, and safety, which are supported through the following requirements:

1. Street Segment

   Unless otherwise stated by this UDO, the maximum length of a street segment cannot exceed 1,000 feet unless interconnectivity can be achieved by exceeding the maximum, or topography, drainage, natural water features, or surrounding development patterns make this impractical, as determined by the County approving authority.

2. Future Connected Streets

   a. Parcels shall be arranged to allow for opening of future streets and further development.

   b. Where adjoining areas are subdivided, proposed development shall connect to adjoining stub-outs or existing streets, subject to **Subsection d.** below. The following applies:

      i. The streets in the proposed development shall align with existing adjoining streets and be designed in a manner that allows construction to occur.

      ii. A reciprocal agreement shall be provided indicating the road maintenance responsibilities for each development using the interconnected road network. The agreement shall remain in force until NCDOT accepts maintenance responsibilities of the road(s).

      iii. The road(s) used for interconnectivity between the adjoining developments should be for the purpose of secondary access, not used as the primary entrance to the development.

   c. Where adjoining areas are not subdivided, the arrangement of streets in the development shall provide for projection of streets stubbing to adjoining un-subdivided areas, subject to **Subsection d.** below. Where stub roads are extended to the adjoining property line, the stub road shall be:

i. Located in such a manner as to practically allow for construction, with considerations given to topography, environmental features, and other site constraints;

ii. Dedicated with a continuous minimum NCDOT-approved right-of-way to the property line in addition to right-of-way for the temporary turnaround; and

iii. Constructed to NCDOT standards, including an improved temporary turnaround, which must qualify for inclusion in the NCDOT maintenance system.

d. The County approving authority may allow a deviation from creating future street connections when the new street would go through a floodplain, a significant topographical constraint, or where other limitations or factors would prohibit the practical connectivity, as determined by the County approving authority.

## Section 44-311. Sidewalks

A. Purpose

An interconnected system of sidewalks or trails provides a public benefit as an alternative transportation mode to automobiles, creates recreational opportunities within a development, and connects developments.

B. General Requirements

1. Sidewalks, or a fee-in-lieu, subject to **Subsection E** below, are required for all new developments along external roads where the property is part of an approved multi-modal plan, such as an NCDOT bicycle/pedestrian plan, the Carolina Thread Trail Plan, the County Parks Master Plan, and/or any other transportation plan as referenced in **Article 1, Division 1**. Sidewalks shall also be required along internal public and private streets constructed as part of a new development to provide pedestrian connectivity within the development and to adjacent properties or transportation facilities, where applicable.

2. Sidewalks shall be designed and installed to run the entire length of the property along the right-of-way and have a minimum width of five (5) feet, with at least three (3) feet clear of any obstruction.

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

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

C. Nonresidential Requirements

1. In addition to locations identified on a specific plan, as outlined above, sidewalks/pedestrian facilities on both sides of the street, or a fee-in-lieu approved by the Planning Director, are required for special district developments and overlay districts as follows:

a. MUC-O;

b. PD; and

c. 321-ED.

2. Required sidewalks in locations where multifamily, mixed-use, commercial, and industrial buildings front the public street shall be located along the front of the building adjacent to the required foundation plantings.

D. Residential Requirements

1. Sidewalks are required along both sides of the street for all new residential developments when 25 or more lots are proposed within R-20 or higher density districts, including special districts.

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

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

2. The improved secondary open space requirement in **Section 44-329.** may be used to meet the sidewalk requirement, if the open space includes pedestrian connectivity.

E. Sidewalks Fee-In-Lieu

The Planning Director will determine whether sidewalks are required or a fee-in-lieu will be accepted. The Planning Director will consider the thoroughfare/transportation/multi-modal plan(s); connectivity; surrounding land uses; school and park locations; and other factors in determining whether to accept a fee-in-lieu or require sidewalk installation. The fee-in-lieu will be equivalent to the cost of sidewalk installation and backfill, for materials and labor, as estimated by a licensed engineer and approved by the Planning Director. These funds shall be used for installation of sidewalks or bike paths in locations that benefit the public, based on adopted multi-modal plans, the transportation plan(s), the County parks and recreation plan, or other similar plan. The fee-in-lieu is a one-time payment collected at the time of final development plan approval, which runs with the land and is not subject to an additional assessment at a future time.

## Section 44-312. Easements and Underground Utilities

A. Utility Easements

Utility easements shall be noted on final development plans. The easements shall be sufficiently wide to provide for installation of such utilities and access for maintenance and operation.

B. Utilities in Drainage Easements

Utilities in drainage easements are permitted only upon specific authorization from the County approving board and only in the locations authorized. The County approving board may approve utilities in drainage easements where it determines adequate measures have been taken to avoid erosion, flooding, or other situations that would damage the utilities.

C. Underground Utilities

All new on-site utilities (electric, telephone, cable, etc.) in major subdivisions, non-residential development, and multifamily developments must be located underground unless technical restrictions prohibit such installation. The County approving board shall determine if technical restrictions are applicable.

### Section 44-313. Fire Protection

All lots served by a municipal or County public water supply system in a development must be in accordance with applicable fire protection regulations.

### Section 44-314. Water Supply and Sanitary Sewer

A. Public Water Supply Required

Public water supply is required in a residential or non-residential development as follows:

1. Any development that has public water system lines available must extend the public water system throughout the development to each lot as required by the County's water extension ordinance.
2. Where public water is not available, the lots must be served by individual wells approved by the appropriate County department or State agency.

B. Public Sanitary Sewer Required

Public sanitary sewer is required in residential or non-residential development as follows:

1. Any development that has public sewer system lines available must extend the public sewer system throughout the development to each lot in accordance with the building code and the current County sewer ordinance in effect.
2. Where public sewer is not available, each lot in the development must be served by an individual on-site septic system approved by Environmental Health or a private sewer system approved by the applicable State agency.
3. On-site septic system approval is not required for parcels greater than three (3) acres, as long as the development plat indicates the parcel(s) have not been evaluated for building purposes and no septic evaluation has taken place.

### Section 44-315. Lighting Standards

A. Purpose

This section provides requirements to control light spillage and glare so as not to adversely affect motorists, pedestrians, and owners of adjacent properties. Controlling light spillage also helps the County retain the rural aesthetic and characteristics linked to sense of place.

B. Generally

1. All fixtures shall be either semi-cutoff or full-cutoff fixtures only.
2. All fixtures shall be directed away from shining light in a manner that may cause a hazard to motorists or have a negative impact on adjacent properties.

a. Lighting fixtures for nonresidential or multifamily development shall be a minimum of 20 feet from any residentially zoned property.

b. 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.

c. The maximum height of a light source (light bulb) detached from a building is 20 feet. An exception to the light height requirement may be considered during the rezoning process for light fixtures up to 35 feet within a Planned Development Special District.

C. Outdoor Illumination of Building, Landscaping and Signs

The following provisions apply to the outdoor illumination of buildings, landscaping, and signs:

1. Floodlights, spotlights, or any other similar lighting cannot be used to illuminate buildings or other site features.

2. Exterior lighting integrated with the architectural character of the building and identified as an architectural element on the development plan may be permitted, as long as the lighting cast on the building, onto the site, or into the sky does not result in glare or light spillage that may negatively impact the site or the surrounding area.

3. Lighting fixtures used to illuminate a sign must either be directed ground lighting or mounted on the top of the sign and be shielded from the sight of passing motorists.

D. Lighting for Convenience Store Aprons and Canopies

In addition to the provisions above, the following provisions apply:

a. The lighting fixture bulbs must be recessed into a canopy ceiling so the bottom of the fixture is flush with the ceiling.

b. As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures must be shielded so direct illumination is focused exclusively on the underside of the canopy.

c. Lights shall not be mounted on the top or sides (facia) of the canopy, and the sides of the canopy cannot be externally illuminated.

d. The lighting for new facilities (pump islands and under canopies) cannot exceed an average horizontal illumination of ten foot-candles at grade level.

E. Prohibited Lighting and Fixtures

The following are prohibited:

1. Vertical burn lamps and similar lighting fixtures.

2. Flashing, colored, or obtrusive lighting.

3. Canopies and awnings used for building accents that have internal illumination.

4. The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment.

5. The operation of searchlights for outdoor advertising or entertainment.
6. Black lights and neon lights (including argon and similar rare-gas fixtures), except for signage.

F. Single-Family Residential Development

When a common form of street lighting is provided in single-family residential development, it must be semi or full cut-off uniform fixtures. This section does not apply to lighting on individual residential lots.

## Division 3. Landscape Buffers, Screening, and Tree Preservation

### Section 44-316. Conservation, Erosion, Sedimentation, and Stream Buffers

A. Purpose

Site design is encouraged to incorporate good design practices that take into account conservation, environmental protection, and preservation of steep slopes and watersheds by utilizing best management practices. Designs should:

1. Implement the Comprehensive Plan by protecting environmental resources and agricultural land;
2. Protect public health and safety by guarding against environmental degradation resulting from inappropriate development patterns that result in soil erosion and sedimentation, impaired water quality, and/or reductions in air quality; and
3. Implement official state policy to conserve and protect lands and waters for the benefit of all citizens, to control and limit the pollution of air and water, and to protect forests, wetlands, historical sites, open lands, and places of beauty.

B. Stormwater and Erosion and Sedimentation Control

1. Developments shall meet the requirements of the soil, erosion and sedimentation control ordinance in Chapter 31 in the Catawba County Code, where applicable; and
2. Developments shall provide stormwater management facilities where required by the National Pollutant Discharge Elimination System (NPDES) regulations, North Carolina Environmental Management Commission, and any stormwater management ordinances or regulations adopted by the County.

C. Topsoil Preservation and Installation

In any grading or filling operations, the existing topsoil shall be conserved and redistributed, particularly to cover exposed subsoils. All planted landscaped areas, including grass, ground cover, shrubs, and trees, shall have adequate topsoil installed after construction and before plant installation.

D. Vegetation Preservation

1. Trees, shrubs and ground cover existing at the beginning of development must be preserved to the maximum extent feasible.

2. Clear-cutting as part of development is prohibited in new subdivision developments, with exception of the housing unit building envelope, accessory structures, necessary roads, septic systems, wells, public utilities, and active recreation. The thinning of underbrush, shrubs, and trees is allowed, provided that a tree canopy remains and the ground is stabilized.
3. The clearing of nuisance vegetation, such as kudzu and other invasive plants, in new developments is allowed. Individual trees that are dead, diseased, or dying can be removed.

E. Stream Buffers and Access

1. A minimum 30-foot-wide vegetated buffer shall be retained for all perennial streams, as defined on the USGS topographic maps, in all new developments. Additional buffer requirements apply in the Watershed Protection Overlay District and can be found in **Section 44-221.**
2. One access that is perpendicular to the water to the maximum extent practicable for water-dependent structures and activities is allowed per property, as long as the construction of the access is done with the least amount of impact to the buffer as possible.

## Section 44-317. Landscaping Standards

A. Purpose

Landscaping, visual screening, and buffers must be provided for all nonresidential and multifamily uses to help with the following:

1. Remove, reduce, or absorb the impact between one use or zone and another;
2. Break up and reduce the impact of large parking areas;
3. Provide aesthetic and visual interest;
4. Obscure the view of outdoor storage, dumpsters, parking, and loading areas;
5. Provide protection from soil erosion, radiant heat, glare from headlights, noise pollution, and stormwater drainage problems; and
6. Protect and improve the urban and rural landscape from the impacts of development and disturbance.

B. Applicability

1. The landscaping requirements for parking facilities apply to all surface parking facilities, including parking lots, spaces, garages, and decks/structures, except for one- or two-family dwellings not subject to a planned development.
2. The landscaping requirements do not apply to underground parking facilities.

C. Generally

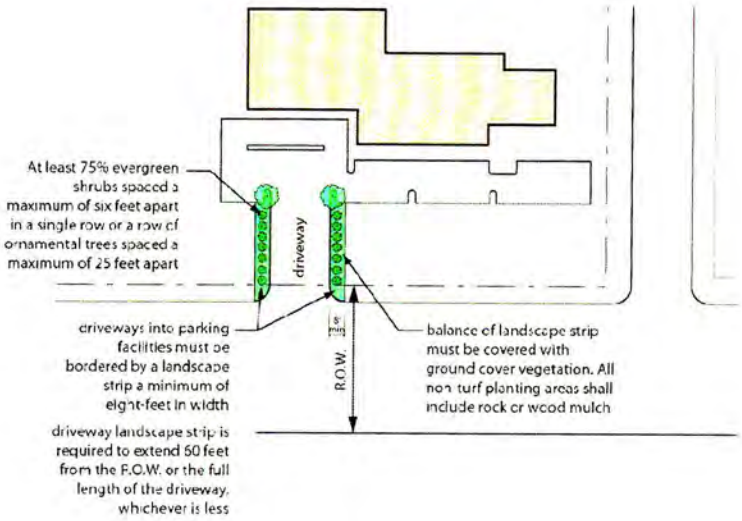
1. Required landscaping cannot obstruct visibility at intersections or sight triangles, as described in **Section 44-605. Definitions.**

2. The retention of existing significant vegetation is encouraged to meet onsite landscaping requirements.
3. All roadway slopes must be landscaped, and all cuts and fills shall be designed and vegetated to prevent erosion.
4. Developments shall utilize existing topography, such as hills, ridges, and berms, to screen parking and maintenance areas to the maximum extent possible.
5. All landscaping and screening that provide buffering and screening shall be maintained as depicted on the detailed site plan. All landscaping and screening shall be maintained by the developer, unless or until maintenance responsibilities are transferred or assigned to individual(s), a homeowners' association, or other responsible entity. Sustainable maintenance systems, such as rain barrels or cisterns, which are architecturally compatible with the structure, are encouraged.
6. All plant material used shall be suitable for use in the Catawba County environment from a cold and heat hardiness perspective. Native and drought-tolerant plant materials are encouraged.
7. The *Manual of Woody Landscape Plants*, latest edition, by Michael A. Dirr, should be used as a reference for the tree and shrub plant material standards.

D. Driveway Landscaping Requirements

1. Driveways into parking facilities must be bordered by a landscape strip a minimum of eight feet in width.
2. The driveway landscape strip is required to extend 60 feet from the right-of-way or the full length of the driveway, whichever is less.
3. The landscape strip must consist of:
   a. At least 75 percent evergreen shrubs spaced a maximum of six feet apart in a single row; or
   b. A row of ornamental trees spaced a maximum of 20 feet apart.
   c. The balance of the landscape strip must be covered with ground cover vegetation such as turf, annual or perennial planting beds, or ornamental grasses. All non-turf planting areas shall include pine straw, rock or wood mulch.

**Figure 317-1. Driveway Landscaping Requirements**




E. Any area where the driveway landscape strip abuts the parcel perimeter buffer, that portion of the driveway landscape strip is not required.

F. Perimeter Landscaping Requirements

1. Parking Facility

a. Parking Facility – Rear Yard

i. The perimeter of surface parking lots and the ground level of parking decks must be landscaped by a vegetative strip a minimum of eight feet in width.

ii. The landscaping strip must consist of 75 percent evergreen shrubs planted in a single or staggered row, a minimum of six feet apart.

iii. The remaining 25 percent may consist of ornamental trees or deciduous shrubs. Ornamental trees may be planted intermittently throughout the perimeter landscape strip.

iv. The plantings consisting of low-growing evergreen shrubs, with exception of the ornamental trees, cannot exceed three feet in height in order to address safety and visibility issues.

b. Parking Facility – Front or Side Yard

i. The perimeter of surface parking lots and the ground level of parking decks must be landscaped by a vegetative strip a minimum of 12 feet in width, exclusive of abutting reserved or dedicated right-of-way.

ii. For parking facility perimeters in the front or side yard, a staggered double row of vegetation is required, which must include at least 75 percent evergreen shrubs planted six (6) feet apart.

iii. The remaining 25 percent of the vegetation may be planted with ornamental trees or deciduous shrubs. Ornamental trees may be planted intermittently throughout the perimeter landscape strip.

iv. The plantings consisting of evergreen shrubs, with exception of the ornamental trees, cannot exceed three (3) feet in height in order to address safety and visibility issues.

c. Manicured turf, ground-hugging vines or shrubs, ground cover, annuals, perennials, or ornamental grasses shall cover the balance of the area. All non-turf planting areas shall include pine straw, rock or wood mulch.

d. Where parking facilities are within 35 feet of the perimeter buffer abutting the side or rear yard, the parking perimeter landscape strip may be omitted.

G. Internal Parking Area Landscaping

1. All parking areas must have landscaped islands.

a. If the parking facility is visible from a street, a landscape island is required for every ten spaces in a continuous row.

b. If the parking facility is not visible from a street, a landscape island is required for every 15 spaces in a continuous row.

2. Each island must be a minimum of eight feet in any horizontal dimension, with concrete or asphalt curbing.

a. The island must contain at least one large shade tree having a clear trunk height of at least five feet and a minimum of two-inch caliper. The tree must be a minimum 45-gallon size or balled and burlapped at the time of planting.

b. Turf, ground cover, perennials, ornamental grasses, rock, or wood mulch must cover the balance of the landscape island.

H. Use/Parcel Perimeter Buffer

1. Buffer Requirement

More intensive uses must buffer between adjoining less intensive uses as defined in **Table 317-1. Use Intensity**.

**Table 317-1. Use Intensity**

| | |
|---|---|
| Less Intensive Use ↓ More Intensive Use | Single-family and two-family |
| | Nonresidential uses in residential districts, for example, churches, schools, and special uses |
| | Multifamily uses |
| | O & I uses |
| | RC or HC uses |
| | LI and GI uses |

2. Width of Vegetative Buffer Area

   Each required vegetative buffer area shall have a minimum width of 15 feet. If a parcel is less than 3 acres, the parcel shall be screened. If the parcel is larger than 3 acres, the specific land use shall be screened from adjacent properties.

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 five (5) years after initial installation.

      i. All plant materials must be conifer or broadleaf evergreen to achieve a minimum height of six (6) feet within five (5) years.

      ii. Trees and/or shrubs must be adequately spaced.

      iii. 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.

      iv. Planting requirements and standards

         (1) Two ornamental trees or one large canopy tree is required for every 50 linear feet of buffer area. It may be planted in the buffer area or in the immediately adjacent area, as long as the location provides the screening intent of the buffer.

         (2) At the time of installation, ornamental trees shall have a clear trunk height of at least three (3) feet and be a minimum one-inch caliper. Large canopy trees shall have a clear trunk height of at least five (5) feet and be a minimum two-inch caliper.

         (3) Mature height shall be at least 25 feet for ornamental trees, which should be used where overhead utility lines are located. Mature height for large canopy trees shall be at least 40 feet and shall not be planted beneath or within 20 feet of overhead utility lines as measured laterally.

   b. No additional buffering is required if:

      i. Existing vegetation located on the subject property affords the degree of buffering and screening, in terms of height, opacity and separation, equivalent to or exceeding the planting requirements above; or

      ii. Existing vegetation located on the adjoining property affords the degree of buffering and screening, in terms of height, opacity and separation, equivalent to or exceeding the planting requirements above if the subject property owner acquires a preservation easement from the adjoining property owner. The preservation easement must state that vegetation will be maintained and that no structure will be built in the easement, and must be recorded at the Register of Deeds Office.

c. A six-foot opaque structure, such as a solid masonry wall or a solid fence, compatible with the principal structure. Chain link fencing cannot be used to meet this requirement; or

d. A maintained three-foot earthen mound or berm with vegetation to achieve a six-foot screen with a minimum base width of 12 feet. This mound or berm cannot impound stormwater runoff or direct site runoff to adjacent properties. All plant materials must be evergreen and a minimum of three gallons in size and two feet in height at the time of planting. Trees and/or shrubs shall be adequately spaced to form a solid, continuous visual screen within five years after the initial installation. 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.

I. Building Foundation Plantings

The pedestrian entranceway and/or surface parking facilities shall be separated from the exterior wall of any principal structure by a landscape buffer a minimum of five (5) feet in width along the entire building foundation. If the architecture makes this impractical, the Planning Director may approve the following alternative:

1. Planter boxes a minimum of three feet in the shortest dimension and which occupy 40 percent of the building façade length, or
2. Flower pots a minimum of three feet in diameter and spaced a maximum of 20 feet on center along the entire façade, as long as a minimum 5-foot sidewalk is maintained.

J. Street Trees and Landscape Strips

1. Street trees shall be planted in all multifamily, mixed-use, and nonresidential developments along all public streets and existing external roads.
2. Street trees shall be planted in all major subdivision developments along public and private interior subdivision streets and along the frontage of existing external streets.
3. When developing property in the MUC-O or for developments with a density of five or more units per acre, street trees and landscape strips shall comply with the following standards:
   a. A three- to five-foot landscape strip between the curb and sidewalk in all locations where sidewalks are required.
   b. A ten-foot (minimum) landscape strip behind the right-of-way (within the front setback) in all locations where street trees are required.
   c. Street trees shall be planted adjacent to the sidewalk or right-of-way and shall meet the following:
      i. An average of one large canopy tree is required for every 40 linear feet of road frontage on each side of the street. If overhead utilities are present, ornamental trees shall be used and planted an average of one tree for every 30 feet of street frontage on each side of the street. Trees should be spaced at approximately equal distances.

ii. At the time of installation, ornamental trees shall have a clear trunk height of at least three feet and be a minimum one-inch caliper. Large canopy trees shall have a clear trunk height of at least five feet and be a minimum two-inch caliper.

iii. Mature height shall be at least 25 feet for ornamental trees, which should be used where overhead utility lines are located. Mature height for large canopy trees shall be at least 40 feet and shall not be planted beneath or within 20 feet of overhead utility lines as measured laterally.

iv. All street trees shall have a mulch ring installed around them and have either a permanent water source or temporary watering for the first year after planting.

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

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

4. Street Tree Exceptions

In locations where existing vegetation exceeds the street tree planting requirements listed above, the Planning Director may approve the use of this existing vegetation in lieu of requiring new trees to be planted.

### Section 44-318. Screening of Mechanical Equipment

All mechanical equipment, such as air conditioners or pumps, shall be screened from view of all streets, public places, and neighboring properties using features such as berms, fences, building walls, false facades, or dense landscaping. Chain link fencing cannot be used. Mechanical equipment on rooftops shall be screened from view of the street with parapets, designed features and other materials compatible with the building and suitable for screening. An exception to the screening requirement is made for photo-voltaic (solar) panels.

### Section 44-319. Solid Waste Storage Area (Dumpsters)

All new buildings and uses, except single-family and two-family dwellings, shall provide facilities for central storage of solid waste within the lot. Where facilities are provided outside of a building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the principal building. All areas must have a solid and closeable gate.

**Figure 319-1. Dumpster Enclosure Example**



## Section 44-320. Screening of Loading and Service Areas

All loading and service areas shall be screened from view of all streets and adjoining properties of less intensive use through a buffer meeting the requirements of **Section 44-320.** If the loading area abuts the perimeter buffering, the loading area is not required to be screened.

## Section 44-321. Screening of Open Storage

Open storage shall be screened from any street or any less intensive land use, as required in **Table 317-1**, based on the principal use. Screening of the area used for open storage must meet the screening requirements identified in **Section 44-317H.3**. Open storage shall be setback from adjoining property lines in accordance with the setback required for the principal structure (see **Table 204-1**).

## Section 44-322. Tree Preservation

A. Purpose

The purpose of this section is to provide for the protection and maintenance of trees in the County. The standards are intended to:

1. Prevent clear-cutting of sites for the sole purpose of development;
2. Protect existing tree canopy;
3. Preserve the visual and aesthetic qualities of the County;
4. Encourage site design techniques that preserve the natural environment and enhance the developed environment;
5. Improve slope stability and control erosion and sediment runoff into streams and waterways;

6. Preserve and enhance air and water quality;
7. Maintain property values; and
8. Minimize the impact of incompatible land uses.

B. Applicability

1. General

Unless exempted in this section, the standards in this section apply to:

a. All new development in the County.

b. To the maximum extent practicable, any expansion of development that existed on the effective date of this UDO, if the expansion increases the building's gross floor area or impervious surface coverage by 50 percent or more.

2. Exemptions

The following activities are exempt from this section:

a. Single-Family Detached Residential Lots

Single-family detached and duplex residential subdivision lots, unless trees were required for a buffer, screen, or street tree planting at the time of approval.

b. Utility Operations

Tree removal by duly constituted communication, water, sewer, electrical, or other utility companies, or federal, state, or County agencies, provided the tree removal is limited to those trees necessary for maintenance of existing utilities or construction of new utility lines or facilities for providing utility service to its customers, and provided the activity is conducted in a way that avoids any unnecessary tree damage or removal.

c. North Carolina Department of Transportation (NCDOT)

Tree trimming and removal by NCDOT within street right-of-way owned by the state.

d. Maintenance by County Crews

The planting, pruning, maintenance, and/or removal of trees, shrubs, and plants by County staff on public lands.

e. Intersection Visibility

The selective and limited removal by the County or NCDOT of trees or vegetation necessary to obtain clear visibility at driveways or intersections.

f. Commercial Growers and Agricultural Operations

Tree removal at commercial nurseries, botanical gardens, tree farms, groves, and part of agricultural operations, if the trees removed were planted for silvicultural or agricultural purposes in accordance with the North Carolina Department of

Agriculture and Division of Forest Service rules and regulations, or for the sale or intended sale in the ordinary course of business.

g. Emergencies

Tree removal during emergencies caused by hurricanes, severe storms, flooding, or other natural disasters; however, required landscaping and urban forest infrastructure under this UDO will need to be replaced as part of disaster recovery efforts and reconstruction. Any required landscaping removed during an emergency shall be replaced within three years of the emergency declaration ending.

h. Dead or Diseased Trees

The removal of dead, diseased, or naturally fallen trees. Documentation shall be provided that the removed protected trees and other vegetation qualify in accordance with this section.

C. Protected Trees Defined

For the purposes of this section, "protected tree" consists of:

1. The crowns of all existing and healthy self-supporting canopy trees with a diameter at breast height (DBH) of twenty inches or greater; and
2. The crowns of all existing and healthy self-supporting understory trees with a DBH of four inches or greater.

D. Retention and Preservation of Protected Trees

1. Existing Tree Canopy Inventory Required

As part of plat or development plan approval and prior to any tree clearing, development work, or land disturbing activity, the applicant or landowner shall prepare and submit an inventory of existing trees on the development site, subject to the following:

a. General

The inventory shall identify all existing protected trees in the potential disturbed area and those proposed to be preserved or removed in accordance with these standards. Known dead or diseased trees shall also be identified, where practical. Groups of existing protected trees in close proximity (i.e., those whose canopies are within ten feet of each other) shall be designated as a cluster of trees, with the predominant species, estimated number, and average diameter indicated. Trees identified by the NC Invasive Plant Council as invasive in Catawba County are to be identified on the inventory, but will not require protection or mitigation.

b. Buffer Areas

Trees not used to meet regulatory requirements (i.e., forested areas that are not going to be disturbed) and located within mandatory protected areas, such as

stream buffers and those with driplines outside of the limits of disturbance, do not need to be surveyed.

2. Protected Tree Canopy Retention Standards

a. **Table 322-1. Protected Tree Canopy Retention Standards** establishes the minimum percentage of existing trees required to be retained and protected.

**Table 322-1. Protected Tree Canopy Retention Standards**

| Development Type | Minimum % of Existing Trees to Protect |
|---|---|
| Residential | 30% |
| Multifamily | 30% |
| Mixed-use | 25% |
| Commercial | 20% |
| Industrial | 15% |

b. Replacement/Mitigation of Protected Tree Removal

If the property conditions do not allow for retention of protected trees in accordance with **Table 322-1**, each tree removed or destroyed shall be replaced with two (2) replacement trees that are a minimum two-inch caliper of the same or comparable species in a location shown on the planting plan and approved by the Planning Director.

E. Tree Protection Zone

1. Tree Protection Zone Defined

The Tree Protection Zone is the area of a development site to be retained and protected in accordance with this UDO that is the greater of the following:

a. A radius of one-and-one-half (1½) feet for every one inch of the protected tree's diameter breast height (DBH); or

b. The area within a distance of six (6) feet of a protected tree.

2. Tree Protection Fencing

a. Where Required

Protected trees retained in a Tree Protection Zone and other existing trees being used for credit towards landscaping requirements shall be fenced with a visible fence before site clearing, grading, or other development activity begins.

b. Type of Fencing

Tree protection fencing shall be orange snow fencing a minimum of four (4) feet high. Posts shall be located no more than ten feet on-center and shall not be installed in a manner that damages tree roots.

c. Signage

Signs shall be installed on the tree protection fence visible on all sides of the fenced-in area at a rate of at least one for every 200 linear feet. The size of each sign shall be a minimum of two feet by two feet and shall contain the following language: "TREE PROTECTION AREA DO NOT ENTER" and "ZONA DE PROTECCIÓN DE ÁRBOLES NO ENTRE".

d. Encroachment into a Tree Protection Zone

Encroachments into a Tree Protection Zone shall occur only when no other alternative exists, as determined by the Planning Director. If such an encroachment is anticipated, the area shall be temporarily mulched with a minimum four-inch layer of wood chips to mitigate temporary equipment passing through a Tree Protection Zone. At no time is this intended to allow regular encroachments through or storage within a Tree Protection Zone.

e. Silt Fencing and Grading

Installation of silt fencing shall not be permitted in the Tree Protection Zone. Grading or filling shall not be permitted in the Tree Protection Zone.

f. Chemical Contamination

Trees located within a Tree Protection Zone shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.

3. Replacement and Mitigation of Protected Trees Damages in Tree Protection Zone

a. Accidental Damage

When development of a site causes accidental damage or disturbance to protected trees inside the Tree Protection Zone, the disturbed area shall be re-vegetated in one or more of the following ways, as approved by the Planning Director. Replacement trees and vegetation shall be in addition to all other landscape requirements.

i. Replacement Timing

Replacement of protected trees shall occur within six (6) months of the tree removal or damage.

ii. Replacement Calculation

For each protected tree damaged or removed, two (2) replacement trees shall be planted. Replacement trees shall be a minimum of 2- 1/2" caliper in size.

iii. Location of Replacement Trees

Replacement trees shall be planted on site in a location that provides the most beneficial positive impact on the environment, County, and site. Considerations for the location shall include opportunity to expand existing forested areas, increase buffers, support wildlife corridors, or further protect environmentally sensitive areas.

b. Damage/Removal in Violation of Tree Removal Permit and UDO

In cases where there is intentional damage to protected trees (including severe pruning or "topping"), tree clearing, development work, or land disturbance without the necessary approvals, remedies shall be applied in accordance with **Article 5 Violations and Enforcement**.

F. Tree Protection During Construction

Owners Responsibility

During development, the landowner or developer shall be responsible for erection of any barriers necessary to preserve protected trees or other vegetation from damage, both during and after construction. The tree protection fencing shall be clearly shown on the Site Plan or subdivision preliminary plat and shall be maintained until the final site inspection for the certificate of occupancy.

## Division A. Parking

### Section 44-323. Purpose

This division sets standards to allow businesses and residents to have adequate parking, provides design and maintenance requirements, and reduces the impacts of excessive parking. This division establishes parking lot layout and design, shared parking opportunities, and similar standards.

### Section 44-324. Off-Street Parking

A. Applicability

1. This section applies to all applications for development approval, unless the application is specifically exempted by another provision of this article.

B. Compliance

1. The developer is responsible for construction and maintenance of the required off-street parking space and off-street loading space for as long as the structure or use is in existence.
2. An owner of any structure affected by this article cannot discontinue or change the required vehicle parking or loading spaces, apart from discontinuing use of the structure, unless alternative parking and loading spaces are approved as required by the Planning Director.

C. Methods of Providing Required Parking

Parking

1. All required parking must be located on the same lot as the principal use it serves, except as provided in this section.
2. In lieu of the actual construction of required on-site parking spaces, required parking for a use on a lot may be located on another lot if the requirements of this section are met. The offsite parking may be combined with parking for other uses, subject to approval by the Planning Director.
3. The following requirements shall be met to allow off-site parking:
   a. The use served by the off-site parking is a permitted principal use in the zoning district within which the lot containing such parking is located.
   b. The off-site parking spaces must be located within 500 feet of a public entrance to the structure containing the use for which such spaces are required.
   c. A safe, direct, attractive, and convenient pedestrian route must exist or be provided between the off-site parking and the use being served.
   d. The continued availability of off-site parking spaces, necessary to meet the requirements of this UDO, must be ensured by an appropriate reciprocal easement, satisfactory to the County Attorney, and recorded with the Register of Deeds.
   e. Off-site required off-street parking cannot be separated from the use it serves by arterial or collector streets, as shown on the thoroughfare plan, or other similar physical barriers to convenient access between the parking and the use.

## Section 44-325 Parking Standards

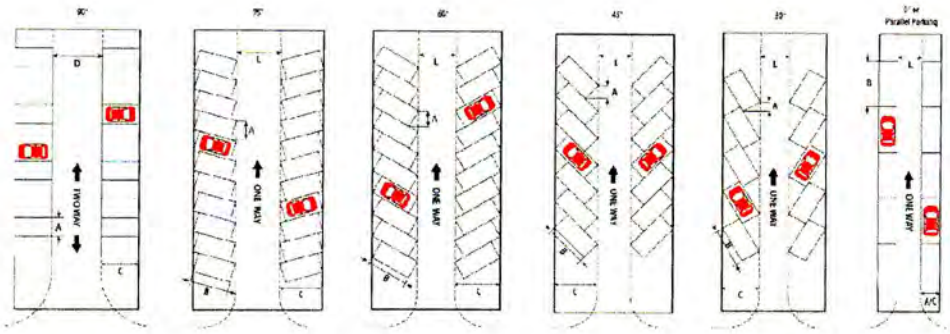
A. Regular Car Parking

The minimum dimensions for required off-street spaces at various angles are shown in **Table 324-1** and illustrated in **Figure 324-1** below.

**Table 324-1. Parking Dimensions**

| | 44-536-1 reference | 0° | 45° | 60° | 75° | 90° |
|---|---|---|---|---|---|---|
| Stall width, parallel to aisle | A | 9.0 | 12.7 | 10.4 | 9.3 | 9.0 |
| Stall length of line | B | 24.0 | 24.5 | 21.4 | 19.5 | 18.0 |
| Stall depth to wall | C | 9.0 | 17.0 | 18.5 | 19.0 | 18.0 |
| Aisle width between stall lines | D | 12.0 | 12.0 | 16.0 | 22.0 | 24.0 |
| Stall depth, interlock | E | 9.0 | 14.8 | 17.0 | 18.3 | 18.0 |
| Module, wall to interlock | F | 30.0 | 43.8 | 51.5 | 59.3 | 60.0 |
| Module, interlocking | G | 30.0 | 41.6 | 50.0 | 58.6 | 60.0 |
| Module, interlock to curb face | H | 30.0 | 41.8 | 49.4 | 56.9 | 58.0 |
| Bumper overhang (typical) | I | 0.0 | 1.5 | 1.8 | 2.0 | 2.0 |
| Offset | J | — | 6.3 | 2.7 | 0.5 | 0.0 |
| Setback | K | 24.0 | 11.0 | 8.3 | 5.0 | 0.0 |
| Cross aisle, one-way | L | 18.0 | 18.0 | 18.0 | 18.0 | 18.0 |
| Cross aisle, two-way | — | 24.0 | 24.0 | 24.0 | 24.0 | 24.0 |

**Figure 324-1. Parking Components**



B. Parking for Persons with Disabilities

Parking for persons with disabilities must meet the North Carolina Accessibility Code.

1. Parking spaces for the disabled must be designed and located as follows:
   a. All users must have direct access to a curb ramp, curb cut or sidewalk when necessary to allow access to the building, structure, or use served.
   b. Diagonal or perpendicular parking spaces must be a minimum of 12½ feet wide.
   c. Parallel parking spaces must be located either at the beginning or end of a block or adjacent to an alley entrance. Curbs adjacent to the spaces must be of a height that will not interfere with the opening and closing of motor vehicle doors.
   d. Parking spaces must be prominently outlined with paint different from ordinary striping and posted with a permanent fixed sign of a color and design approved by NCDOT.

C. Off-Street Parking Design Standards

Off-street parking design standards are as follows:

1. Except for single-family dwellings, every off-street parking area and driveway shall have a hard surface consisting of asphalt or concrete pavement, or an alternative approved by the Planning Director, to provide a durable and dustless surface. In determining the suitability of a proposed alternative, the Planning Director shall find the improvement provides:
   a. A safe and permanent surface suitable for the quantity and quality of traffic expected to use it;
   b. A surface which will accept permanent delineation of parking spaces, aisles, accessways, and maneuvering areas; and
   c. A surface that will not contribute to subsidence, erosion, or sedimentation, either on-site or off-site.

2. All off-street parking lots shall be graded and drained to dispose of all surface water accumulated within the area and not channeled to adjoining property. Property owners shall be responsible for ensuring this standard is met and maintained.
3. Sales, dead storage, repair, dismantling, and service of motor vehicles is not permitted in off-street parking spaces.
4. Off-street parking spaces, including all areas for maneuvering, shall be located solely on private property and not on public property or public rights-of-way. In addition, as long as required buffers and landscaping are not impacted, off-street parking may be allowed within required front, side, or rear setbacks.
5. All off-street parking areas shall be designed to provide safe and convenient circulation, in accordance with commonly accepted traffic-engineering practices.

## Section 44-326 Loading Standards

A. Required Loading Spaces

1. Every use requiring receipt or distribution of materials and merchandise by vehicles shall have one or more loading berths or other space for standing, loading, and unloading on the same or adjoining premises.
2. Loading space shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served.
3. Required loading spaces shall be available for loading and unloading vehicles and cannot be used for storage of vehicles or materials, off-street parking requirements, or conducting any outdoor uses.

B. Loading Space Standards

All off-street loading spaces must meet the following standards:

1. Off-street loading spaces shall be located and arranged so a semi tractor-trailer truck (wheelbase 50 class) or local delivery vehicle, as appropriate, can gain access to and use such spaces;
2. Loading spaces shall meet the minimum street and interior setbacks established for structures;
3. All loading space and maneuvering space shall be surfaced with dustless, all-weather material and maintained in a safe, sanitary, and neat condition;
4. No loading space may be located so a vehicle using the space intrudes on or hinders the use of the public right-of-way or adjacent properties; and
5. Each required off-street loading space shall have a minimum width of 12 feet and a minimum vertical clearance of 16 feet above the finished grade of the space. The length must be a minimum of 20 feet for local delivery and 60 feet for semi tractor-trailers.

### Section 44-327. Bicycle Parking

Bicycle parking facilities shall be installed as part of nonresidential and multifamily developments within 500 feet of bicycle corridors identified in any officially adopted transportation or bikeway plans. Bicycle parking facilities should be designed in accordance with the recommendations from the Association of Pedestrian and Bicycle Professionals (APBP) or equivalent standards.

## Division 5. Neighborhood Recreation/Open Space

### Section 44-328. Purpose

A. Neighborhood Recreation/Open Space is a vital part of the community, often serves as a gathering point of neighborhood activity, and exists for the quiet enjoyment of the neighborhood.

B. Enhances and preserves private property values and serves the immediate and future needs of residents in the same way as other capital improvements, such as streets, water mains, and sanitary and storm sewers.

C. Includes pedestrian/bicycle trails, preferably located within natural greenway systems, and neighborhood parks that serve nearby residents.

D. Provides for adequate, usable neighborhood open space, parks, and recreation facilities that are provided in a manner consistent with the Comprehensive Plan.

E. Provides for the reasonable, proportionate impacts of new development.

F. Achieves the goal of encouraging retention of existing vegetation on the perimeter and frontage of the development to minimize adjacent property impacts.

### Section 44-329. Neighborhood Recreation/Open Space for Non-Cluster Developments

A. Applicability

The following developments must provide land for parks, sidewalks, trails, greenways, recreational, and open space purposes:

1. All major residential subdivisions shall dedicate land or fee-in-lieu of land for open space with exception of subdivisions in the R-Con and R-80 districts.
2. Mixed-use development that contains residential uses; and
3. Multifamily use.

B. Amount of Land or Fee-in-Lieu

In determining whether the County will accept a fee-in-lieu of or proposed on-site open space, the County shall consider the Parks Master Plan, the Comprehensive Plan, other accepted plans and the potential for connectivity with other developments or open space.

1. Determination

The amount of land to be provided for neighborhood recreation/open space in conventional subdivisions shall be based on zoning district as follows:

a. R-Con and R-80: 0%
b. R-40: 10%
c. R-30: 15%
d. R-20: 20%
e. RC and HC: 15%
f. O-I, LI, and GI: 10%

2. Payment in Lieu of Open Space

In lieu of providing open space on site, a developer may make a one-time payment in the amount of $1,000.00 per lot. The fee-in-lieu is payable to the parks trust fund for development of capital projects associated with the county parks master plan or other accepted plans.

C. Characteristics

Except as otherwise required by the County at the time of preliminary subdivision approval, the neighborhood recreation/open space shall meet the following criteria:

1. Open Space Quantity and Use

a. The following active recreation and passive recreation space standards shall apply to the R-30, R-20, MUC-O, and PD zoning districts that include a residential component.
b. Active recreation use shall comprise at least 40 percent of the open space area. This land shall have a slope of less than 10 percent and be designed and built in a manner that includes playgrounds, pools, sports fields, and other areas that allow for active play.
c. Passive recreation use shall comprise no more than 60 percent of the open space. This land shall be mostly wooded or reforested and be designed for viewing and interacting with nature, which includes trails, boardwalks, greenways, farmland, and vistas of natural areas.

2. Shape

a. The shape of the active recreation open space shall accommodate future recreational facilities and activities, such as fields, courts, and/or playground equipment. The shape of the dedicated land shall be suitable for such facilities and activities as determined by the Planning Director.
b. Linear open space must be a minimum of 20 feet in width to accommodate trails, greenways, and other uses to be counted as part of the open space requirement.
c. An improved trail system composed of concrete, asphalt, composite materials, wooden boardwalks, wood chips/mulch, or other appropriate trail materials shall be installed through passive recreation areas. The trail system area shall comprise a minimum of 10 percent of the total passive open space area and is measured as 10 feet in width on either side of the trail centerline for a total of 20 feet in width along the trail.

D. Location

1. Open space shall be located either in a way that buffers the development from public roads and adjacent developed property or as an amenity woven throughout the development.
2. Open space shall be located in a manner that integrates it into the development.

E. Neighborhood Recreation/Open Space Dedication and Maintenance

Each dedicated open space parcel and improvements shall be shown on the final plat with a notation of its area and open space designation and recorded with the Register of Deeds.

### Section 44-330. Open Space Requirements for Cluster Subdivisions

A. Purpose

A cluster subdivision design is an alternative option to conventional subdivision design. Cluster subdivisions provide for subdivision design that is more efficient, better suited to the natural features of the land, and blends into the character of a rural area. The purpose of a cluster subdivision is to allow lots to be smaller, concentrate development on those parts of the property best suited to accommodate development with the least adverse impact, and create abundant open space as part of the project. Clustering of lots:

1. Provides recreational opportunities for the subdivision's residents;
2. Conserves and protects significant natural areas and environmentally sensitive areas;
3. Protects important historic resources;
4. Minimizes impacts to adjacent properties and public roadways;
5. Allows smaller and less costly networks of roads and utilities;
6. Encourages closer-knit and potentially safer neighborhoods;
7. Preserves sensitive farmland, woodlands, scenic views, and open space; and
8. Reduces the amount of impervious surface and resulting stormwater runoff.

B. Minimum Cluster Subdivision Site Size

The minimum land area required for a cluster subdivision must be at least five contiguous acres.

C. Maximum Number of Lots in Cluster Subdivision

The maximum number of lots allowed within a cluster subdivision shall be determined by multiplying the total gross acreage in the tract (excluding external state road rights-of-way), by the density (maximum dwelling units per acre) as noted in **Table 204-1** for the applicable zoning district.

D. Lot Design and Dimensional Requirements for a Cluster Subdivision

Lot width and setback requirements, as shown on **Table 204-1** for the applicable zoning district, may be reduced as follows:

1. The minimum lot area may be reduced by up to 70 percent of the lot area required in the underlying zoning district but cannot be smaller than 7,000 square feet. For example:
   a. A 40,000-square-foot minimum lot may be reduced by 70 percent, providing for a 28,000-square-foot reduction (40,000 × 0.70 = 28,000-square-foot lot reduction). With this reduction, the final minimum allowable lot is 12,000 square feet. (40,000–28,000= 12,000-square-foot minimum lot).
   b. A 30,000-square-foot minimum lot may be reduced by 67 percent, providing for a 20,100-square-foot reduction (30,000 × 0.67 = 20,100-square-foot reduction). With this reduction, the final minimum allowable lot is 10,000 square feet (30,000–20,100 = 9,900 square feet).
   c. A 20,000-square-foot minimum lot may be reduced by 75 percent, providing for a 15,000-square-foot reduction (20,000 × 0.75 = 15,000-square-foot reduction). However, lots may only be reduced to a minimum of 8,000 square feet, so although calculations show each lot could be 5,000 square feet (20,000–15,000 = 5,000 square feet), a 8,000-square-foot lot minimum is required.
2. Cluster subdivisions located within protected watershed areas must comply with the watershed requirements as stipulated in **Article 2**.
3. The minimum lot width requirement may be reduced by 50 percent, but cannot be less than 45 feet.
4. The minimum front setback requirement may be reduced by 33 percent, but cannot be less than 25 feet. Front setbacks cannot be reduced on streets in the R-40 zoning district or along the subdivision perimeter boundary. Setbacks must comply with the requirements of **Subsection E** below.
5. The minimum side and rear setback requirements may be reduced by 33 percent, but cannot be less than ten (10) feet. Side and rear setbacks cannot be reduced on streets in the R-40 zoning district or along the subdivision perimeter boundary. Setbacks must comply with the requirements of **Subsection E** below.
6. Accessory structures shall be located in the side or rear yard and be setback a minimum of five (5) feet from the property line.

E. Perimeter Boundary Setbacks

Setbacks abutting the perimeter boundaries of the entire cluster subdivision site must be 50 feet. Lands in this setback area may be dedicated and counted as open space. A permanent wooded buffer of 50 feet in width may be maintained around the perimeter of the subdivision to meet this standard. The wooded buffer should be connected to the open space within the subdivision.

F. Required Open Space

The total area dedicated as permanent open space must make up at least 40 percent of the net acreage of the subdivision, resulting from excluding the internal road rights-of-way.

G. Open Space Use, Location, and Design

1. Open space must be dedicated or reserved for one or more of the following purposes:
   a. Conservation and avoidance of development in any identifiable natural hazard areas, including areas that potentially pose a significant hazard to people or property:
      i. Designated floodways and floodway fringes identified in Federal Emergency Management Agency flood insurance studies;
      ii. Regulatory wetlands; or
      iii. Steep slopes, greater than 20 percent, and lands whose soils make them particularly susceptible to erosion when disturbed by development activities.
   b. Conservation and protection of any significant natural areas as identified in the County's natural heritage inventory;
   c. Protection, maintenance and dedication as open space of any identified historic resources or any public or private cemeteries part of subdivision development. An exception would be areas retained by their original owners, such as a family or church-owned and maintained cemetery;
   d. Provision of active and/or passive outdoor recreation opportunities such as ball fields, playgrounds, tennis courts, swimming pools, basketball courts, golf courses;
   e. Provision of passive outdoor recreation opportunities such as walking trails, greenways, nature trails, picnic areas, and natural vistas;
   f. Retention of productive farmland or forestland for continued agricultural or forestry use;
   g. Land for pedestrian access, such as sidewalks or greenways.
2. The highest priority for location, design, and use of open space must be given to conserving and avoiding development in any natural hazard areas on the subdivision site.
3. Open space may contain only such buildings, structures, accessways, and parking facilities as are necessary for its intended use as open space.
4. The location, size, character, and shape of required open space shall be appropriate to its intended use. Open space proposed to be used for recreation, particularly active recreation, shall be located and designed so as to be conveniently and safely reached and used by those persons it is intended to serve. Open space proposed to be used for ball fields, playing fields, or other extensive active recreational facilities should be located on land that is well-drained and has less than a five percent slope.

H. Open Space Dedication

Each dedicated open space parcel and improvements shall be shown on the final plat with a notation of its area and open space designation and recorded the Register of Deeds Office.

I. Design Procedure

Design procedures are as follows:

1. Existing Features/Site Analysis

   An existing features/site analysis must be included on a preliminary plat for submittal and review by the Planning Director. The preliminary plat must indicate all features that exist and are proposed on the subject site as described in this section. Additional standards for application procedures can be found in **Article 1, Division 3**.

2. Identification of Open Space/Conservation Areas

   Guidance as to which parts to classify as open space/conservation areas shall be based upon three (3) factors:

   a. On-site visits by the Planning Director, the subdivider, and the site designer.

   b. The open space standards and intent described in this section.

   c. The evaluation criteria as listed below.

3. Street, Trail, and Sidewalk Locations and Alignments

   All streets, sidewalks, and trails shall be sited in locations having the least environmental impact. Trails or sidewalks must connect housing clusters to designated open space and be connected to the cluster subdivision road network.

J. Evaluation Criteria

The following criteria will be utilized in determining the site's features to allow for site design flexibility as part of the evaluation process:

1. The open space shall be reasonably contiguous and abut existing open space on adjacent sites.
2. All wetlands, flood hazard areas, and slopes over 20 percent cannot be cleared, filled, or graded. Water features cannot constitute more than 30 percent of the open space area.
3. The impacts on larger woodlands over five (5) acres shall be minimized as much as practical.
4. Where farmland preservation is the goal of a site design, dwellings shall be located away from active farming areas, as is practical.
5. Where preserving scenic views is the goal of a site design, such scenic views should remain unblocked and uninterrupted. In wooded areas, where tree canopy and natural screening is a feature to be maintained, a no-cut and no-build buffer shall be considered along the public roadway.
6. Where historic or archeological preservation is the goal of a site design, new streets, driveways, fences, utilities, or other development cannot negatively impact the historic site.
7. Where utility rights-of-way are proposed to be included as part of the open space, the rights-of-way shall not exceed 20 percent of the required open space.

8. Area used for the installation of individual and community wells and septic systems cannot exceed 30 percent of the open space.

### Section 44-331 Connectivity

An interconnected system of parks, trails, greenways, and bikeways provides a greater public benefit than isolated parks. The County encourages creating a linear parks and open space system that help inform neighborhood design and layout, as well as connecting new open spaces with existing linear parks and open space areas. This design approach creates opportunities to protect natural areas, support wildlife habitat, support the County's rural aesthetic, and create common public gathering spaces.

### Section 44-332. Ownership and Maintenance

A. Homeowners Association

All neighborhood recreation and open space shall be maintained by a homeowners' association in an appropriate manner so it continues to function for its intended use in perpetuity. All residents of a development shall have permanent access to and use of the open space.

B. Condominiums

The open space and associated facilities may be controlled through use of a plat or plan that conforms to the North Carolina Condominium Act (G.S. chapter 47C). All open space and associated facilities shall be held as a common element as defined in the North Carolina Condominium Act. A proposed operations budget and plan for long term capital repair and replacement shall be submitted with the application for development approval.

C. Dedication of Easements

The County may, but is not required to, accept easements for public use of any portion or portions of undivided parks and/or open space land, title of which is to remain in ownership by condominium or homeowners' association, provided:

1. Such land is accessible to County residents;
2. There is no cost of acquisition other than costs incidental to transfer of ownership, such as title insurance; and
3. A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association, and the County.

D. Transfer of Easements to a Private Conservation Organization

An owner may transfer perpetual easements to a private, nonprofit organization, among whose purposes it is to conserve parks and/or open space and/or natural resources (such as a land conservancy), provided that:

1. The organization is a bona fide conservation organization with perpetual existence.
2. The organization is financially capable of maintaining such parks and/or open space.

3. The conveyance contains legally enforceable provisions for proper reverter or retransfer if the organization becomes unwilling or unable to continue carrying out its functions.
4. Trails or open spaces that are designated components of the Parks Master Plan as part of a linear trail system shall be dedicated for public use. Maintenance shall be performed by an appropriate organization identified in this section.

## Division 6. Sign Regulations

### Section 44-333. Purpose

This division regulates the number, size, and location of signs in all zoning districts. It is designed to enhance the information displayed to the public; aid in wayfinding within the County; identify establishments, uses, and events; spur economic activity; stabilize and protect property values; maintain the visual attractiveness of the County; and promote the safety, health, and general welfare of County citizens and the public.

### Section 44-334. General Provisions

A. Applicability

No sign may be displayed, maintained, or operated except in accordance with this section and any other applicable laws and regulations.

B. Permit Required

Except for signs exempted under this section from the requirement for a permit, prior to the display of any sign, a zoning permit must be obtained for the sign.

### Section 44-335. Permits; Standards Generally, Maintenance

The following applies to signs regulated by this section:

A. Zoning Permit Required

Before any sign is displayed or structurally altered, it shall receive approval in accordance with **Article 1, Division 3** of this UDO.

B. Construction Standards

All signs shall be constructed and installed in accordance with the applicable provisions of this UDO, state building code, and any other applicable laws, County codes, or regulations.

C. Electrical Standards

All illuminated signs shall be energized and illuminated in accordance with the applicable provisions of this UDO, state building code, and any other applicable laws, County codes, or regulations.

D. Maintenance

All signs and sign structures shall be maintained in good structural and aesthetic condition. They shall be kept safe and in good repair, free of deterioration or missing parts (examples of which would include, not for purposes of limitation, chipped paint, broken plastic, missing letters, disfigured surfaces, and incomplete illumination), and at all times they shall comply with all applicable provisions of this UDO, state building code, and any other applicable laws, County codes, or regulations.

E. Removal of Copy

If all or part of a sign's copy is removed, the person owning or having control over the sign shall, within 60 days of the removal of the copy, either replace the copy or remove the remaining components of the sign. If the sign is removed, the zoning permit for the sign will be deemed to have become null and void.

### Section 44-336. Signs Not Requiring a Permit

To the extent they comply with the applicable requirements of this section and with all other applicable laws and regulations, the following signs may be displayed without obtaining a zoning permit:

A. A single on-site sign less than two square feet in area used for street number or postage delivery identification purposes and includes no more than street names and/or numbers, post office box numbers, and/or the names of occupants of the premises.

B. Signs posted by authorized governmental entities on public property or within a public right-of-way.

C. Directional/Informative signs that only: (i) provide information to assist with direction or safety with respect to the premises on which they are located, such as signs that state "entrance," "exit," "one way," "telephone," "parking," "no parking," and similar instructions, or (ii) provide information pertinent to the immediate safety or legal responsibilities of passersby or the public, such as signs warning of high voltage and "no trespassing" signs. A sign permitted under this section shall not exceed four square feet in area and shall not be placed in any sight triangle. If such a sign directs to an entrance or exit, it shall be located no farther than 15 feet from any entrance or exit to which it refers.

D. On-site signs located on property owned or operated by a governmental entity.

E. Light/street pole banners displayed in conjunction with decorative light fixtures if located in a mixed-use development, a village center, or a residential development.

F. The following temporary signs:

1. Signs on property for sale or lease.

a. Temporary signs are permitted on properties being marketed for sale or lease. One such sign is allowed along each street or road on which the property fronts. Such a sign must be located outside of any street or road right-of-way. Such a sign must be removed immediately once the property on which it is located is no longer being marketed for sale or lease.

b. For a property one acre or less, each such sign cannot exceed six square feet in area. For a larger property, each such sign may be up to 20 square feet in area.

c. In addition to the on-premise signs authorized above, when a property is being marketed for sale or lease, the property's owner may erect no more than three off-premise signs within one mile of the property for sale or lease. One or more such sign may be erected for no longer than 72 hours at any one time and no more than once every month.

2. For a property where construction or development is occurring, one (1) construction sign is permitted along each street or road the property fronts. Each such sign cannot exceed 32 square feet in area and must be located outside any street or road right-of-way. Each such sign must be removed within ten days after the earliest of: (i) issuance of a certificate of occupancy for the project, (ii) expiration or revocation of any permit(s) required for the construction or development, or (iii) the cessation of the construction or development.

3. One temporary sign may be displayed on a property with a business or other establishment to coincide with a temporary event happening on the property. Each such sign shall not exceed 32 square feet in area. Such signs may be displayed no earlier than 14 days before the temporary event begins and no later than 7 days after the event concludes. A particular property may display one or more such temporary signs, regardless of whether those signs coincide with the same event, for no more than 60 days total during any calendar year.

4. Political signs may be displayed within any public street right-of-way or road right-of-way preceding any election in which any residents of the County can vote. Political signs shall also be governed by G.S. 136-32, which shall take precedent if there is a conflict with this section. Each such sign:

a. Shall be temporary,

b. Cannot exceed six square feet in area or 42 inches in height,

c. Shall be at least three feet from the edge of the street or road pavement,

d. May be displayed no earlier than 30 days before the first date on which any County residents can vote, whether in the election itself or in any primary leading up to the election,

e. May be displayed no later than 30 days after the election ends, which shall not be deemed to have occurred until any necessary runoff elections have ended,

f. May not obscure motorist or pedestrian visibility at any intersection nor impede vehicular or pedestrian traffic, and

g. May not obscure any other sign.

### Section 44-337 Prohibited Signs and Sign Locations

The following are not permitted anywhere within the County:

A. Portable signs; banners; fabric, plastic, or similar material pennants; balloons or other air- or helium-filled signs or items, whether containing any copy or not, except that such signs may be used for a temporary event held by the County or a nonprofit, if only used for the day of the event.

B. Signs that move (other than changeable copy or LED screens) or have mechanical moving parts.

C. Roof signs.

D. Signs that contain pulsating, rotating, or flashing lights.

E. Off-premise signs, except as specifically permitted in this section.

F. Pavement markings for purposes other than official traffic control.

G. Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges or overpasses, rocks, other signs, benches, refuse containers, shipping containers, or other similar items.

H. Signs placed within any sight triangle, except for traffic control signs displayed or approved by a governmental body with authority to do so.

I. Except where specifically exempted in this section, signs on public property or in a public right-of-way.

J. Signs that contain language or pictures that are obscene as defined in G.S. 14-190.1.

K. Signs that imitate traffic control devices or that might reasonably be confused for traffic control devices.

L. Signs not maintained in accordance with this UDO.

M. Vehicle signs that are either parked or driving in a location where they are visible to the public where the principal use of the vehicles is not transportation but is advertising.

### Section 44-338 Surface Area Computations

A. The surface area of a sign is computed as including the entire area within a regular geometric figure, including all elements of the display, but not including structural framing, display of identification licensing officially required by any government body, or structural elements outside the sign surface that bear no advertising matter.

1. For signs mounted back-to-back, the surface area of one side is calculated. The back surface can be used for an identical or additional message.
2. For cylindrical signs, signs in the shape of cubes, "V-shape," or other signs that are substantially three-dimensional, the entire display surface or surfaces are included in computations of area.
3. For signs with changing panels, light-emitting diodes (LED) technology, and/or electronic screens, the display surface area will be computed as if the sign had a single message area.
4. For purposes of monument-type signs, the surface area of the base will not be computed as part of the surface area of the sign.

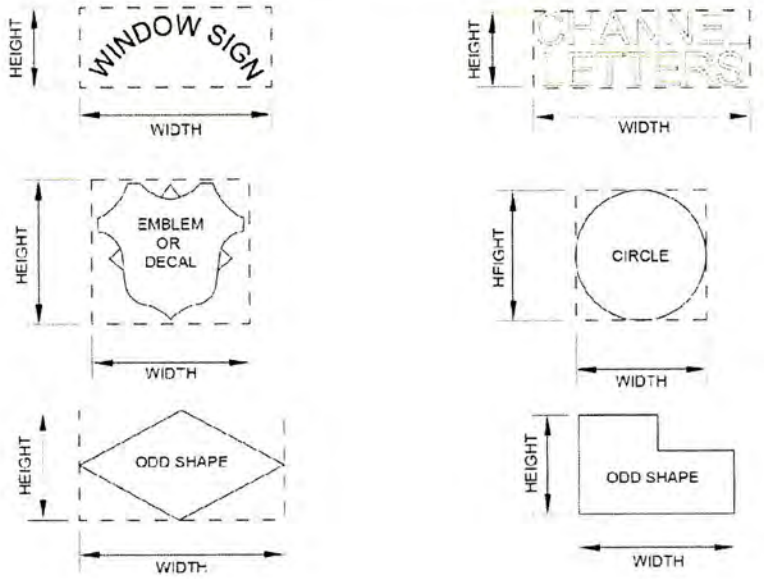
5. The area devoted to signage on the face of a canopy or awning sign counts toward the percentage of wall signage allowed.

B. Any blank surface areas of the sign that could be utilized as a display area will be included in the surface area computation.

C. Embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area shall be computed separately as part of the total surface area of the sign.

D. The following diagrams in **Figure 44-336-1** indicate how the area of a sign is to be calculated.

**Figure 44-336-1. Surface Area of Signs**




## Section 44-339 Direct Illumination

Signs may be directly illuminated from an external light, as long as no source of illumination (such as floodlights, spotlights, or unshielded bulbs) shine directly into any public right-of-way or adjacent residential property. LED-lit signs shall not be of an intensity that glares or creates a safety hazard to travelers along any public right-of-way.

## Section 44-340. Freestanding Signs

For the purpose of determining the number of freestanding signs on a property, a sign is a single display surface or display device containing elements organized, related, and composed to form a unit. A sign with back-to-back or angled message surface is considered to be one sign.

## Section 44-341. On-Premise Freestanding Signs

On-premise freestanding signs are allowed as follows:

A. No more than one on-premise freestanding sign is allowed per lot, subject to the exceptions provided elsewhere in this section.

B. A single consolidated sign, of unified design and construction, is required when more than one use is located on a single lot.

C. All on-premise freestanding signs shall observe the maximum permitted sign area requirements of **Table 44-341-1**, except signs on properties with home occupations, which have specific regulations below.

D. For a lot that fronts on multiple streets or roads, one on-premise sign is permitted along each street or road that the lot fronts, provided each sign is separated from any other by at least 150 feet and is located a minimum of 100 feet from any residential district.

E. All parts of the sign and sign structure must be located outside all street and road rights-of-way. The applicant is responsible for identifying the boundaries of all such rights-of-way and for providing that information in the sign permit application.

F. Light-emitting diodes (LED), electronic messages, and other similar technologies are allowed in all nonresidential districts, with exception of the village district. LED and other similar technologies are allowed in residential districts only for the following uses: schools, places of worship, public use facilities, community recreation, and other nonprofits. In all situations, this technology can be utilized only if the following requirements are met:

1. Pulsating or flashing sign structures or messages are prohibited.
2. LED signs must hold a static message for a minimum of eight seconds.
3. The sign's brightness does not cause a hazard for passing motorists or issues with neighboring property owners.

G. Unless specifically regulated under this UDO, approved home occupations, cottage businesses, backyard businesses, and supplemental or special uses may have one nonilluminated sign with a maximum area of four square feet and a maximum height of four feet, including the height of any pedestal attached to the sign.

H. Planned development signage may have additional signs to accommodate multiple uses that may be located as part of the development, as follows.

1. One multi-use sign structure having no more than two sign surface areas may be erected on a property, unless allowed below.
2. If a property has frontage on more than one street, a multi-use sign is permitted to front each street from which there is an entrance to the development. The maximum area and height permitted for each planned development on premises sign is allowed to be 50 percent larger than the maximum sign area and height limitation of a single-use sign, as noted in **Table 44-341-1**.

3. If a property has frontage on and access from more than one street, instead of having a sign on each street frontage, the property owner may choose to install one sign that serves the entire property. This one sign may have a sign face up to 75 percent larger than the maximum sign area and height limitation of a single-use sign, as noted in **Table 44-341-1**.
4. One additional multi-use on-premise sign, with a maximum area of 12 square feet and a maximum height of six feet, is permitted for each individual building within a planned development.

I. Lakefront properties with nonresidential uses may have one additional on-premise freestanding sign, located between the structure and the lake, with a maximum sign surface area of 32 square feet and a maximum height of seven feet, for each commercially zoned property. In no case shall the maximum height exceed the adjacent road grade. Additionally, these requirements must be met:
   1. Neon or LED signs are not permitted.
   2. Only internal sign illumination and full cut-off downcast lighting is allowed in order to limit light spillage onto neighboring properties.

**Table 44-341-1. On-premise Single Development Sign Regulations**

| Sign Requirements—Based on Size and Speed of Adjoining Street | | | | |
|---|---|---|---|---|
| Number of Travel Lanes | Maximum Speed Permitted | Surface Area Maximum (in square feet) | Height Maximum (in feet—including pedestal) | Illuminated Allowed |
| 2 | 15—25 | 10 | 5 | Yes |
| 2 | 30—40 | 20 | 6 | Yes |
| 2 | 45—55 | 50 | 16 | Yes |
| 4 | 15—25 | 15 | 6 | Yes |
| 4 | 30—40 | 35 | 11 | Yes |
| 4 | 45—70 | 80 | 18 | Yes |
| 6 | 15—25 | 20 | 14 | Yes |
| 6 | 30—40 | 40 | 16 | Yes |
| 6 | 45—70 | 100 | 20 | Yes |

### Section 44-342 On-Premise Wall Signs

A. Wall signage is permitted on each wall of a nonresidential building and shall not extend above the building's lower roofline.

B. Total wall signage allowance includes:
   1. Front building wall: up to two square feet of area per linear foot of the building wall; not to exceed 300 square feet.

2. Side and rear walls: up to one square foot of area per linear foot of the building wall; not to exceed 150 square feet.

C. LED, electronic messages, and other similar technologies are allowed in all nonresidential districts. This technology can be utilized subject to the following:

1. Pulsating or flashing sign structures or messages are prohibited.
2. LED signs must hold a static message for a minimum of eight seconds.
3. The sign's brightness does not cause a hazard for passing motorists or issues with neighboring property owners.

D. Approved home occupations, cottage businesses, backyard businesses or special uses may have one non-illuminated wall sign in lieu of an on-premise sign meeting the size requirements.

### Section 44-343. Off-Premise Signs—Billboards

A. Off-premise signs are limited to one per lot. For signs mounted back-to-back or V-shaped, the surface area of one side is calculated. Double-stacked sign units are prohibited.

B. The maximum permitted area shall be 380 square feet per face for signs abutting I-40 and 250 square feet per face for all other signs.

C. The maximum sign height for signs fronting along limited-access highways is 50 feet as measured from the existing grade at the base of the sign, or 50 feet as measured from the adjacent highway road surface, whichever results in the greater allowable height. For signs fronting on all other roads, the maximum sign height shall be 35 feet measured from the finished grade at the base of the sign or 35 feet measured from the road surface adjacent to the sign, whichever results in the greater allowable height.

D. Off-premise signs must meet the principal building setback requirements of the district within which they are located. All parts of the sign and sign structure must be located out of the right-of-way. However, if sign structures on adjacent lots are set back from the front lot line more than the required front-setback dimension, the signs must meet the greater front-setback requirement.

E. Off-premise signs must be separated from other structures on the same lot by a minimum of 75 feet.

F. Off-premise signs are permitted in Highway Commercial (HC) and Industrial (LI and GI) districts only.

G. Off-premise signs are prohibited in the Highway 321 corridor on land zoned 321-ED. In addition, off-premise signs are prohibited along NC Hwy. 150, NC Hwy. 127, NC Hwy. 10, NC Hwy. 16, and Hwy. 70.

H. Off-premise signs shall be located a minimum of 400 feet from any residentially zoned property, park, school, or hospital, as measured from the nearest point of the sign to the nearest point of the property line. The road right-of-way shall be included as part of the 400-foot requirement.

I. Off-premise signs located along I-40 shall be separated by a minimum distance of 1,000 feet when on the same side of the road and 500 feet when on opposite sides of the road, measured radially from sign to sign. For all other roads and locations, off-premise signs shall be separated by a minimum of 1,000 feet, measured radially from sign to sign.

J. As part of the application for a zoning permit for an off-premise sign, a notarized letter from the property owner where the sign will be located must be submitted stating a lease agreement has been executed with the applicant.

K. The poster material of the off-premise sign shall be made of all-weather, fade-resistant material such as vinyl or similar synthetic material. For short-term advertisers (60 days or less), other material may be used, subject to it being properly maintained to avoid separation and flagging from the billboard.

L. Lighting, if installed, shall be placed at the top of the sign and be directed such that the illumination is contained to the sign area of the off-premise sign. Flashing or strobe lights are prohibited.

M. No vegetation on public property, including the public right-of-way, shall be cut for the purpose of increasing or permitting visibility to the off-premise sign unless pre-approved by the governmental authority having jurisdiction over the vegetation, such as NCDOT.

N. The back of the sign and the structural pole shall be painted in an earth-tone color, which includes shades of gray and brown.

O. All new sign structures must be supported by a steel monopole.

P. Off-premise roof signs are prohibited.

Q. LED, electronic reader boards, and other electronic signs are allowed on off-premise signs, provided that:

1. The signs are separated from another off-premise sign with any similar technology by 1,200 feet;
2. An LED off-premise sign must hold a static message for a minimum of eight seconds; and
3. The sign's brightness does not cause a hazard for passing motorists or issues with neighboring property owners.

### Section 44-344. Off-Premise Directional Signs

A. Up to three off-premise directional signs are permitted under the following standards:

1. The principal use to which the sign directs is not located on a collector or arterial street and:
   a. The use is located in an Office-Institutional (OI), Commercial (RC or HC), or Industrial district (LI or GI); or
   b. The use is an approved special use.
2. A notarized letter stating that permission has been obtained from the owner of the land where the sign is to be placed shall accompany any application for a zoning permit.

3. The sign cannot exceed 16 square feet for a single use or 48 square feet for more than one use.
4. The sign must be of unified design when more than one use utilizes a single sign.
5. The height of an off-premise directional sign cannot exceed six (6) feet.
6. Such signs are not allowed for properties with home occupations, cottage businesses, or backyard businesses.

B. All parts of the sign and sign structure shall be located outside all rights-of-way and site triangles. The applicant is responsible for obtaining right-of-way information for any sign permit.

C. Off-premise directional signs shall not be illuminated.

### Section 44-345. Development Entrance Signs

The following apply to signs at a residential development entrance or within a median for a development entrance:

A. The applicant or assigned HOA shall maintain the sign and the area around the sign. The signs shall be removed, if not properly maintained, at no expense to the public. For purposes of this subsection, "properly maintained" means maintained in a manner that does not cause the sign to become a public nuisance or endanger public safety. The "area around the sign" means any area that includes supports, landscaping, or other features relating to the sign.

B. A maximum of two signs is permitted at each entrance.

C. If the sign is to be located within the right-of-way of any state system road, the applicant is responsible for obtaining NCDOT approval.

D. The sign shall not exceed 32 square feet in area.

E. Only internal sign illumination and full cut-off downcast lighting is allowed in order to limit light spillage onto neighboring properties.

### Section 44-346. Limited Access User's Sign

For properties located within 500 feet of the beginning of the limited access portions of I-40, Highway 321, and the intersection of an arterial street in which access to the property has been limited, a single sign is permitted as follows:

A. Maximum height is limited to 50 feet and a maximum area of 100 square feet.

B. The Planning Director may allow a greater height, up to a maximum of 130 feet or 130 feet above the closest road surface elevation adjacent to the sign, whichever is higher. The additional height would be considered in order to permit seven seconds of visibility of the sign prior to the beginning of the exit ramp for traffic traveling at the legal speed limit. A report shall be submitted by a professional engineer to validate this allowance.

C. If the Planning Director allows additional height, the maximum sign size may be increased by five square feet for each foot of allowed height above 50 feet, up to a maximum of 300 square feet.

D. Signs shall meet the setback requirements of the district within which they are located. All parts of the sign and the sign structure shall be out of the right-of-way.

E. Where a limited access highway user's sign is installed on a developed lot, there may be one additional on-premise sign installed, if it is separated from the limited access highway user's sign by more than 500 feet.

### Section 44-347. On-Premise Canopy Signs for Fuel Pump Islands

A. Purpose

For any use where fuel-pump islands are permitted, in addition to one freestanding sign, one static fascia canopy sign is permitted on all sides of a fuel-pump island canopy that are visible from the public right-of-way. Each canopy sign may have a maximum area equal to 25 percent of the canopy fascia surface with a maximum height of two feet.

# Article 4. Nonconformities

## Division 1. General

### Section 44-401. General Provisions

A. Purpose

This article provides for the continuance of nonconformities along with regulations that protect the County's planning process, surrounding neighborhoods, and property rights. Specifically, this article:

1. Describes the different types of nonconforming situations, including nonconforming uses, nonconforming structures, and nonconforming lots and site features.
2. Establishes conditions on the continuance of nonconforming situations.
3. Establishes conditions for expansion of nonconforming situations.
4. Describes the review process for nonconformity modifications.

B. Applicability and Classification

1. This article applies to the following types of nonconformities:
   a. Uses (including those occurring outside of a structure or without a structure);
   b. Structures;
   c. Lots/land; and
   d. Site features (e.g., signs, landscaping).
2. This article applies regardless of how the nonconformity was created (changes to the UDO or Zoning Map, private action, a lawful public taking, or action pursuant to a court order).

C. Procedures

The procedure for approving expansions to nonconformities under this article shall be the one followed for Expansion of a Nonconforming Use Permit as described under **Sections 44-138**, involving a quasi-judicial process by the Board of Adjustment, unless stated differently in this article.

1. Submittal Requirements

   In addition to any other requirements, the Expansion of a Nonconforming Use Permit application for nonresidential uses, lots/land, and structures must include the additional number and percentage of employees that will be added due to the nonconforming use's expansion.

2. Standards

   The Board of Adjustment shall only approve an expansion to or modification of a nonconforming use, building, lot, or site feature Expansion of a Nonconforming Use Permit if it finds all the following conditions exist, unless the applicant has agreed to

completely mitigate those conditions as a condition of the approval. The expansion shall not:

a. Adversely affect traffic;

b. Adversely affect the physical environment pertaining to water pollution, air pollution, and noise pollution;

c. Adversely affect the provision of services and utilities;

d. Create a health or safety hazard;

e. Adversely affect other property values; and

f. Impair the health, safety and general welfare of the surrounding neighborhood and substantial justice would be done in carrying out the request.

3. Conditions

The Board of Adjustment may require appropriate conditions and safeguards in accordance with this UDO. Such conditions and safeguards may include but are not limited to any of the following that are reasonably related to the impacts of the expansion:

a. Improvements to streets or other infrastructure, with approval of NCDOT.

b. Existing and expanded building areas or freestanding buildings shall meet all landscaping standards set forth in **Article 3, Division 3**. The Board of Adjustment may reduce landscaping requirements in specific areas where not doing so would require demolishing pavement or interfere with building configuration to the extent deemed impractical by the Board of Adjustment.

c. Existing and expanded building areas or freestanding buildings shall meet all parking standards, lighting standards, and sign standards set forth in **Article 3**.

D. Monitoring of Nonconforming Uses

The Planning Director may monitor, on an ongoing basis, existing nonconformities to assess compliance with this article.

### Section 44-402. Right to Continue

Subject to conditions imposed herein, nonconformities are allowed to continue in accordance with the requirements of this article. Where a lot includes more than one nonconformity (e.g., nonconforming structure and nonconforming use), each nonconformity is treated separately and may be continued in accordance with the requirements of this article.

### Section 44-403. Repair and Maintenance

A. No provision of this UDO shall be construed to prohibit the routine repair and maintenance of structures, signs, and other uses of land, in order to keep the structure, sign, or other use of land in the same condition as when the nonconformity was established; to accomplish modifications necessary for compliance with stormwater management regulations or the ADA; or to bring to a safe condition any structure declared to be unsafe by any official charged with protecting the public safety, health, or welfare.

B. Routine repair and maintenance for residential and nonresidential structures does not require a zoning permit.

## Division 2. Uses

### Section 44-404. Discontinuance or Change of Use

A. Applicability

This section applies to any characteristics of uses that were lawful when established, but that are prohibited, regulated, or restricted by this UDO, or no longer conform to any development standards established in this UDO.

B. Change of Use

Any nonconforming use of a lot or structure may be changed to a use of equal or less intensity, subject to the Planning Director's approval, without any required site or building modifications (i.e. expanded parking areas, enhanced landscaping, etc.) Intensity refers to the number of units per acre for residential development, and floor area coverage for commercial and industrial developments.

C. Discontinuance of Use

Once a nonconforming use has ceased to operate or been discontinued for a period of 180 days or longer, it may not be re-established and it shall only be replaced with a conforming use. A nonconforming use is presumed to be discontinued if any basic utility has been disconnected for 180 consecutive days or longer or activity has ceased on the property. Discontinued uses also include uses that occur outside of a building or structure. A stop work order does not cause a discontinuance unless the corrective action is not completed and/or permits have been received within 180 days.

D. Abandonment

1. If active operations, including marketing the property for sale, are discontinued for a continuous period of 180 days, with respect to a nonconforming use of land or structure:
   a. The land or structure may only be used for a conforming use; and
   b. All development standards of this chapter shall apply at the time the use or structure is re-established or reconstructed.

E. Subdivisions with Existing Manufactured Housing

1. Class A and B (doublewide/multi-section and singlewide) manufactured homes that meet the requirements listed in this UDO regarding placement, skirting, parking, and other regulations are allowed on the following:
   a. Vacant lots never occupied within an existing manufactured home subdivision. An existing manufactured home subdivision must meet the following:
      i. Platted and recorded prior to February 6, 2007, or recorded by deed prior to July 1, 1982;

ii. Consist of three or more lots; and

iii. Had at least one manufactured home as of the effective date of February 6, 2007.

b. Lots which were previously occupied as of February 28, 2005 within an existing manufactured home subdivision. An existing manufactured home subdivision must contain three or more lots.

2. Enlargement of existing nonconforming manufactured homes (not replacement) may be allowed if the enlargement:

a. Meets current district setbacks;

b. Meets building code; and

c. Does not attach a manufactured home to the existing manufactured home.

3. Class D and E (doublewide/multi-section and singlewide) manufactured homes not meeting the appearance criteria, which were located within the County as of March 18, 1996, are allowed on vacant lots within an existing manufactured home subdivision. An existing manufactured home subdivision must meet the following:

a. Platted and recorded on or before March 18, 1996 or recorded by deed prior to July 1, 1982;

b. Consist of three or more lots;

c. Had at least one manufactured home as of February 6, 2007; and

d. Be located within the Doublewide Manufactured Home Overlay (DWMH-O) district.

4. Skirting Requirement

a. Class A and D (doublewide/multi-section) manufactured homes must be skirted with material manufactured for this purpose in accordance with **Subsection 44-219(A)(6)a** or **b**.

b. Class B and E (singlewide) manufactured homes must be skirted with material manufactured for this purpose in accordance with standards set by state regulations for manufactured/mobile homes. Examples of commonly recognized building materials suitable for use as skirting include but are not limited to: brick, concrete block; natural or synthetic stone; or vinyl. Assemblies, products and materials manufactured expressly for the purpose of skirting must be installed in accordance with manufacturers' specifications.

F. Manufactured Home Parks

1. If the operating permit should be revoked, or if the nonconforming park should cease operation for a period of 180 days, the park cannot reopen until it complies with all the standards of this UDO and all other applicable state and local regulations.

2. Parks operating as existing nonconforming uses are prohibited from expanding the land area of the park or the number of sites within the park.

3. Class A and B (doublewide/multi-section and singlewide) manufactured homes meeting appearance criteria may be placed in a nonconforming manufactured home park, as long as they meet the underpinning requirement and other applicable regulations in this UDO.
4. Class D and E (doublewide/multi-section and singlewide) manufactured homes not meeting appearance criteria which were located within the county as of March 18, 1996, may be relocated to a nonconforming manufactured home park approved on or before March 18, 1996, whether inside or outside the DWMH-O.
5. Skirting Requirement
   a. Class B and E (singlewide) manufactured homes must be skirted with material manufactured for this purpose in accordance with **Subsection 44-404(C)(3)b** above.

G. Class A and D (doublewide/multi-section) manufactured homes must be skirted with material manufactured for this purpose in accordance with **Subsection 44-219(A)(6)b.** Replacement of Nonconforming Manufactured Homes
   1. A nonconforming singlewide manufactured home can be replaced with a class A or B (doublewide/multi-section or singlewide) manufactured home, a modular home, or a stick-built home meeting building code. A manufactured home must be skirted with material manufactured for this purpose in accordance with this UDO.
   2. A nonconforming doublewide/multi-section manufactured home can be replaced only with a class A (doublewide/multi-section) manufactured home, a modular home, or a stick-built home meeting building code. A doublewide/multi-section manufactured home must be skirted with material manufactured for this purpose in accordance with this UDO.

## Section 44-405. Expansion or Enlargement

A. Applicability
   1. This section applies to any nonconforming uses of structures that lawfully existed as of February 5, 2007 or became nonconforming by adoption of this article.
   2. Structures or uses may expand on the lot that existed when the structure became nonconforming if the Board of Adjustment approves an Expansion of a Nonconforming Use Permit subject to the standards listed in this article.
   3. A nonconforming use may be extended throughout any portion of a vacant enclosed building that already contains a portion of the nonconforming use. Open areas such as storage yards and similar areas are not eligible for this expansion provision. Outdoor uses may not be expanded or enlarged unless approved by the Board of Adjustment.
   4. The intensity (number of dwelling units per acre for residential developments and floor area coverage for commercial developments) is not permitted to increase unless approved by the Board of Adjustment.

B. Nonresidential and Multifamily Uses

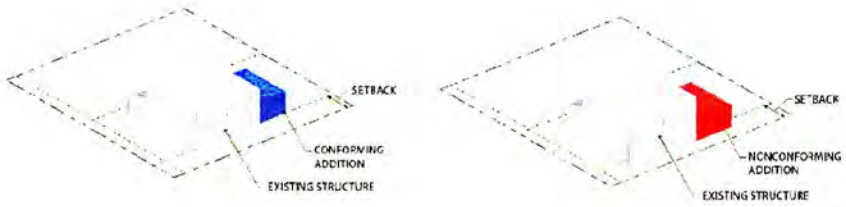
## Article 4. Nonconformities

### Structures and Uses

1. Administrative Approval

   Approval for the expansion, increase in intensity or frequency of existing nonresidential uses, buildings containing nonconforming uses, or additional detached nonresidential structures may be granted by the Planning Director when the increase in intensity, frequency and total square footage of the expansion/addition is ten percent or less of the total area of the principal structure/ Use as it existed as of the effective date of this UDO. A quasi-judicial hearing is not required; however, a detailed site plan reflecting the original intensity, frequency, or footprint of the existing and new building/ Use must be submitted for review and approval by the Planning Director.

**Figure 44-405. Expansion of Nonconforming Structure or Use**




## Division 3. Structures and Uses

### Section 44-406. Relocation

A nonconforming structure or Use shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless upon relocation it conforms to the requirements of this UDO and all necessary permits have been obtained.

### Section 44-407. Replacement, Reconstruction, Repair or Improvement

A. Applicability

   This section applies to structures and replacement, reconstruction, repair or improvements incidental to nonconforming uses damaged or destroyed (partially or fully) by natural causes, fire, wind, flooding, or insect damage.

   1. If any nonconforming structure is partially demolished or destroyed, it may be repaired but cannot increase the existing nonconformity.

2. If any nonconforming structure is fully demolished or destroyed, any replacement structure may be rebuilt to its original footprint but cannot increase the existing nonconformity.

B. Single-family Homes and Duplexes

1. Nonconforming modular or stick-built single-family homes or duplexes which are partially or fully destroyed may be rebuilt or repaired by right. The footprint of the replacement structure may be enlarged but cannot increase the pre-existing nonconformity.

2. Any nonconforming modular or stick-built single-family home may be enlarged or replaced with a larger home if the enlargement:

a. Does not create new nonconformities; and

b. Does not increase the pre-existing nonconformity.

C. Nonresidential and Multifamily Structures

a. Nonconforming non-residential and multifamily (three or more dwelling units) structures that are partially or fully destroyed may be rebuilt or repaired, provided the Board of Adjustment makes the following findings of fact:

i. The use will not adversely affect traffic;

ii. The use will not adversely affect the physical environment pertaining to water pollution, air pollution, and noise pollution;

iii. The use will not adversely affect the provision of services and utilities;

iv. The use will not create a health or safety hazard;

v. The use will not adversely affect other property values; and

vi. The use will not impair the health, safety, and general welfare of the surrounding neighborhood and substantial justice would be done in carrying out the request.

b. In permitting such reconstruction, the Board of Adjustment may require appropriate conditions and safeguards to protect the purpose and intent of this article.

### Section 44-408. Expansion or Enlargement

Nonconforming structures may be expanded up to 10% administratively. To expand a nonconforming structure more than 10%, approval must be granted by the Board of Adjustment.

## Division 4. Site Features and Lots

### Section 44-409. Lots of Record

A. Applicability

This section applies to lots/land considered nonconforming or substandard with respect to their dimensional standards in relation to the current zoning district. A lot/land is considered undeveloped if it has no existing structures.

## Article 4. Nonconformities

### Site Features and Lots

B. Lot Size

1. Subject to the requirements of this article, a nonconforming lot existing prior to February 5, 2007 may be used for any use permitted by right in the zoning district. However, if supplemental use standards in **Article 2, Division 6** require a larger minimum lot size than the standard listed in **Table 204-1** for a specific use and the existing lot does not meet that minimum, that use is not permitted.

2. Proposed structures on a nonconforming lot platted and recorded as of February 5, 2007 must conform to all setbacks as required in the zoning district. If the proposed structure cannot comply with the building setbacks, the Planning Director may allow a front setback reduction when the average of the front setbacks of the adjoining properties is less than the minimum required front setback. In this case, the required front setback may be reduced to this lesser average depth, but in no case shall the setback be less than ten feet. For the purpose of computing such average, an adjacent vacant buildable lot shall be considered as having the minimum required front setback specified for the zoning district. Any side or rear setback reductions shall require a Variance approved by the Board of Adjustment in accordance with the standards in **Section 44-138.**

### Section 44-410. Signs

A. Nonconforming signs may continue to exist. Improvements, repairs, or reconstruction are allowed where the degree of nonconformity does not increase and the foundation or footing has not been damaged. Replacement of an existing nonconforming sign shall be brought into conformance with all UDO standards.

B. Conversion of a nonconforming sign to an LED display must comply with the following:

1. Light-emitting diodes (LED), tri-vision, electronic messages and other similar technologies are allowed in all nonresidential districts. In all situations, this technology can be utilized only if the following requirements are met:

   a. Pulsating or flashing sign structures or messages are prohibited.

   b. LED signs must hold a static message a minimum of eight seconds.

### Section 44-411. Landscaping, Buffers, and Screening

A. Applicability

Except as otherwise required by this article, landscaping that complied with the County's regulations at the time it was established on a site but which was rendered nonconforming by adoption of this UDO may continue, provided it is maintained in accordance with the maintenance requirements of the landscape buffers and screening standards in **Article 3, Division 3.**

B. Change of Use

If there is a change of use of the parcel, landscaping on the parcel shall be brought into compliance with all required landscape standards for the new use, and, to the maximum extent practicable, as determined by the Planning Director, with the landscape buffer standards, as found in **Article 3, Division 3**.

C. Expansion of Parking Area

If the total impervious area of parking and loading areas on a lot is increased by 25 percent or more, all nonconforming landscaping that is part of the existing parking and loading areas shall be brought into full compliance with internal parking area landscaping standards and screening of loading and service area standards, as found in **Article 3, Division 3**, unless the Planning Director determines these improvements are impracticable.

### Section 44-412. Parking Access

A. Applicability

Except as otherwise required by this section, an off-street parking area that complied with the County's regulations at the time it was established on a lot but which was rendered nonconforming by adoption of this UDO may continue.

B. Expansion of Existing Structure

If an existing structure on a lot is expanded to increase its gross floor area or if the existing use on the lot changes, nonconforming off-street parking shall be brought into compliance with the requirements of this UDO as follows:

1. If the expansion or use results in an increase that is less than 50 percent of the existing parking, the parking area shall have landscaping installed around the perimeter of the parking lot, in accordance with **Article 3**, including any additional spaces.
2. If the expansion or use results in an increase of parking that exceeds existing parking by more than 50 percent, the parking shall be brought into compliance with the parking standards in **Article 3**, to the maximum extent practicable, as determined by the Planning Director.

# Article 5. Violations & Enforcement

## Division 1. General

### Section 44-501. General Provisions

This article establishes procedures through which the County seeks to ensure compliance with the provisions of this UDO and obtain corrections for violations, as well as penalties and remedies that apply to violations of this UDO. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.

### Section 44-502. Compliance and Responsible Persons

Compliance with all procedures, standards, and other provisions of this UDO is required by all persons owning, developing, managing, using, or occupying land or structures in the County's zoning jurisdiction. Any person who violates this UDO shall be subject to the remedies and penalties set forth in this article. Ultimately, the property owner is responsible for ensuring their property follows the requirements of this UDO.

### Section 44-503. Responsibility for Enforcement

The Planning Director shall be responsible for enforcing the provisions of this UDO in accordance with the procedures described in this UDO and state law.

## Division 2. Violations

### Section 44-504. Violations Generally

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this UDO or the terms or conditions of any permit or other development approval or authorization granted in accordance with this UDO shall constitute a violation of this UDO and shall be subject to the remedies and penalties as provided in this article or permitted by law.

### Section 44-505. Specific Violations

The owner, tenant, or occupant of any land or structure or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this article shall be held responsible for the violation and be subject to the penalties and remedies provided in this article. It shall be a violation of this UDO to undertake any development contrary to the provisions of this UDO, including but not limited to any of the following activities:

A. Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining all appropriate permits and permit approvals, and complying with their terms and conditions;

B. Develop land or a structure without first obtaining the appropriate approval or permit;

C. Occupy or use land or a structure without first obtaining the appropriate approval or permit;

D. Develop land or a structure without complying with the terms or conditions of the approval or permit required to engage in development;

E. Occupy or use land or a structure in violation of the terms or conditions of the approval or permit;

F. Increase the intensity (the number of dwelling units per acre for residential development and floor area coverage or increased activity, such as longer hours of operations, expanded outdoor areas used for activities, or other similar actions, for commercial or industrial development) of development, except in accordance with the standards of this UDO;

G. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this UDO;

H. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate approval or permit;

I. Remove existing trees from a site or parcel of land without first obtaining appropriate development approvals and permits, and complying with their terms and conditions;

J. Create, expand, replace, or change any nonconformity except in compliance with this UDO;

K. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this UDO.

## Division 3. Enforcement Procedures

### Section 44-506. Complaints and Inspections

Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file a complaint with the Planning Director. The Planning Director shall properly record each such complaint, investigate, and take appropriate action.

The Planning Director is authorized to inspect at all reasonable times all land and structures that are subject to this UDO, upon presentation of proper credentials, to determine compliance or noncompliance with the requirements of this UDO. For inspection of areas not open to the public, appropriate consent must be obtained in written form. If consent is not given, an administrative warrant may be secured to complete the inspection.

### Section 44-507. Enforcement Procedure

A. Notice of Violation

1. When a violation of this UDO has been found, the Planning Director shall issue a written notice of violation to the permit holder and property owner who are in violation of this UDO. Multiple violations may be included in one notice of violation, and each violation identified in the notification shall be considered distinct and separate from one another. The notice of violation shall:

   a. State the nature of the violation(s);

   b. Provide a deadline for the correction of the violation(s); and

c. Advise the violator(s) of their right to appeal the notice of violation to the Planning Director within 30 days of the date the notice of violation was issued for a formal determination. Once a formal determination has been made by the Planning Director, then the appeal process to the BOA will apply.

2. The notice of violation shall be delivered to the landowner of the property involved and to the holder of any permit that has created the violation. The delivery shall be made by personal delivery, email, or first-class mail. The notice of violation may be provided by similar means to the occupant of the property or any person undertaking any work or activity giving rise to the violation. The notice may also be posted on the property.

3. The Planning Director shall certify the notice was provided, and this certification of violation shall be deemed conclusive in the absence of fraud.

4. Deadlines, except those pertaining to the time for an appeal, may be extended by the Planning Director upon acceptance of a written plan of action on behalf of the person responsible.

5. A final notice of violation, which may be the initial notice of violation or a subsequent notice of violation, shall state what course of action is intended if the violation is not corrected within the allotted time from the date the final notice of violation was issued.

a. Except as provided by State law, a notice of violation or final notice of violation may be appealed to the Planning Director within 30 days of the date the notice of violation was issued for a formal determination. Once a formal determination has been made by the Planning Director, then the notice of violation may be appealed to the Board of Adjustment pursuant to **Section 44-141**.

B. Application of Remedies and Penalties

If the owner of the property where a violation has occurred fails to comply with the final notice of violation from which no timely appeal has been taken, the Planning Director shall take appropriate action, as provided in this article, to correct and abate the violation and to ensure compliance with this UDO.

## Division 4. Penalties and Remedies

### Section 44-508. General Provisions

A. Any of the following remedies and enforcement powers may be used to administer and enforce this UDO following a final notice of violation issued in accordance with this article from which no appeal has been taken or from which all appeals have been denied.

B. The remedies provided for violations of this UDO, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law. While the County may exercise any of the following remedies or penalties in any order, they are listed in their general order or sequence of application.

C. In addressing repeat violations by the same offender, the County may commence the application of remedies or penalties at the stage in the process where the previous violation was resolved.

## Section 44-509. Penalties

A. In addition to the other remedies cited in this UDO for enforcement of its provisions, and pursuant to state law, the standards in this UDO may be enforced through issuance of civil or criminal penalties by the Planning Director. Penalties shall be assessed per violation.

B. Unless the offender has properly filed an appeal in accordance with **Section 44-141**, the Planning Director may issue subsequent citations for the same violation if the offender does not remedy the violation. After a citation is issued, each day the violation continues counts as a separate offense.

C. Civil Penalties shall be $50 per day for each day the violation(s) exist.

D. If the offender fails to pay the civil penalties within 30 days after having been cited, the County may recover the penalties in a civil action in the nature of debt.

E. Criminal Penalties

1. Flood Damage Prevention Violations

   Violation of the provisions of the Flood Damage Prevention Standards or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with Variances or Special Use Permits, shall constitute a Class 1 misdemeanor in accordance with G.S. 143-215.58. Any person who violates the flood damage prevention requirements of this UDO or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100.00 or imprisoned for not more than 30 days, or both. Each day such a violation continues shall be considered a separate offense. Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

2. Subdivision Violations

   Any owner of land within the UDO's jurisdiction, or their authorized agent, who subdivides land in violation of this UDO, or who transfers or sells land by reference to, exhibition of, or other use of a plat depicting a subdivision before the plat has been approved by the Planning Director and recorded with the Register of Deeds, is guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land requiring the offending party to comply with this UDO. Building permits may be denied for lots that have been illegally subdivided, and no water, sewer, or other public facilities or services may be extended to or connected to any land that has been illegally subdivided. In addition to other remedies, the County may institute any appropriate action or proceedings allowed by state law to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act.

## Article 5. Violations & Enforcement

### Penalties and Remedies

#### Section 44-510. Equitable Remedies

Any violation of this UDO may be enforced by any remedy provided by G.S. 153A-123. If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used or developed in violation of this UDO or of any development regulation or other regulation made under authority of this article, the County, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use, or development; to restrain, correct or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. The Planning Director may deny or withhold any authorized permit until an alleged violation is corrected.

#### Section 44-511. Stop Work Order Issuance

A. Whenever any work or activity subject to this UDO is ongoing and found to be in substantial violation of any State law, local law, or this UDO or to be conducted in a manner that endangers life or property, the Planning Director may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped by issuing a stop work order. The stop work order shall:

   1. Be in writing;
   2. Be directed to the person doing the work or activity; and
   3. State the specific work or activity to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work.

B. A copy of the stop work order shall be delivered to the permit holder and to the owner of the property involved (if that person is not the permit holder) by personal delivery, email, or first-class mail.

C. The Planning Director shall certify the stop work order was delivered, and this certification shall be deemed conclusive in the absence of fraud.

D. Violation of a stop work order is a Class 1 misdemeanor, punishable in accordance with state law.

E. Except as provided by G.S. 160D-1112 and G.S. 160D-1208, a stop work order may be appealed pursuant to **Section 44-141**. A stop work order due to violation of a local development regulation under this UDO may be appealed pursuant to G.S. 160D-405 within 30 days. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order shall constitute a Class 1 misdemeanor.

#### Section 44-512. Revocation of Approved Permit

The Planning Director may revoke any administratively approved permit when a violation of this UDO has occurred. To revoke an administratively approved permit, the Planning Director shall first provide written notification to the permit holder stating the reason for the revocation.

Permits issued or approved by a board, commission, or other body may only be revoked through the same process as was used for approval of the original permit. Development approvals or permits may be revoked if any of the following occur:

A. False statements or misrepresentations were made in securing the approval or permit;

B. Work is being or has been done in substantial departure from the approved application or plan;

C. There has been a failure to comply with the requirements of this UDO; or

D. A development approval or permit has been mistakenly issued in violation of this UDO.

### Section 44-513. Remedies for Disturbance or Destruction of Vegetation

A. The disturbance, damage, or removal of any landscaped area, vegetation, or trees required to be installed, maintained, or protected by this UDO shall constitute a violation and shall be subject to any individual or combination of penalties authorized and detailed in this article.

B. The penalties assessed under this section are in addition to, not in lieu of, the compliance requirements of this UDO. The County may employ any of the remedies authorized pursuant to state law.

1. Any act constituting a violation of this UDO resulting in the destruction, excessive trimming/pruning, damage, or removal of vegetation or landscape areas without approval from the Planning Director shall subject the offender and/or property owner to a civil penalty of $50 per day for each day the violation(s) exist.

2. Destruction, excessive trimming/pruning, damage, or removal of protected trees without the approval of the Planning Director shall be replaced at a 1:1 caliper inch ratio. For example, 30" (DBH) of existing trees were removed, requiring 30" (caliper) of new trees to be replanted. All replacement trees shall be a minimum of 4" caliper and planted in a location approved by the Planning Director. Tree replacement shall be rounded up to the nearest whole tree. For example, if 30" (caliper) of new trees are required, eight trees at 4" caliper each shall be installed.

3. In cases where the total inches (DBH) of trees removed in violation of this UDO cannot be determined, it shall be assumed that the site consisted of ten protected canopy trees per acre, each with a DBH of 20 inches.

# Article 6. Definitions

## Division 1. General

### Section 44-601. Terms Defined

A. Words contained in this Article are those having a special meaning relative to the purposes of this UDO. Words not listed in this Article shall be defined by reference to:

1. Chapter 160D of the North Carolina General Statutes, or, if not there in
2. Chapter 2 of the North Carolina State Building Code or, if not there, in
3. Webster's Third New International Dictionary, unabridged.

B. Words and terms not defined in this Article but defined elsewhere in this UDO shall be given the meanings in the UDO. Particular land uses not defined shall have the meaning assigned in the NAICS Manual or as categorized by the Planning Director according to other similar uses.

## Division 2. General Terms Defined

### Section 44-602. General Terms, A-E

**1. Abandonment**

The relinquishment of property, or cessation of use of property, by the owner, lessee, or occupant without the explicit intention of transferring rights to the property to another owner or of resuming the use of the property within the time period established within this UDO.

**2. Abandoned Towers**

Towers that have no active telecommunications service providers on the tower for a period of five or more years.

**3. Abut**

Immediately adjacent and having property or district lines in common.

**4. Abutting Parcels**

Parcels that are directly touching and have all or partial common parcel boundaries. Parcels across a public right-of-way or waterbody shall not be considered abutting. Also referred to as Adjacent Property and Adjoining Property. For the purpose of notification, parcels separated by rights-of-way or waterbodies shall be considered adjacent.

**5. Accessible, Readily (Telecommunications)**

Having direct access without the need to remove any panel, door or similar covering of the item described, and without requiring the use of portable ladders, chairs, etc. See "accessible."

**6. Accessory Facility or Structure (Appurtenant Structure)**

A structure or facility located on the same lot or parcel as a principal structure or principal use, and clearly incidental, subordinate, and customarily associated with that principal structure or use. Accessory structures or facilities include but are not limited to garages, carports, storage sheds, pole barns, hay sheds, and utility or equipment shelters or cabinets associated with wireless facilities or wireless support structures. An accessory facility or structure serving or being used in conjunction with, and located on the same property or lot as, the wireless facilities and wireless support structures, including but not limited to, utility or transmission equipment storage sheds or cabinets.

**7. Addition**

An extension or increase in floor area or height of an existing building or structure.

**8. Adequate Erosion Control Measure, Structure, or Device**

See Catawba County Erosion Control Ordinance.

**9. Administrative Decision**

Decisions made in the implementation, administration, interpretation, or enforcement of standards and regulations that involve the determination of facts and the application of objective standards set forth in this UDO or other County development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

**10. Administrator**

The Planning Director of Catawba County or their designee.

**11. Affiliate**

A person who directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control of another person.

**12. Affordable Housing**

Units sold or rented to families earning less than the County median income, as determined by the U.S. Department of Housing and Urban Development.

**13. Alcoholic Beverages**

Beverages containing more than 0.5 percent alcohol by volume or as defined by North Carolina General Statutes.

## Article 6. Definitions

### General Terms Defined

**14. Alley**

Any public space or thoroughfare 20 feet or less wide, which has been dedicated or deeded for public use and provides vehicular access to the side or rear of a structure.

**15. Alter or Alteration**

Any change or modification in construction or occupancy.

**16. Amendment**

An amendment to the Unified Development Ordinance or a new Unified Development Ordinance.

**17. American National Standards Institute (ANSI)**

The entity that facilitates, coordinates, and oversees standards and assessments for numerous items, including but not limited to telecommunication towers, landscaping, lighting, and other items regulated under this UDO.

**18. Animals, Household**

Animals that are customarily kept for personal use or enjoyment within the home, not exhibited to the public or raised for commercial purposes. Animals that are dangerous to humans or property when they reach maturity or that have cloven or solid hooves are not household animals. The term "household animals" includes but is not limited to domestic dogs, domestic cats, birds, guinea pigs, hamsters, mice, rats, gerbils, ferrets, rabbits, small reptiles, small amphibians, and aquarium fish.

**19. Antenna**

A system of electrical conductors that transmits or receives electromagnetic waves or radio frequency or other wireless signals. This includes but is not limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the County's siting, building, and permitting authority.

**20. Appeal**

A request for review of the Planning Director's interpretation of any provisions of this UDO, denial of a development approval, or request for determination that there is error in a decision made by the Planning Director or a Board pursuant to this UDO.

**21. Applicable Codes**

The North Carolina Administrative Code, North Carolina State Building Code, and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, together with state or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

**22. Applicant**

Any person or entity submitting an application for any request, approval, or permit listed in this UDO.

**23. Application**

A request that is submitted by an applicant to the County seeking approval for any action or development regulated under this UDO.

**24. Area, Building**

The area included within surrounding exterior walls, or exterior walls and firewalls, exclusive of courtyards. The area of a building or portion of a building without surrounding walls is the usable area under the horizontal projection of the roof or floor above.

**25. Area, Gross Floor**

The area within the inside perimeter of the exterior walls with no reduction for corridors, stairs, closets, thickness of walls, columns, or other features, exclusive of areas open and unobstructed to the sky.

**26. Area, Net Floor**

The area actually occupied or intended to be occupied even though at any given time a portion of the floor area may be unoccupied, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area, or other features.

**27. Authorized Agent**

Any person with valid authority provided by the owner, as evidenced by a notarized document authorizing the agent to represent the owner, and acting on behalf of the owner of land seeking a development order or development permit approval.

**28. Average Annual Daily Trips (AADT)**

The average annual daily trips, which normalizes seasonal, special event, and other fluctuations in traffic.

**29. Average Daily Trips (ADT)**

The average daily trips, which does not account for seasonal, special event, or other fluctuations in traffic.

**30. Awning**

An architectural projection that provides weather protection, identity, and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid, or retractable skeleton structure over which a cover is attached.

**31. Balcony, Exterior**

An exterior floor system projecting from a structure and supported by that structure, with no additional independent supports.

**32. Banner**

Any object made of lightweight fabric or similar material that is mounted to a pole, building, or other fixed object at one or more edges.

**33. Base Course**

The layer of material that lies immediately below the wearing surface of a street pavement or other hardscaped surface.

**34. Base Station**

A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

**35. Balance of Watershed (BW)**

The area adjoining and upstream of the critical area in a WS-II and WS-III water supply watershed. The "balance of watershed" is comprised of the entire land area contributing surface drainage to the stream, river, or reservoir where a water supply intake is located.

**36. Beacon**

Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source, or any light with one or more beams that rotate or move.

**37. Berm**

A mound of earth designed to provide visual interest on a site, screen undesirable views, reduce noise or fulfill other such purposes.

**38. Bicycle**

A device propelled electronically (e-bike) or by human power upon which any person may ride, having two tandem wheels or having three wheels in contact with the ground, any of which is more than 12 inches in diameter.

**39. Bicycle Facilities**

A general term denoting improvements and provisions made or approved by public agencies to accommodate or encourage bicycling, including parking facilities, mapping, and bikeways, and shared roadways not specifically designated for bicycle use.

**40. Bicycle Lane**

A portion of a roadway, which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

**41. Bicycle Path**

A hard-surfaced path for bicycles. This path is physically separated from motorized vehicular traffic by an open space barrier and either within the highway right-of-way or within an independent right-of-way. May also be referred to as bikeway.

**42. Billboard**

A permanently affixed off-premise sign, other than an off-premise directional sign.

**43. Block**

A unit of land bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

**44. Board**

Unless otherwise indicated in the text, board refers to the applicable reviewing board.

**45. Board of Adjustment (BOA)**

The Catawba County Board of Adjustment.

**46. Board of Commissioners (BOC)**

Catawba County Board of Commissioners.

**47. Body Piercing**

The intentional act of any person or persons of piercing any part of the body of another person or persons, other than the ears, for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body.

**48. Buffer, External**

A buffer yard along the exterior boundaries of a development, which is maintained as open space in order to eliminate or minimize conflicts between development and adjacent land uses.

**49. Buffer (watershed only)**

An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

**50. Buffer Yard**

Open spaces, landscaped areas, natural vegetation, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another to visually shield or block noise, light, or other potential nuisances.

**51. Buildable Area**

The portion of a lot remaining after required yards have been provided and any conservation or preservation areas, submerged lands, easements or road rights-of-way have been subtracted from the lot area.

**52. Building**

See "structure".

**53. Building Code**

The North Carolina State Building Code.

**54. Building Envelope**

The three-dimensional space occupied by a building, including all eaves, covered porches, breezeways, and other portions of the building, but excluding attached decorative walls that are less than or equal to three feet in height.

**55. Building Façade**

The exterior side of a building includes the entire building walls, parapets, fascia, windows, doors, canopy, and visible roof structures of one complete elevation.

**56. Building Height**

A vertical distance from the highest point of a building to grade, measured in accordance with this UDO.

**57. Building Line**

A line determined by meeting the respective front, side and rear yard setbacks.

**58. Building, Mixed-Use**

A building that contains one or more dwellings and institutional, civic, office, commercial, or retail use.

**59. Building Permit**

An authorization to construct a structure as issued by the Catawba County Building Inspections Department.

**60. Built-Upon Area**

The portion of a development covered by impervious or partially impervious surfaces that prevent or substantially restrict infiltration of water into the soil, including buildings, pavement, and recreation facilities (such as tennis courts). Wooden slatted decks, gravel, and the water surface area of a swimming pool shall be considered pervious.

**61. Bulk**

The volume, size, and shape of buildings and structures, and visual relationship to the spaces, areas, and buildings nearby.

**62. Camping Unit**

Any tent, trailer, cabin, lean-to, recreational vehicle, or similar structure ordinarily established or maintained and operated as temporary living quarters for recreation, education, or vacation purposes.

**63. Canopy**

A protective cover over a door, entrance, window, or outdoor service area attached to or cantilevered from a building. Permanent marquees and porticoes designed as a continuous or integral part of the structure are not considered canopies.

**64. Capacity**

The maximum demand that can be accommodated by a public facility without exceeding the adopted level of service or occupant load.

**65. Capital Improvement**

A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the County or another governmental agency.

**66. Capital Improvement, Planned**

A capital improvement designed for construction within a period not to exceed five years in a government-adopted capital improvements program.

**67. Capital Improvements Program**

A plan that identifies, by category of public facility, planned capital improvements and the portion of their costs attributable to serving new development within designated service areas over a specified period of years.

**68. Carport**

A roofed structure that typically does not have walls and may be attached or unattached to the principal structure, providing space for the storage of one or more motor vehicles.

**69. Centerline Offset of Adjacent Intersections**

The gap between the centerline of streets adjoining a common road from opposite or same sides of the right-of-way or easement.

**70. Certificate of Occupancy**

A document issued by an authorized official setting forth that land, a building, or a structure complies with the County building code, this UDO, and other pertinent local and state requirements, and that the land, building, or structure may be used for the purposes stated.

**71. Certified Local Government (CLG)**

A designation granted to a local government whose historic preservation program has been certified by the State Historic Preservation Officer, with the concurrence of the National Park Service, as meeting the requirements of the National Historic Preservation Act of 1966, as amended. Certified Local Governments participate in the federal-state-local partnership for historic preservation and must maintain a qualified historic preservation commission and satisfy other program requirements established under the Act.

**72. Certify**

A certification, by an agency, licensed professional or official, of the existence of some fact or circumstance, whether made in oral or written form, which provides reasonable assurance of the accuracy of the certification.

**73. Change of Use**

A change from one principal use of a building or land to another principal use of the building or land, regardless of whether there is an increase in the size of the existing building or whether any building is located on the property.

**74. Channel**

A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

**75. Cluster Development**

The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project, including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential subdivisions and multi-family developments.

**76. Collocation**

The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, water towers, buildings, and other structures capable of

structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "collocation" does not include the installation of new utility poles, utility poles within NCDOT's right-of-way, or wireless support structures.

**77. Completed Application**

An application that contains all information, including the payment of applicable fees, and data necessary to enable the County to evaluate the merits of the application and to make an informed decision.

**78. Communications Facility**

The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

**79. Communications Service**

Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.

**80. Communications Service Provider**

A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.

**81. Construction or Demolition Debris**

Solid waste resulting solely from construction, remodeling, repair, or demolition operations on buildings or other structures, but does not include inert, land-clearing or yard trash debris. Roofing shingles are construction or demolition debris.

**82. Container, Shipping/Storage**

A steel box manufactured for the purpose of transporting or storing goods, having a corrugated profile, covered from all sides with a door at the rear end of the container. It is mounted on a chassis while being transported by road, on a rake while being transported by rail, and can also be loaded by a ship. Dismantled truck trailers or truck bed boxes, which were originally attached to a motorized vehicle, are not considered a shipping container and are considered junked motor vehicles.

**83. Critical Area**

The area adjacent to a water supply intake or reservoir where the risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or

one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). The County may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

**84. Cul-de-sac**

A permanent dead-end street with an area at the dead end for the purpose of turning around, having a minimum radius of 50 feet.

**85. Distributive Access System (DAS)**

A technology using antenna combining technology allowing for multiple carriers or wireless service providers to use the same set of antennas, cabling or fiber optics. Also known as a distributive antenna system.

**86. Days**

All references to days throughout the UDO are calendar days, unless otherwise specified.

**87. Diameter Breast Height (DBH)**

The standard measurement of existing tree trunk size, measured at 4.5 feet above existing grade.

**88. Dedicated Public Right-of-Way (ROW)**

A right-of-way that has been dedicated to a governmental agency for public use for infrastructure and/or access.

**89. Department of Transportation**

North Carolina Department of Transportation (NCDOT).

**90. Design Manual**

An illustrative guide with graphics, photos, drawings, concepts and illustrations to serve as a tool aiding in the interpretation of the technical sections of the UDO. It is not an official component of the UDO and may be amended through administrative action, from time to time, by the Planning Director.

**91. Development**

As defined in G.S. 160D-102(12), any of the following: (a) the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; (b) the excavation, grading, filling, clearing, or alteration of land; (c) the subdivision of land as defined in G.S. 160D-802; or (d) the initiation or substantial change in the use of land or the intensity of use of land.

**92. Dwelling Unit**

As defined in G.S. 160D-102(15), any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

**93. Eligible Facilities Request**

A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification. Replacing cable or antennas as upgrades to new technology is considered an eligible facilities request and is not considered routine maintenance.

**94. Enclosed Building**

A garage or building structure that provides a complete enclosure (all sides of the building are enclosed) so that the contents of the building cannot be seen from a street or from adjacent property.

**95. Environmental Protection Agency (EPA)**

State and/or Federal Environmental Protection Agency (EPA) or its duly assigned successor agency.

**96. Equipment Compound**

An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

**97. Erosion**

The wearing away of land surfaces by the action of wind, water, gravity, or any combination. See Catawba County Soil Erosion and Sedimentation Control Ordinance.

**98. Estate Settlement**

The conveyance of a lot or tract for the purpose of dividing lands among the tenants in common, all of whom, by intestacy or by will, inherited the land from a common ancestor.

**99. Existing Lot of Record**

A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds prior to January 1, 1994, in accordance with the subdivision regulations in effect at the time of recordation, or a lot described by metes and bounds, the description of which has been so recorded prior to July 31, 1982.

## Article 6. Definitions

General Terms Defined

**100. Existing Conforming Manufactured Home Park**

A park that is operating within a zoning district where manufactured home parks are permitted in accordance with this UDO and was approved and constructed under the County's manufactured home park ordinance adopted on March 30, 1973.

**101. Existing Nonconforming Manufactured Home Park**

A park operating outside of a zoning district where manufactured home parks are permitted or has been operating before the adoption of the County's manufactured home park ordinance adopted on March 30, 1973.

Section 44-603. General Terms, F-K

**102. Federal Aviation Administration (FAA)**

The United States Federal Aviation Administration, or its duly designated and authorized successor agency.

**103. Fall Zone**

The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

**104. Family**

Any number of people related by blood, marriage, or adoption, or not more than five unrelated persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" does not include a fraternity or sorority, club, rooming house, institutional group, or the like.

**105. Federal Communications Commission (FCC)**

The United States Federal Communications Commission, or its duly designated and authorized successor agency.

**106. Federal Emergency Management Agency (FEMA)**

The United States Federal Emergency Management Agency, or its duly designated and authorized successor agency.

**107. Floor Area**

The sum of enclosed areas on all floors of a building measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any below-grade floor area used for habitation, access, and storage. Open roof terraces, patios, atriums, balconies, and breezeways, and space devoted to service uses do not count towards the calculation of floor area.

**108. Free Standing Tower**

A tower that is not supported by guy wires and ground anchors.

**109. Frontage**

The portion of the land that abuts a specified road and does not necessarily apply to the front yard or front setback.

**110. Geomorphologic Study**

A study that shows the structural relationship of the soils and the appropriateness of the soils for the foundation of a wireless telecommunication tower or other structure as designed.

**111. Grade, Highest Adjacent**

The highest natural elevation of the ground surface, prior to construction, next to the walls of the proposed structure.

**112. Gross Leasable Floor Area**

The combined floor area of all tenant spaces within a building or development that are available for lease or occupancy, excluding common areas and building service areas.

**113. Gross Land Area of Lots**

The total horizontal area of land used for building lots including land used for utilities, roads, and other infrastructure.

**114. Half Street**

A street that has partial dedication and construction that does not meet the minimum NCDOT street requirements.

**115. Height**

The vertical distance measured from the lowest finished grade adjacent to a structure or tower to the highest point of the structure or tower, including any appurtenances such as antennas or lightning protection devices.

**116. Historic Structure**

Any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the national register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

c. Individually listed on a local inventory of historic landmarks in communities with a certified local government (CLG) program; or

d. Certified as contributing to the historical significance of a historic district designated by a community with a CLG program.

**117. Intensification**

The act of making something greater, more active, larger, or more concentrated. This may result in more traffic, visitors, employees, or other people using or coming to and from a property. Intensification also includes, but is not limited to:

a. Extending hours of operation or days of operation,

b. Expanding current operations or land use in an existing structure, an addition to an existing structure, or outdoor area (not within a structure), or

c. Adding new site elements, such as, but not limited to, permanent outdoor seating, outdoor lighting, parking (formal or informal), and impervious coverage.

**118. Junk**

Any scrap, waste, reclaimable material, or debris, whether stored or not, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, bailed, disposed, or other use or disposition.

Section 44-604. General Terms, L-Q

**119. Land-Clearing Debris**

Solid waste that is generated solely from land-clearing activities, such as stumps, trees, brush, grass, or other naturally occurring vegetative material.

**120. LED Sign**

A sign with light-emitting diodes technology designed to project a message, image, or graphics.

**121. Limited Access User's Sign**

A sign displayed by a use located within 500 feet of an entrance to a limited-access highway if the sign is designed to be seen from the limited-access highway, but where the entrance to the use does not front along the limited access highway.

**122. Loading, Off-Street**

Space located outside of a street right-of-way or easement and designed to accommodate the temporary parking of vehicles or used for bulk pickups and deliveries.

**123. Lot**

Land bounded by lines legally established for the purpose of property division. Lot includes the word "plot," "parcel," or "tract."

**124. Lot Frontage**

A line that connects the intersection points of the two side lot lines with the right-of-way or general access easement.

**125. Lot Line**

A line that marks the boundary of a lot.

**126. Lot Line, Interior**

Any lot line that is not a street lot line; a lot line separating a lot from another lot.

**127. Lot Line, Street**

Any lot line separating a lot from a street right-of-way or general access easement. Where a lot line is located within such general access easement, the right-of-way or easement boundary adjacent to the lot is considered to be the street lot line.

**128. Lot of Record**

A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds, or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office, provided such lot was of a size which met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning regulations in the area where the lot is located.

**129. Lot Width**

The horizontal distance measured along a straight line connecting the points where the minimum front lot line meets the interior lot lines or, if on a corner, the other front lot line.

**130. Magistrate**

The magistrate for the County or in any other office designated to receive requests by the Chief District Court Judge.

**131. Modification**

The addition, removal, or change of any of the physical and/or visually discernible components or aspects of a wireless facility or support structure. Modification includes both eligible facilities requests and substantial modifications.

**132. Monument Sign**

A sign that is permanently affixed to a base on the ground, without any airspace between the base and the bottom edge of the sign.

**133. Motor Vehicle or Vehicle**

All machines designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle.

**134. NAICS**

North American Industry Classification System.

**135. NCDOT**

North Carolina Department of Transportation.

**136. Nonconformity**

Includes the following:

a. Lots, uses of land, uses of structures, structures, or characteristics of uses, which were lawful before the effective date of the UDO from which this article is derived or was amended, but which would be prohibited, regulated or restricted under the terms of this UDO. The following constitute types of nonconformities:
   i. Lots;
   ii. Uses of land without structures;
   iii. Uses of structures;
   iv. Structures; and
   v. Characteristics of use or development which were lawful when established, but would be prohibited, regulated, or restricted by this UDO or a subsequent amendment.

b. Nonconformity may also be created where lawful public taking or actions pursuant to a court order have the same effect as violations of this UDO, if undertaken privately.

**137. Nonprofit**

An entity governed by the laws of G.S. 55A or an entity that is exempt from taxation under section 501(a) of the Internal Revenue Code.

**138. Non-Residential Development**

All development other than residential development, agriculture, and forestry.

**139. North Carolina General Statutes (G.S.)**

The formalized rules and laws adopted by the North Carolina legislature.

**140. Nuisance**

Anything harmful or offensive to the community or a member of the community and for which a legal remedy exists, such as excessive traffic, noise, odor, light, or dust.

**141. Off-Premise**

Not located on the lot with the principal use or structure.

**142. Off-Premise (or Off-Site) Directional Sign**

An off-premise sign, the copy of which only identifies a property or use that is not located on a collector or arterial street and provides direction to that property or use.

**143. Off-Premise (or Off-Site) Sign**

A sign identifying/advertising and/or directing the public to a business, merchandise, a service, an institution, a residential area, or entertainment which is located, sold, rented, leased, produced, manufactured, and/or furnished at a place other than the real property on which said sign is located.

**144. On-Premise (or On-Site) Sign**

A sign identifying/advertising and/or directing the public to a business, merchandise, a service, an institution, a residential area, or entertainment which is located, sold, rented, leased, produced, manufactured, and/or furnished at the real property on which said sign is located.

**145. One-Way Street**

A street intended for traffic to flow in one direction.

**146. Opaque**

Not allowing light to pass through or the inability to see through the structure or vegetative screen.

**147. Operating Permit**

A license issued by the Planning Director to the operator of an approved manufactured home park authorizing the park to conduct business.

**148. Outparcel**

A smaller lot created from a larger tract and is typically accessory to the anchor or principal structure(s) associated with the larger tract.

**149. Parking, Off-Street**

Space located outside of any street right-of-way or easement and designed to accommodate the parking of motorized domestic and commercial vehicles.

## Article 6. Definitions

General Terms Defined

**150. Pennant**

Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**151. Person**

Any individual, corporation, estate, trust, partnership, joint stock company, or association of two or more persons having a joint common interest.

**152. Person with Disabilities**

As defined in G.S. 160D-907(b), a person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to, an intellectual or other developmental disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments but not including persons with a mental illness who are dangerous to others as defined in G.S. 122C-3(11)b..

**153. Personal Telecommunications Service (PTS)**

Has the same meaning as defined and used in the 1996 Telecommunications Act.

**154. Plan, Concept Site**

A site plan submitted to the Planning Board and Board of Commissioners, drawn to scale, prepared by a design professional, with enough detail to be considered for approval as part of a conditional zoning district or a special district

**155. Plan, Detailed Site**

A specific site plan submitted for approval by the Planning Director. The detailed plan, prepared by a licensed professional, may evolve from a concept plan that has been approved through the:

a. Legislative process by the Board as a result of a rezoning action;
b. Through the quasi-judicial process by the Board of Adjustment as a result of special use request; or
c. An administrative approved plan, not requiring any Board action.

**156. Plan, Plot**

An eight-and-one-half-inch by 11-inch or eight-and-one-half-inch by 14-inch drawing, prepared to scale, providing sufficient "as built" details of the footprints of existing buildings, structures and appurtenances, along with any additions proposed, in order to consider the requests associated with variances and other improvements associated with a zoning permit.

**157. Planned Development**

Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations.

**158. Planning Board**

The Catawba County Planning Board.

**159. Planning Director**

The Planning Director, or their designee, for the County. The Planning Director is also appointed to administer and enforce the floodplain management regulations.

**160. Pole Sign**

A sign that is permanently affixed to the ground through the use of a pedestal(s), with airspace between the ground and the bottom edge of the sign panel.

**161. Porch**

A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air-conditioned and when the percentage of window area to wall area is less than 50 percent.

**162. Portable Sign**

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.

**163. Practical or Practicable**

Can be done or is possible in practice. Does not include a financial hardship associated with the situation.

**164. Preexisting Towers and Antennas**

Any tower or antenna on which a permit has been properly issued prior to the effective date of the original ordinance (July 1, 2003) from which this definition is derived.

**165. Procedures Manual**

A manual for residential and nonresidential development containing applications, plan requirements and plat certificates required for development review. This manual is intended as a reference guide and may be amended by the Planning Director, from time to time, as an administrative function.

**166. Protected Area (PA)**

The area adjoining and upstream of the critical area of WS-IV Watersheds. The boundaries of the protected area are defined as within five (5) miles upstream of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed, whichever comes first; or within ten (10) miles of and draining to a water intake located in a stream or river or to the ridgeline of the watershed, whichever comes first.

**167. Public Sewer**

A sewer system provided by a municipal or county system. It does not include private septic systems, community drainfields, or package treatment facilities approved by the state.

**168. Public Water System**

A water system provided by a municipality and/or county jurisdiction. It does not include private community wells, which are approved by the NCDENR, or individual wells.



**169. Registered Professional**

Professional engineers, landscape architects to the extent that G.S. Chapter 89A allows, and land surveyors to the extent that the design represents incidental drainage within a subdivision, as provided by G.S. 89C-3(7).

**170. Residential Development**

Buildings for residence, such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, and their associated outbuildings, such as garages, storage buildings, gazebos, and customary home occupations.

**171. Right-of-Way (ROW)**

A dedicated strip of land for use as a street or other passageway.

**172. Road**

A vehicular way, which may also serve, in part, as a way for pedestrian traffic, whether called a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, alley, court, mall, or otherwise. Street and road are synonymous in meaning.

**173. Road, Existing External**

The existing NCDOT-maintained road used by the traveling public, which is not part of the internal road network of the subdivision at its initial approval. These roads may, but are not limited to, a NCDOT classification of major, minor, collector or arterial road.

**174. Road, Internal Subdivision**

The internal network of subdivision roads developed at the initial approval of a subdivision.

**175. Road, Private**

A constructed road that is not dedicated to the public and will be maintained by an entity other than NCDOT.

**176. Road, State**

A constructed road with a designated "SR" number, which is maintained by NCDOT.

**177. Routine Maintenance**

Includes activities associated with regular and general upkeep of the built environment or landscaping, including wireless facility transmission equipment and the replacement of existing wireless facilities with facilities of the same size.

**178. Sea Level**

A reference or datum mark measuring land elevation using the level of the ocean between high and low tides.

**179. Search Ring**

The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

**180. Setback**

The distance from the lot line to the point where a structure (either principal or accessory) may be constructed.

**181. Setup**

The process of placement of a manufactured home on a manufactured home space and includes the minimum requirements for blocking, wiring, plumbing, and anchoring in accordance with applicable local, state, and federal construction regulations.

**182. Sheriff**

The Sheriff of Catawba County or their designee.

**183. Sight Triangle**

A triangular-shaped portion of land established at street intersections and driveways in which nothing can be erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection, as set

forth in applicable legal requirements. Measurement of the sight triangle is based on the latest AASHTO standards.

**184. Sign**

Any display surface or display device containing or intending to contain elements organized, related, and composed to form a unit designed to inform or attract attention.

**185. Single-Family Residential**

A structure that consists of one dwelling unit and every dwelling unit is on a separate lot.

**186. Skilled Trade**

A profession requiring special training and licensure, such as an electrician or plumber.

**187. Solid Waste**

Garbage, rubbish, refuse, or other discarded solid or semisolid material resulting from domestic, commercial, industrial, agricultural activities, or governmental operations, excluding solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows, or other common water pollutants.

**188. Special Use**

A use which would not be appropriate generally or without special study throughout the zoning district but which, if controlled as to number, size, location or relation to the neighborhood, would promote the public health, safety, and general welfare.

**189. Start of Construction**

Beginning work to build a structure, including a manufactured home, such as pouring slabs or footings, or any work beyond the stage of excavation or the placement of a manufactured home on an existing foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, excavation for a basement, footings, piers, foundations, or the erection of temporary building forms.

**190. State**

State of North Carolina.

**191. Stealth Technology**

To use techniques and/or technology intended to minimize adverse aesthetic and visual impacts on, and harmonize with, the land, property, buildings, and other facilities in generally the same area as the requested location of such wireless facilities and wireless support structures, by using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such technology as DAS, or its functional equivalent of

camouflage, where the tower is disguised to make it less visually obtrusive and not recognizable to the average person as a wireless telecommunications facility.

**192. Steps**

A structural component bonded or fastened as one unit in accordance with the state building code and is for the purpose of ingress and egress from a building or structure.

**193. Street, Arterial Minor**

A rural roadway joining cities and larger towns and providing intrastate and intercounty service at relatively high overall travel speeds with minimum interference to through movement.

**194. Street, Arterial Principal**

A rural link in a highway system serving travel and having characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and tri-state routes, and other routes designated as principal arterials.

**195. Street, Collector Major**

A road that serves major intracounty travel corridors and travel generators and provides access to the arterial system.

**196. Street, Collector Minor**

A road that provides service to small local communities and traffic generators and provides access to the major collector system.

**197. Street, Cul-de-sac**

A dead-end street, having the same entrance and exit, and requiring facilities for traffic to turn around.

**198. Street, Dedicated Public Right-of-Way**

A right-of-way that has been dedicated to public use, but does not necessarily refer to construction status.

**199. Street Jog**

An intersection where one-half of the cross street is offset from the other half of the cross street so that the two halves do not lie in a straight line.

**200. Street, Local**

A road that serves primarily to provide access to adjacent land, over relatively short distances.

**201. Street, Thoroughfare Major**

Streets consisting of intrastate or other freeway, expressway, or parkway roads and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

**202. Street, Thoroughfare Minor**

Minor thoroughfares perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system.

**203. Stormwater Control Measure (SCM)**

A permanent structural device, including any vegetated conveyance, that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapotranspiration, post-filtration discharge, reuse of stormwater, or a combination thereof. Also known as Best Management Practice (BMP).

**204. Structure**

Anything constructed or erected which requires location on or within the ground or attachment to something having a fixed location on the ground, including, but not limited to, principal and accessory buildings, manufactured homes, signs, fences, walls, bridges, monuments, flagpoles, antennas, transmission poles, towers, and cables. Containers/shipping containers are not structures. Structure includes the word "building".

**205. Structure, Accessory**

A subordinate structure detached from, but located on, the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

**206. Structure, Principal**

A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which the structure is located.

**207. Structural Alteration**

Any change, except for repair or replacement, in the supporting members of an existing structure, such as but not limited to bearing walls, columns, beams, or girders.

**208. Subdivision**

Includes all divisions of a tract or parcel into two or more lots, building sites, or other divisions for the purposes of sale or building development, whether immediate or future, and includes all divisions of land involving the dedication of a new street or a change in existing streets.

**209. Subdivision, Cluster**

A subdivision design that allows lots to be smaller, based on density averaging, in a concentrated area in exchange for the preservation of natural features, environmentally sensitive areas, and active or passive recreational open space.

**210. Subdivision, Conventional**

A subdivision that meets the minimum lot size requirements.

**211. Substantial Improvement**

Any repair, reconstruction, or improvement of a structure, within any 12-month period, where the cost equals or exceeds 50 percent of the market value of the structure, either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include any improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications that are necessary to ensure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

**212. Substantial Modification (telecommunications)**

The mounting of a proposed wireless facility on a wireless support structure, including a collocation, that substantially changes the physical dimensions of the support structure. The mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below.

a. Increasing the vertical height of the structure by the greater of:
   i. More than ten percent; or
   ii. The height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower by a cable, adding an appurtenance to the body of the wireless support structure that protrudes horizontally from the edge of the wireless support structure, the greater of:
   i. More than 20 feet, or;
   ii. More than the width of the wireless support structure at the level of the appurtenance.
c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

**213. Substantial Progress or Expenditures**

Work toward completing required improvements for a development associated with a special use permit, preliminary subdivision, conditional zoning, or special districts. This may include consulting fees from development specialists for the survey of the property, soil evaluation, erosion control plan, engineering design for roadway, waterlines, sewer lines, permit fees, or fees associated with land preparation such as clearing, rough grading, or fine grading.

**214. Surface Waters**

All waters of the State, as defined in G.S. 143-212, except underground waters.

**215. Telecommunications**

The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

**216. Temporary**

Something that exists or is intended to exist for fewer than 90 days, unless specifically listed with a different duration in this UDO.

**217. Tie Down**

The process of anchoring a manufactured home to the ground in accordance with applicable local, state, and federal construction regulations.

**218. Toxic Substance**

Any substance or combination of substances, including disease-causing agents, which, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions including malfunctions or suppression in reproduction or growth, or physical deformities in such organisms or their offspring or cause other adverse health effects.

**219. Two-Way Street**

A street intended for traffic to flow in two directions.

**220. Use**

The specific activity or function for which land, a building, or a structure is designated, arranged, occupied, or maintained.

**221. Use, Accessory**

A use on the same lot as or in the same structure with and of a nature and extent customarily incidental and subordinate to the principal use of the lot or structure.

**222. Use, Principal**

The primary use and chief purpose of a lot or structure.

**223. USGS**

United States Geological Survey.

**224. Utility Pole**

A structure that is designed for and used to carry lines, cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.

**225. Variance**

A relaxation by the Board of Adjustment of the regulations of this UDO where such actions will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the actions or situation of the applicant to produce financial gain, a literal enforcement of this UDO would result in unnecessary and undue hardship. Permitted land uses are not eligible for a variance.

**226. Variance, Watershed (Major)**

A variance that results in any one or more of the following:

a. The relaxation, by a factor of more than ten percent (10%), of any management requirement under the low density option; or

b. The relaxation, by a factor of more than five percent (5%), of the buffer, density or built-upon area requirement under the high-density option; or

c. Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

**227. Variance, Watershed (Minor)**

A variance that does not qualify as a major variance.

**228. Vector**

Any organism that carries disease-causing microorganisms from one host to another (i.e. rats, mosquitoes, etc.).

**229. Vicinity Map**

A drawing showing the general location of a parcel.

## Article 6. Definitions

General Terms Defined

**230. Wall Sign**

A sign affixed on and parallel to the exterior wall of any building and projecting not more than 12 inches from the wall. Signs mounted on porticoes shall be considered as wall signs.

**231. Water Dependent Structure**

Any structure for which the use requires access to or proximity to or situated within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities, such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas, are not Water Dependent Structures.

**232. Watershed**

The entire land area contributing surface drainage to a specific point, such as the water supply intake or alternatively, the geographic region within which water drains to a particular river, stream or body of water.

**233. Wireless Infrastructure Provider**

Any person with a certificate to provide telecommunications service in the state who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

**234. Wireless Provider**

A wireless infrastructure provider or a wireless services provider.

**235. Wireless Services**

Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

**236. Wireless Support Structure**

A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole within NCDOT's right-of-way is not a wireless support structure.

**237. Yard, Front**

That portion of the lot located along the front projected line of the principal structure, extending from one side lot line to the other side lot line. The front yard contains the front setback area of the property.

**238. Yard, Rear**

That portion of the lot located along the rear projected line of the principal structure, extending from one side lot line to the other side lot line. The rear yard contains the rear setback area of the property.

**239. Yard, Side**

That portion of the lot located on both sides along the side projected line of the principal structure, extending from the front projected line of the principal structure to the rear projected line of the principal structure. The side yard includes a portion of the side setback area of the property.

**240. Yard, Waste**

Includes both yard trash and land-clearing debris, as defined in G.S. 130A-290, including stumps, limbs, leaves, grass, and untreated wood.

**241. Zoning Permit**

A permit issued for residential and nonresidential uses, prior to any land or structural improvements, stipulating conditions for compliance with this UDO as to design, use, activity, height, setbacks, density, site planning, special use, and/or special district development.

**242. Zoning Compliance Certificate**

A document issued by the County after construction of nonresidential uses and residential uses, with exception of single-family dwellings, stating the approved detailed site plan was complied with and the property can be occupied and used for the purpose stated on the zoning permit.

**243. Zoning Districts**

Areas of land or water, whose boundaries are indicated on the official zoning atlas, within which all properties are regulated by the general regulations of this UDO and the specific regulations of the individual district.

**244. Zoning Lot**

A lot shown on the application for a zoning permit.

## Section 44-606. Land Use Terms, A-E

**1. Aboveground Pipelines**

A use involving the installation, operation, and maintenance of pipelines and associated equipment that are located above the surface of the ground, and used for the transport of liquids, gases, or slurries between facilities or destinations. This use may include supports, valves, meters, pump stations, and related infrastructure necessary for transport.

**2. Aboveground Storage Tank**

Storage tanks located above ground that are used to store chemicals, fuels, water, and other liquids and materials.

**3. Accessory Structure/Use, Commercial**

A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure.

**4. Accessory Structure/Use, Residential**

A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure.

**5. Adult Care Center**

A provider furnishing a planned program that includes a variety of health, social and support services in a protective setting during daytime hours. This use is referred to as a "community-based service" and is designed to meet the individual needs of functionally and/or cognitively impaired adults.

**6. Adult Uses**

An establishment consisting of, including, or having the characteristics of any or all of the following:

a. Adult bookstore—An establishment which has a substantial portion of its stock-in-trade in books, magazines, or other periodicals, and from which minors are excluded by reason of age.

b. Adult cabaret—An establishment which features exotic dancers, strippers, male or female impersonators, or similar entertainments, and from which minors are excluded by reason of age.

c. Adult drive-in theater—A drive-in theater for the showing of movies, slide shows, closed-circuit television, or similar offerings, and from which minors are excluded by reason of age.

d. Adult massage parlor—An establishment in which body massages are offered as a service, and from which minors are excluded by reason of age.

e. Adult mini-picture theater—An enclosed building, in whole or in part, with a capacity of 50 persons or less used for showing movies, slide shows, closed-circuit television, or similar offerings, and from which minors are excluded by reason of age.

f. Adult picture theater—An enclosed building or portion thereof with a capacity of more than 50 persons used for showing movies, slide shows, closed-circuit television, or similar offerings, and from which minors are excluded by reason of age.

**7. Agriculture**

The use of land for agricultural purposes as defined in N.C. G.S. 106-581.1, including the cultivation of crops; the raising, management, and sale of livestock and other animals; aquaculture; forestry; and related activities. This use also includes accessory and supporting uses such as greenhouses, stables, hobby farms, livestock sales, and the sale, rental, or manufacture of farm equipment and supplies, when conducted as part of or in support of agricultural operations.

**8. Airport**

Any public or private airport including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

**9. Animal Shelter**

A facility used to house or contain animals and which is owned, operated, or maintained by an incorporated, humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

**10. Animal Slaughter and Meat Processing**

An establishment where animals are killed, butchered, or prepared for further processing.

**11. Artisan Workshop**

The creation of objects in a studio, made one at a time, by hand. Such creation includes, but is not limited to, woodworking, tinsmithing, silversmithing, pottery throwing, glass blowing, painting, weaving, caning, metal working, and sculpting.

**12. Assisted Living Residence**

Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. "Assisted living residence" includes any nursing service exceptions authorized by the North Carolina Department of Human Resources on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of G.S. 131E-102. There are three types of assisted living residences: adult care homes, group homes (for developmentally disabled adults), and multiunit assisted housing with services.

**13. Asphalt or Concrete Plant**

A facility preparing asphalt and/or concrete mixtures for street and driveway paving, including contractors engaged in asphalt and/or cement work. This definition includes poured concrete foundation and structure contractors, and asphalt paving mixture and block manufacturing.

**14. Backyard Business**

A backyard business provides opportunities for small-scale artisan, craft, repair, and trade-related businesses to operate from an accessory structure in a residential area while preserving the residential character of surrounding properties. A Backyard Business is a low-intensity accessory use conducted on a residentially developed parcel, typically within an accessory structure, that involves small-scale skilled labor, craftsmanship, or limited repair services. This use may include independent artisans, craftspeople, and similar activities where goods or services may be provided on-site or off-site. A backyard business is intended to remain compatible with residential uses and is subject to standards that limit external impacts such as traffic, noise, and visual effects. This use is incidental to residential use and is not intended to function as a commercial or industrial operation.

**15. Battery Energy Storage**

A facility consisting of one or more systems designed to store electrical energy in batteries for later use, including battery cells, modules, or units; battery management systems; inverters; transformers; cooling and fire suppression systems; and other associated equipment. This use includes all structures, containers, and equipment used to receive, store, and discharge electricity to the grid or for on-site or off-site consumption.

**16. Bed and Breakfast Inn**

A business of not more than six guest rooms that offers bed and breakfast accommodations of less than two weeks, and that:

a. Does not serve food or drink to the general public for pay;
b. Serves only the breakfast meal, and that meal is served only to overnight guests of the business; and
c. Includes the price of breakfast in the room rate; and is the permanent residence of the owner or the manager of the business.

**17. Boat Dry Storage Facilities**

The use of land or structures for the storage of boats and related equipment out of the water, including on trailers, racks, or within enclosed buildings. This use may include indoor or outdoor storage areas, limited accessory services such as launching and retrieval, and associated circulation areas, but does not include boat sales or major repair as a principal use.

**18. Brewery, Micro/Nano**

A brewery that produces less than 15,000 barrels, occupies no more than 10,000 feet of gross floor area, and may contain a tap room/tasting room. Where allowed by law, microbreweries may often sell beer "to go" and/or distribute to off-site accounts.

**19. Brewery, Winery, Distillery**

An establishment that produces ales, beers, meads, distilled drinks, wines, or similar beverages on site and serves those beverages on site. Off-site sales are permitted as an accessory use.

**20. Bus or Truck and Terminal**

A facility that receives and discharges passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van, or other similar vehicular services.

**21. Campground**

Land containing two or more campsites which are located, established, or maintained for occupancy by people in tents, recreational vehicles, cabins, or other similar temporary living quarters, typically for recreation, education or vacation purposes. A campground also includes a summer camp or other camping facilities consistent with this definition.

**22. Car Rental**

A commercial establishment engaged in the short-term rental or leasing of passenger vehicles or light-duty trucks to customers. This use may include office space for transactions, reservation services, and the on-site storage, staging, and preparation of rental vehicles. This use does not include vehicle sales, major vehicle repair, or long-term vehicle storage unrelated to rental operations.

**23. Carwash**

An establishment engaged in the business of washing vehicles with self-serve, automated, or staffed facilities.

**24. Cemetery**

Land used or intended to be used for the burial of the dead and dedicated for such purposes. This use includes columbaria, crematoria, mausolea, and mortuaries when operated in conjunction with and within the boundaries of the premises.

**25. Cemetery, Family**

Land used or intended to be used for the burial of the dead lineal family members and dedicated for such purposes. This use includes columbaria, crematoria, mausolea, and mortuaries when operated in conjunction with and within the boundaries of the premises. Family cemeteries are prohibited within the County.

**26. Child Care Center**

A program or arrangement where three or more children who do not reside where the care is provided, receive care on a regular basis at least once a week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Childcare center does not include the following:

a. Recreation programs operated for less than four consecutive months in a year;
b. Public schools;
c. Nonpublic schools described in G.S. 115C, art. 39, pt. 2, that are accredited by the Southern Association of Colleges and Schools and that operate a childcare facility for less than six and one-half hours per day either on or off the school site;
d. Bible schools conducted during school vacation periods;
e. Care provided by facilities licensed pursuant to G.S. ch. 122C, art. 2; or
f. Church facilities where the childcare activities are located on the same campus or adjacent property.

**27. College/University**

A degree-granting establishment, accredited or qualified for accreditation by the Southern Association of Colleges and Schools, providing formal academic education and generally requiring for admission at least a high-school diploma or equivalent academic training, including colleges, community colleges, universities, technical institutes, seminaries, and professional schools. Accessory uses under this definition include, but are not limited to, dormitories, cafeterias, bookstores, libraries, classrooms, administrative offices, research facilities, sports arenas, and auditoriums.

**28. Conference or Retreat Center**

A facility used for conferences, seminars, and events, which may or may not offer accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, and meeting rooms.

**29. Contractor's Office**

An establishment where materials kept on site are stored in buildings and which is engaged in the provision of construction activities, including, but not limited to, plumbing, electrical work, building, paving, carpentry, and other such contracting activities.

**30. Gas Station**

A place where fuel is sold for motor vehicles, typically including a small retail store, and may include other commonly associated elements.

**31. Correctional Facility**

A public facility, other than a jail, for the housing of persons convicted of a crime.

**32. Cottage Business**

Cottage businesses provide opportunities for small-scale entrepreneurial activities within residential areas while preserving the residential character of surrounding properties. A Cottage Business is an accessory use, subordinate to the primary residential use of the property, operated by persons residing in the principal building on the same parcel of land upon which the cottage business is located. Additionally, such use may be carried out in an accessory building on the same lot or on a lot adjacent to the principal dwelling owned by the same person. The cottage business constitutes, either entirely or partly, the livelihood of the person living in the dwelling unit.

**33. Country Club**

A membership club catering primarily to its members that provides recreational and social activities such as golf, swimming, tennis and other racquet courts, riding, outdoor recreation, clubhouse, locker room, and pro shop. County Clubs may also provide on-site dining facilities for their members and guests.

**34. Cryptocurrency Mining**

The operation of specialized computer equipment for the primary purpose of mining one or more blockchain-based cryptocurrencies which typically involves the solving of algorithms as part of the development and maintenance of a blockchain that is a type of distributed ledger maintained on a peer-to-peer network.

**35. Cultural**

An institution for displaying, preserving, or exhibiting historic, cultural, scientific, or artistic objects. May include museums, libraries, art galleries, or similar.

**36. Data Center**

A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, and enhanced security features.

**37. Dormitory**

A building used as group living quarters for a student body, religious order, or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, or other similar use.

**38. Dragstrip/Race Track**

A purpose-built facility for the conducting of races of human-operated machines (e.g., automobiles, go-carts, lawnmowers or motorcycles).

**39. Dwelling, Accessory Unit/Guesthouse**

A residential dwelling unit that is located on the same lot as, and clearly incidental and subordinate to, a detached single-family dwelling, either within the same building as the detached single-family dwelling or in a separate, detached building.

**40. Dwelling, Manufactured Home Class A, B, or C**

a. Class A — Doublewide or multi-sectioned manufactured housing units which meet U.S. Department of Housing and Urban Development manufactured home construction standards and also meet the County's appearance criteria as required in this UDO.

b. Class B — Singlewide manufactured housing units which meet U.S. Department of Housing and Urban Development manufactured home construction standards and also meet the County's appearance criteria as required in this UDO, with the exception of the length-width ratio and brick skirting.

c. Class C — Manufactured housing units which does not meet either the U.S. Department of Housing and Urban Development manufactured home construction standards or County appearance criteria as required in this UDO.

**41. Dwelling, Manufactured Home Class D**

Any manufactured home that does not meet the definition of a Class A, B, or C manufactured home.

**42. Dwelling, Multifamily**

A structure containing three or more dwelling units, including units that are located one over the other, patio homes, apartments, condominiums or townhouses.

**43. Dwelling, Single-Family**

A structure containing a single dwelling unit.

**44. Dwelling, Two-Family**

A structure containing two dwelling units. Two-family dwellings are also referred to as a duplex.

**45. Equipment Rental, Light**

An establishment engaged in the renting or leasing of equipment, including, but not limited to, wedding supplies, party supplies, small appliances, hand tools, furniture, and like items.

**46. Event Venue**

A building, room, or outdoor space used to host a specific gathering, such as a wedding, concert, banquet, party, conference or other similar event.

Section 44-607. Land Use Terms, F-K

**47. Family Care Home**

As defined in G.S. 160D-907(b), a home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities.

**48. Farmers Market**

An outdoor market where agricultural products, food products, plants, flowers, and handcrafted goods are offered for sale directly to consumers by farmers, producers, growers, or artisans. A farmers market may operate on a temporary, seasonal, or permanent basis.

**49. Farm and/or Heavy Equipment Sales and/or Rental**

The use of land or structures for the display, sale, lease, or rental of agricultural, construction, or other heavy equipment, including tractors, implements, loaders, skid steers, lifts, and similar machinery. This use may include outdoor display and storage, incidental maintenance and servicing of equipment, and associated offices, but does not include repair or salvage as a principal use.

**50. Firing/Shooting Range, Outdoor**

A facility for practice or competition with firearms not occurring entirely within a building.

**51. Firing/Shooting Range, Indoor**

A facility for practice or competition with firearms occurring entirely within a building.

**52. Flea Market, Outdoor**

A market for the sale of new and secondhand articles and antiques sold in open structures, tents, and the like, not permanently enclosed.

**53. Fish Lake or Pond, Commercial**

A facility open to the public for fishing, whether or not a fee is paid to the owner or proprietor of the facility.

**54. Food Catering**

An establishment that prepares and provides food and related services to off-premise locations.

**55. Food Truck**

A truck, trailer, or other mobile vehicle used for the preparation and/or sale of food and beverages and designed to be readily moved from one location to another. Such units may include cooking facilities, sinks, refrigeration, and other equipment for food preparation and storage. Food trucks are considered Mobile Food Units as defined in 15A NCAC 18A .2651, as amended.

**56. Food Truck Court**

An area, generally outdoors, configured and used for the regular operation of two or more food trucks, which may include eating areas, restrooms, and other ancillary facilities.

**57. Fraternity or Sorority House**

A dwelling or combination of dwellings on a single lot occupied by and maintained exclusively for college students who are affiliated with a social, honorary, or professional organization recognized by the college or university.

**58. Funeral Home and Crematorium**

An establishment for the care, preparation, or disposition of the deceased for burial and arrangement for the display of the deceased and rituals, in conjunction with death, burial, and/or cremation.

**59. Golf Courses and Ranges**

A publicly owned tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. This use may include a clubhouse with dining facilities, shelters, a driving range, putting green, maintenance facilities, and outdoor storage of materials and equipment.

**60. Greenhouse, Commercial**

An establishment primarily engaged in the growing and cultivating of trees, shrubs, other plants, seeds, bulbs, mulches, soil and the like. For purposes of permitted uses, other than for special events held no more than (3) times per year, the sale of any products from the site whether trees, shrubs, other plants, seeds, bulbs, mulches, soil, soil conditioners, fertilizers, pesticides, and other garden supplies, shall mean the use of the site is primarily Retail rather than greenhouse or horticultural nursery.

**61. Group Home**

Group home means a "Family Care Home" as defined in G.S 160D-907. A group home is a home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities. Person with disabilities are defined as a person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to, an intellectual or other developmental disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments but not including persons with a mental illness who are dangerous to others as defined in G.S. 122C-3(11)b. In addition, a group home also means a residential use, even if it does not conform to the language above, that provides a residential environment which may require various services, living assistance, or supervision but does not include any facility that provides medical services requiring or comparable to on-site, nursing, physician, or medical care for the occupants which is only permitted in a dependent living facility or health.

**62. Home Daycare**

A home daycare, also called a family child care home and further described in G.S. 110-86 and 110-91, is allowed to provide care for one of the following groups of children, including the operator's own preschool age children and excluding the operator's own school age children up to 13 years of age, in an operator occupied private dwelling:

a. A maximum of eight children, with no more than five children who are from birth to 5 years of age, plus three school age children.
b. A maximum of three children from birth to 24 months of age, plus three children from 2 to 5 years of age and three school age children up to 13 years of age, for a total of nine children.
c. A maximum of 10 children if all children are older than 24 months of age

**63. Home Occupation**

An accessory use of a dwelling unit that constitutes, either entirely or partly, the livelihood of the person living in the dwelling unit.

**64. Hospice Care Facility**

Any facility, other than a hospital or nursing home, specifically designed as a residence or home-like environment to provide terminally ill persons with personal and custodial care, including but not limited to board, lodging, counseling, medication, and individual assistance with or supervision of essential activities of daily living, such as eating, bathing, grooming, dressing, and ambulating.

**65. Hospital**

An institution providing physical and mental health services primarily for human inpatient medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient services, training facilities, central service facilities, emergency services, and staff offices.

**66. Hotel/Motel**

A building or group of buildings containing lodging units intended primarily for rental or lease to transients by the day or week, and which often provide additional services such as restaurants, meeting rooms and recreation facilities.

**67. Incinerator, Composting, or Similar Facility**

A facility used for the treatment or processing of waste or organic materials through methods such as combustion, decomposition, grinding or other controlled processes, including incinerators, composting or grinding operations, and similar uses. This use includes all associated buildings and equipment for receiving, handling, processing, and managing such materials.

**68. Indoor Self Storage**

Facilities providing separate storage areas for personal or business use, designed to allow private access by the tenant for storing or removing personal property.

**69. Indoor Recreation**

A private indoor use (entirely within an enclosed structure) providing for sport and recreation activities that are operated or carried out primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, dancehalls, skating rinks, commercial swimming pools, and racquet and tennis club facilities.

Section 44-608. Land Use Terms, L-Q

**70. Landfill**

Land used for the disposal of waste, excluding hazardous waste. Landfills are classified into three different types based upon the type of waste received at the landfill as follows:

a. Beneficial Fill Landfill—Land used for the disposal of inert debris strictly limited to concrete, brick, concrete block, used asphalt pavement, uncontaminated soil, rock, or gravel. Construction and demolition debris or land-clearing debris are not beneficial fill material and cannot be placed in a beneficial fill landfill.

b. Land-Clearing and Inert Debris (LCID) Landfill—A facility for the land disposal of land-clearing debris, brick, concrete block, uncontaminated soil, used asphalt pavement, gravel, rock, untreated and unpainted wood, or yard trash. The facility may not be used for the disposal of construction or demolition debris.

c. Sanitary Landfill—A facility used for the disposal of solid waste on a land in a sanitary manner in accordance with G.S. Chapter 130A Article 9.

**71. Laundry and Cleaning**

An establishment that provides laundering, dry cleaning, or other cleaning services for clothing, textiles, or similar items, including self-service, drop-off, or pickup services, and may include the collection, processing, and distribution of such items.

**72. Light Manufacturing**

The production, processing, assembly, or packaging of goods within an enclosed building, using materials and processes that typically do not create significant noise, odor, vibration, smoke, dust, or other impacts beyond the site.

**73. Livestock Sales**

A commercial establishment where livestock are collected for sale or auction.

**74. Major Outdoor Recreation**

Outdoor or open-air facilities and events that provide public entertainment or recreation and typically include amusement-type activities such as rides, games, shows, or similar attractions. This use may include temporary or permanent structures such as booths, stages, restaurants, and accessory retail or service areas, and is generally characterized by large-scale attendance and associated impacts such as noise, lighting, and traffic.

**75. Manufactured Home**

A structure, transportable in one or more sections, which is further defined under G.S. 160D-910. The term manufactured home does not include a recreational vehicle.

**76. Manufactured Home Park**

A piece of land held in single or corporate ownership and developed in a unified manner for the placement of three or more manufactured homes to be occupied for living and sleeping purposes.

**77. Manufactured Home Sales**

An establishment primarily engaged in the sale of manufactured homes.

**78. Manufactured Home Subdivision**

A parcel or contiguous parcels of land divided into three or more manufactured home lots for rent or sale.

**79. Manufactured Home Space**

An area within an approved manufactured home park meeting all applicable requirements for the purpose of setting up a manufactured home.

**80. Manufacturing**

The production, processing, or refining of goods or materials, including activities that may involve outdoor operations or storage and that are likely to generate noticeable noise, odor, vibration, smoke, dust, traffic, or other impacts beyond the site.

**81. Marina**

A facility for storing, servicing, fueling, selling convenience foods or articles, and berthing and securing of boats. It also allows retail sales of boats and campgrounds as permitted accessory uses.

**82. Medical Office**

An establishment primarily engaged in furnishing medical and surgical services to individuals and licensed for such practice by the state. This definition includes physicians, dentists, chiropractors, opticians, ophthalmologists, psychiatrists, psychologists, and other health practitioners.

**83. Micro Wireless Facility**

A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, no longer than 11 inches.

**84. Natural Resources and Mining**

The extraction, removal, processing, or primary handling of natural resources from the land, including earth materials, minerals, fuels, and organic or wood-based materials. This use includes activities such as mining or excavation of soil, sand, stone, clay, or similar materials for off-site use; extraction of natural gas, petroleum, or other fuels; and facilities that process or handle raw natural or organic materials through activities such as grinding, crushing, sorting, or similar methods for reuse, distribution, or further processing. This use may also include associated operations such as open conveyor systems and facilities for processing wood waste, including grinding or chipping of land clearing debris, yard waste, pallets, and construction wood waste into mulch, fuel, or other reusable products, whether operated on a permanent or temporary basis.

**85. Mixed-Use**

A building that contains one or more dwellings and an institutional, civic, office, commercial or retail use. Mixed-use buildings are a common feature of traditional town centers where shop owners lived above ground-floor businesses.

**86. Nightclub**

An establishment providing alcoholic beverage service and that also may provide entertainment activities such as live performances, dancing, or billiards. This does not include any Adult Entertainment use.

**87. Nursery/Landscaping Business**

An establishment engaged in the cultivation, propagation, storage, and sale of plants and related materials, combined with the design, installation, and maintenance of landscapes and outdoor spaces, including associated site preparation and horticultural services.

**88. Nursing Home**

An establishment licensed by the state that provides long-term care for chronic or convalescent patients who require regular medical and nursing care but not the high level of services provided by a hospital. This use may also include ancillary dining facilities primarily intended for occupants and staff of the nursing home, and infirmary facilities for intermediate or skilled nursing care to be used by the facility's occupants.

**89. Open Storage**

Materials, supplies, equipment, 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 definitions of open storage include items or products displayed for retail sale.

**90. Outdoor Recreation**

Privately or publicly owned outdoor or open-air facilities and areas that provide recreational, amusement, or entertainment activities for public use. This use includes recreational facilities such as athletic fields, parks, courts, golf and driving ranges, swimming facilities, clubs, and similar active recreation areas, as well as outdoor amusement and entertainment uses such as drive-in or outdoor theaters, batting cages, miniature golf, and similar facilities. This use does not include recreational facilities that are accessory to a residential development.

**91. Outdoor Self-Storage Facility**

A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors, and which may have areas available for accessory outdoor storage. Sales of

related items, such as moving supplies, and facility management offices may also be included.

**92. Parking Facilities for Active Noncommercial Recreation**

Areas or structures used for the temporary parking of vehicles serving playgrounds, playing fields, courts, and similar active, noncommercial recreational uses. This use is accessory to such recreation and not operated as a commercial parking facility.

**93. Personal Services**

Establishments primarily engaged in providing services to individuals or the repair, maintenance, or alteration of personal property. This use includes personal appearance services, instructional or fitness-related services, and small-scale repair or restoration of personal items and equipment. This use includes, but is not limited to, barbershops, beauty salons, tailoring and dressmaking, personal care services, fitness centers and dance instruction, and repair services for items such as apparel, footwear, clocks, watches, jewelry, bicycles, small appliances, and similar goods. This use includes personal care services involving assistance with or supervision of activities of daily living, such as eating, bathing, grooming, dressing, ambulation, and supervision of self-administered medication, but does not include medical, nursing, dental, or mental health services. This use does not include industrial-scale repair, vehicle repair, or laundry and dry-cleaning operations classified under separate use categories.

**94. Pet Care**

Facilities where dogs or cats are temporarily housed, cared for, groomed, trained, or otherwise provided services for a fee or as part of an organized animal welfare operation. This use includes animal shelters operated by nonprofit organizations for the purpose of housing or caring for animals, as well as boarding kennels that provide temporary boarding of dogs or cats for compensation. This use may also include grooming, training, and related services for household pets.

**95. Pet Care, Mobile**

Pet care services provided at or from a mobile unit or vehicle that travels to the customer's location, including grooming, bathing, training, or similar non-medical care of domestic animals. This use may include limited on-board equipment and the temporary parking or staging of the mobile unit while services are being performed.

**96. Professional Services**

An establishment containing practitioners of a calling or vocation in which knowledge of some department of science or learning is used in its application to the affairs of others. Such activities include, but are not limited to, accounting, auditing and bookkeeping services; architectural services; engineering and surveying services; interior design services; and legal services. Physicians and dentists are classified as health practitioners.

**97. Public Facilities**

Land, buildings, structures, and infrastructure used by governmental agencies or public service providers to deliver public services, utilities, or community functions to the public. This use includes facilities for public administration, protection, and services; public utilities and related infrastructure; community facilities; and support facilities for public operations, including maintenance and transportation-related functions. This use includes facilities operated by public or quasi-public entities for a public purpose.

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**98. Radio and Television Studio/Broadcasting**

A facility for the production or broadcast of radio or television shows, including such things as offices, dressing rooms, broadcast and taping studios, file rooms, set storage and related installations, but not including radio and television transmitting and receiving facilities, as defined in this UDO.

**99. Radio or Television Transmitting Facility and Radio or Television Receiving Facility**

The use of land, buildings, or structures for the aboveground transmission or reception of airborne radio or television signals, including all transmitting and receiving towers, dishes, and antennas, except accessory radio or television receiving antennas and dishes.

**100. Recreational Uses, Community (Freestanding)**

Parks and playgrounds, lakefront public access sites, community centers, recreation clubs such as Boys and Girls Clubs; golf clubs; swimming clubs; tennis clubs; country clubs; paddle, racquetball, handball courts. Community recreational uses associated with residential subdivisions are not included because they will be approved by the subdivision review board along with subdivision approval.

**101. Recreational Vehicle (RV)**

A vehicle which is:

a. Built on a single chassis;

b. Four hundred square feet or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or towed by a passenger vehicle or light-duty truck; and

d. Not designed for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**102. Religious Institution**

A building containing a hall, auditorium, or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such

structure. Accessory uses may include caretaker's housing, pastor's housing, daycare, summer youth programs, schools, cemeteries, and columbaria. Examples of this use include churches, temples, synagogues, and mosques.

**103. Research Facilities and Labs**

A facility primarily engaged in conducting scientific research, experimental design, and prototype development of devices or products in the physical, engineering, or life sciences, such as agriculture, electronics, biology, biotechnology, chemistry, geology, medicine, pharmacy, veterinary, and other allied subjects. This use does not include the manufacturing, servicing or sale of consumer products.

**104. Residential Care Facility, Up to 6 Residents**

A dwelling providing housing, meals, and personal care services for six or fewer residents, excluding staff, who are not related to the owner or operator, for periods exceeding 24 hours, and licensed or approved by the state. Personal care services include assistance with daily living activities but do not include nursing or medical treatment.

**105. Residential Care Facility, Over 6 Residents**

A facility providing housing, meals, and personal care services for more than six residents, excluding staff, who are not related to the owner or operator, for periods exceeding 24 hours, and licensed or approved by the state. Personal care services include assistance with daily living activities but do not include nursing or medical treatment.

**106. Restaurant and Drinking Establishment**

Establishments where food or drink (alcoholic or non-alcoholic) are prepared and served to customers for consumption on the premises or to be carried out for consumption off premises. Accessory uses may include outdoor seating and/or dining areas and walk-up service.

**107. Retail**

The use of land, buildings, or structures for the sale of goods or merchandise directly to the consumer.

**108. Roadside Stand, Commercial**

The sale of any form of agricultural or horticultural products at a retail stand where the products were grown off-site.

**109. Roadside Stand, Residential**

The sale of any form of agricultural or horticultural products at a retail stand on the property where they are produced.

**110. Salvage Yard**

Land used for the storage, keeping, handling, or display of junk or on which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more.

**111. Sanitarium and Mental Institution**

A facility, whether public or private, that provides inpatient or residential care, treatment, habilitation, or rehabilitation for individuals with mental illness, intellectual or developmental disabilities, or substance use disorders, typically on a 24-hour basis and under medical or clinical supervision, licensed and approved by the State. This use includes psychiatric hospitals and other licensed facilities whose primary purpose is the diagnosis, care, or treatment of such individuals.

**112. Sawmill and Lumberyard**

An establishment primarily engaged in sawing dimension lumber, boards, beams, timbers, poles, ties, shingles, shakes, siding and wood chips from logs or bolts. Sawmills may plane the rough lumber that they make with a planning machine to achieve smoothness and uniformity of size.

**113. School**

A facility that is in compliance with North Carolina state compulsory school attendance laws and provides a curriculum of elementary or secondary academic instruction.

**114. Scientific Equipment/Testing**

A facility or land used for the manufacture and testing of equipment and instruments for laboratory and scientific analysis, engineering equipment, measurement and optical instruments, computers, surgical instruments and medical equipment, photographic equipment and supplies, and other scientific and professional equipment or instruments.

**115. Small Wireless Facility**

A wireless facility that meets both of the following qualifications:

a. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.

b. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

**116. Utility Scale Solar Facility**

Two or more solar collectors or photovoltaic panels intended to capture energy from sunlight, convert it to electricity, and save or deliver the electricity for off-site use.

**117. Software Development/Coding**

A business primarily engaged in the development or engineering of computer software or computer hardware, but excluding retail sales, computer hardware manufacturers, and computer repair services.

**118. Solid Waste Landfill Affiliated Enterprise**

Any enterprise which by virtue of its existence or operation will, pursuant to a contractual agreement with the county, do any of the following: assist the County in the operation of the Blackburn Solid Waste; use or recycle materials which would otherwise be directed to the Blackburn Solid Waste Landfill; use or market any byproduct of the Blackburn Solid Waste Landfill; provide raw materials such as soils or clays, necessary to operation of the Blackburn Solid Waste Landfill; otherwise aid in the operation of the Blackburn Solid Waste Landfill. The enterprise must be located within an area described by a circle, the radius of which is a straight line extending one mile from the approximate center of the Blackburn Solid Waste Landfill. An enterprise meets the requirements of this definition even though its principal activity or activities are not directly related to any of the above-listed landfill affiliated activities. Should the principal activity or activities of the enterprise be a prohibited use in any zoning district located within this UDO, this section shall control, overriding the prohibition contained elsewhere within the zoning ordinance. Further, the expiration or termination of the underlying contractual agreement by and between the enterprise and the county, or the closing of the Blackburn Solid Waste Landfill, does not then make the enterprise a nonconforming use.

**119. Stable, Public**

A building or structure designed or used for maintaining livestock or horses and for the storage of manure or soil fertilizer.

**120. Taxidermy**

The art or operation of preparing or stuffing the dead skins of animals, fish, or birds in a life-like state.

**121. Telecommunication Facilities, Collocation/Modification Wireless**

Any placement, installation, modification, or construction of a structure or co-location of a wireless facility on an existing structure that is an eligible facility request or is the installation of a small wireless facility as defined in G.S. 160D-931. This definition does not include routine maintenance or the replacement of wireless facilities or wireless support structures within a six-foot perimeter with wireless facilities or wireless support structures that are substantially similar or the same size or smaller, as those activities are exempt.

**122. Telecommunication Facilities, Wireless**

Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

**123. Television and/or Radio Tower Facilities**

The use of land, buildings, or structures for the aboveground transmission or reception of airborne radio or television signals, including all transmitting and receiving towers, dishes and antennas, except accessory radio or television receiving antennas and dishes.

**124. Temporary Uses/Special Events**

A use established for a limited duration with the intent to discontinue the use when the timeframe has expired. The temporary use/special events use includes, but is not limited to, circus, carnival, concert, fair, festival, rodeo, religious events, wedding, and special events by nonprofit organizations.

**125. Tire Sales**

A business that is primarily involved in the sale of tires, tire installations and/or the repair of tires.

**126. Tower**

Any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

**127. Towers and Antennas (Preexisting)**

Any tower or antenna on which a permit has been properly issued prior to July 1, 2003.

**128. Tower Structure (Alternative)**

Clock towers, sculptures, bell steeples, light poles, and similar alternative-design mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

**129. Vehicle Repair, Commercial**

An establishment engaged in engine rebuilding or reconditioning of automobiles, the removal from any vehicle of a major portion such as the differential, transmission, head, engine block, or oil pan, worn or damaged motor vehicles or trailers, including body, frame, or fender straightening or repair, and/or the painting of vehicles.

**130. Vehicle Sales**

An open area used for the display, sale or rental of new and/or used motor vehicles.

**131. Veterinary Clinic**

A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term boarding that is incidental to medical care or treatment, and limited retail sales of pet-related merchandise.

**132. Vehicle Parking**

The use of land or structures for the temporary storage of private, noncommercial motor vehicles, including passenger cars, pickup trucks, and similar vehicles used for personal transportation. This use excludes the parking or storage of vehicles for commercial purposes, including fleet vehicles, commercial vehicle sales, repair, or storage operations.

**133. Warehouse and Distribution**

A facility where the distribution or storage of manufactured products, supplies, or equipment occurs.

**134. Waste Disposal Services**

A facility for the disposal of non-hazardous refuse using incinerators, waste treatment plants, landfills, or other means of disposal.

**135. Wireless Facility**

Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

a. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
b. Wireline backhaul facilities.

c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

**136. Wireless Telecommunications Facility (WTF)**

The equipment needed to transmit and/or receive cellular, radio, television, or data signals.

**137. Woodworking Shop**

A business that works with wood to produce products for retail sale.

**138. Wholesale**

Establishments engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

**139. Wood Waste Grinding Operation, Temporary On-Site**

A temporary use where organic wastes are processed for recycling or reuse in soil-plant related industries, including activities such as grinding or chipping land clearing debris, high carbon nitrogen and yard waste. The operation will be in existence for a period of six months or less and in conjunction with land clearing and construction site preparation. The materials that are processed must be from the location of the grinding site.

**140. Zoo**

A collection of living animals usually for public display.

# Article 7. Appendix

## Section 44-701 Floodplain Management Overlay (FPM-O)

A. Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Articles 1, 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare. This Article is also known as the Catawba County Flood Damage Prevention Ordinance.

B. Findings of Fact

A. The flood prone areas within the jurisdiction of Catawba County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions, both inside and outside the Special Flood Hazard Areas, causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards. These obstructions and occupancy by uses vulnerable to floods may be hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

C. Purpose

The purpose of the FPM-O district is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

1. Protect human life, safety and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business losses and interruptions;
5. Minimize damage to public facilities and utilities, (i.e., water and gas mains; electric, telephone, cable and sewer lines; streets; and bridges) located in flood-prone areas;
6. Minimize damage to private and public property due to flooding;
7. Make flood insurance available to the community through the National Flood Insurance Program;
8. Maintain the natural and beneficial functions of floodplains;
9. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
10. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

E. Definitions

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

"A Zone" is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have NOT been determined.

"AE Zone" is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have been determined by detailed or limited detailed methods.

"Accessory structure (appurtenant structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure.

"AH Zone" is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually areas of ponding), where average depths are between one (1) and three (3) feet. Base flood elevations derived from detailed hydraulic analyses are shown in this zone.

"Alteration of a watercourse" means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

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"AO Zone" is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually sheet flow on sloping terrain) where average depths are between one (1) and three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown in this zone.

"Appeal" means a request from a review of the Floodplain Administrator's interpretation of any provision of this Article.

"Area of shallow flooding" means a designated AO or AH on a community's flood insurance rate map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable, indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" see "special flood hazard area (SFHA)."

"Base flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "special flood hazard area," it may be obtained from engineering studies available from a federal, state or other source using FEMA approved engineering methodologies. This elevation, when combined with the "freeboard," establishes the "regulatory flood protection elevation."

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Building" see "structure."

"Chemical storage facility" means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

"Community" means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

"Community Rating System (CRS)" means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

"Critical facility (also called critical action)" means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire, and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use, or store hazardous materials or hazardous waste.

"Design Flood" see "Regulatory Flood Protection Elevation."

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

"Development Activity" means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

"Digital Flood Insurance Rate Map (DFIRM)" means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

"Disposal" means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Dry Floodproofing" means a combination of measures that make a building and attendant utilities and equipment watertight and substantially impermeable to floodwater, with structural components having the capacity to resist flood loads. Please refer to Technical Bulletin 3, *Requirements for the Design and Certification of Dry Floodproofed Non-Residential and Mixed-Use Buildings*, and available from the FEMA.

"Elevated building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Encroachment" means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

"Existing building and existing structure" means any building and/or structure for which the "start of construction" commenced before the effective date of the floodplain management regulations adopted by a community, dated July 9, 2007.

"Existing manufactured home park or manufactured home subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are affixed, including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, was completed before the initial effective date of the floodplain management regulations adopted by the community, dated July 9, 2007_.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing

homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
(1) The overflow of inland or tidal waters.
(2) The unusual and rapid accumulation or runoff of surface waters from any source.
(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of
this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

"Flood Insurance" means the insurance coverage provided under the National Flood Insurance Program.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas applicable to the community are delineated. (see also DFIRM)

"Flood Insurance Study (FIS)" means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs).

"Flood Prone Area" see "Floodplain"

"Flood Zone" means a geographical area shown on a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain or floodprone area. Any land area susceptible to being inundated by water from any source.

"Floodplain" means any land area susceptible to being inundated by water from any source.

"Floodplain Administrator" is the individual appointed by the County to administer and enforce the floodplain management regulations.

"Floodplain Development Permit" means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain Management Regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

"Flood-resistant material" means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

"Floodway" means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Floodway encroachment analysis" means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

"Floor" means the top surface of an enclosed area in a building, including basement, for example, the top of slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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"Freeboard" means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the "Regulatory Flood Protection Elevation".

"Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hazardous Waste Management Facility" means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

"Historic Structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
(b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(c) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
(d) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

"Letter of Map Change (LOMC)" means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

(a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
(b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
(c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel

of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

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

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

"Lowest Adjacent Grade (LAG)" means the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Article.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map Repository" means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products has the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data, the NC FRIS website (https://fris.nc.gov/) is the map repository. Repositories of historical flood hazard data are available on the Flood.NC website (https://flood.nc.gov/ncflood/) and the FEMA Flood Map Service Center website (https://msc.fema.gov/portal/home).

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent

certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"Non-Encroachment Area (NEA)" means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Planning director" means the individual appointed to administer and enforce the floodplain management regulations.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after July, 9, 2007, the effective date of the initial Flood Insurance Rate Map. (The initial FIRM date can be found in the FEMA Community Status Book.)

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before July 9, 2007, the effective date of the initial Flood Insurance Rate Map. (The initial FIRM date can be found in the FEMA Community Status Book.)

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

"Public Safety" and/or "Nuisance" means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational Vehicle (RV)" means a vehicle, which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and

(e) Is fully licensed and ready for highway use.

(f) Has no attached deck, porch, or shed, and

(g) Has quick-disconnect sewage, water, and electrical connectors.

"Reference Level" is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE or Coastal A Zone.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least 2 (two) feet above the highest adjacent grade.

"Remedy a Violation" means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

"Repetitive Loss" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

"Repetitive Loss Property" means any insurable building for which two or more claims of more than $1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Salvage Yard" means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

"Section 1316" means that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that FEMA finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

"Severe Repetitive Loss Structure" means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership. In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

1. Four or more separate claim payments of more than $5,000 each (including building and contents payments); or
2. Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

"Solid Waste Disposal Facility" means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

"Solid Waste Disposal Site" means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

"Special Flood Hazard Area (SFHA)" means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in **44-701(B)** of this Article.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4, Section E of this ordinance.

"Temperature Controlled" means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

"Variance" is a grant of relief from the requirements of this Article.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation (WSE)" means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

"X Zones" means areas determined to be low to moderate risk flood zones and are located outside the community's delineated Special Flood Hazard Area (SFHA) and include the following:

(a) Shaded - is the area of moderate flood hazard and can represent:
  (1) 0.2% annual chance flood hazard area (500-year flood zone),
  (2) Areas of 1% annual chance flood with average depth less than one (1) foot, or
  (3) Areas of 1% annual chance flood with drainage areas of less than one (1) square mile

(b) Unshaded - is the area of minimal flood hazard determined to be outside of the 0.2% annual chance flood (500-year flood zone).

F. General Provisions

1. Lands to which this overlay district applies

2. This article and overlay district shall apply to all Special Flood Hazard Areas within the jurisdiction of Catawba County. Basis for establishing the Special Flood Hazard Areas

   The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) dated July 9, 2007for Catawba County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this Article and all revisions thereto.

3. Establishment of Floodplain Development Permit

   A Floodplain Development Permit shall be required in conformance with the provisions of this Article prior to the commencement of any development activities within Special Flood Hazard Areas as determined in accordance with the provisions of **Section 44-701.F.** of this Article.

4. Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Article and other applicable regulations.

5. Repeal and Greater Restrictions

   This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6. Interpretation

   In the interpretation and application of this article, all provisions shall be:

   a. Considered as minimum requirements;

   b. Liberally construed in favor of the governing body; and

   c. Deemed to neither limit nor repeal any other powers granted under State statutes.

7. Warning and Disclaimer of Liability

8. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by manmade or natural causes. This article does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of Catawba County or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

9. Penalties for Violation

   Violation of the provisions of this Article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to North Carolina General Statute § 143-215.58. Any person who violates this Article or fails to comply with any of its requirements shall be fined not more than $50.00. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Catawba County from taking such other lawful action as is necessary to prevent or remedy any violation.

G. Administration and Enforcement

1. Designation of Floodplain Administrator

   The Planning Director, hereinafter referred to as the "Floodplain Administrator," or their designee, is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this Article.

2. Floodplain Development Application, Permit, and Certification Requirements

a. Application requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

i. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(1) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

(2) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in **Subsection 44-701.F,** or a statement that the entire lot is within the Special Flood Hazard Area;

(3) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in **Subsection 44-701.F**;

(4) The boundary of the floodway(s) or non-encroachment area(s) as determined in **Subsection 44-701.F**;

(5) The Base Flood Elevation (BFE) where provided as set forth in **Subsection 44-701.F**, **Section 44-114** or **Section 44-701.I**; and

(6) The old and new location of any watercourse that will be altered or relocated as a result of proposed development.

3. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

a. Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;

b. Elevation in relation to NAVD 1988 to which any non-residential structure in zone A, AE, AH, AO, A99 will be flood-proofed; and

c. Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.

4. If floodproofing, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

5. A Foundation Plan drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this article are met. These details include but are not limited to:

a. The proposed method of elevation, if applicable (for example, fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with **Subsection 44-701.M(4).**, when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A99.

6. Usage details of any enclosed areas below the lowest floor.
7. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
8. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
9. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of subsections **44-44-701.M(3) and (7)** are met.
10. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

    a. Permit Requirements

        i. At a minimum, the Floodplain Development Permit shall include, but not be limited to:

            (1) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.) including a cost estimate;

            (2) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in **Subsection 44-701.EF**;

            (3) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities;

            (4) The Regulatory Flood Protection Elevation required for the protection of all public utilities;

            (5) All certification submittal requirements with timelines;

            (6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of **Section 44-701.H.** have been met;;

            (7) The flood openings requirements;

            (8) Limitations of below BFE enclosure uses (if applicable), (i.e., parking, building access and limited storage only); and

(9) A statement, that all materials below BFE/RFPE must be flood resistant materials.

H. Certification Requirements

1. Elevation Certificates

a. All new construction and substantial improvements within a regulated floodplain shall be elevated so that the lowest floor, including any basement, is at least two feet above the base flood elevation. This required two-foot vertical separation shall constitute the minimum freeboard.

b. An Elevation Certificate (FEMA Form FF-206-FF-22-152) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it is the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Elevation certification must be prepared and certified by, or under the direct supervision of, a registered land surveyor or professional engineer. Any work done within the seven calendar day period, and prior to submission of the certification, is at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review must be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

c. A final Finished Construction Elevation Certificate (FEMA Form FF-206-FY-152) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

d. Floodproofing Certificate

If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. A final Finished Construction Floodproofing Certificate (FEMA Form FF-206-FY-22-153), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

e. Engineered Foundation Certification

If a manufactured home is placed within Zones A, AE, AH, AO, or A99 and the elevation of the chassis is more than 36 inches in height above grade, an Engineered Foundation Certification is required in accordance with the provision of **Subsection 44-701.M(3)b.**.

f. Watercourse Alteration, Relocation

If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

g. Certification Exemptions

The following structures, if located within Zones A, AE, AH, AO, or A99, are exempt from the elevation/floodproofing certification requirements specified in items **(a)** and **(b)** above:

a. Recreational Vehicles meeting requirements of **Subsection 44-701.N(6)a;**

b. Temporary Structures meeting requirements of **subsection 44-701.M(7);** and

i. Accessory Structures that are 150 square feet or less and meeting requirements of subsection **44-701(M)8.**

h. Substantial Improvement/Damage Determinations for Existing Buildings and Structures

For building permit applications to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the NC Building Code and this Article is required.

l. Duties and Responsibilities of the Floodplain Administrator

At a minimum, the Floodplain Administrator is responsible for the following:

1. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this Article have been satisfied;

2. Review all proposed development within special flood hazard areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

3. Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the FEMA;
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;
5. Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of **Section 44-701.P** are met;
6. Obtain actual elevation (in relation to NAVD 1988) of the reference level, (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with **Section 44-701.G**;
7. Obtain actual elevation (in relation to NAVD 1988) to which all new or substantially improved structures and all utilities have been floodproofed in accordance with the provisions of **Section 44-701.G**;
8. Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of **Section 44-701.G**;
9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of **Section 44-701.G** and **Subsection 44-701.N(2)**;
10. Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given 30 days to appeal the interpretation as provided in this Article;
11. When BFE data has not been provided in accordance with this article, obtain, review and reasonably utilize any base flood elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, state or other source, including data **Subsection 44-701.E** developed pursuant to **Subsection 44-701.P(2)b**, in order to administer the provisions of this Article;
12. When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with **Subsection 44-701.E**, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this Article;
13. Permanently maintain all records that pertain to the administration of this Article and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended;

14. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this Article and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action;
15. Issue stop-work orders as required. Whenever a building or part of a building is being constructed, reconstructed, altered, or repaired in violation of this chapter, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor;
16. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked;
17. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel or structure in a special flood hazard area is above the BFE, advise the owner of the option to apply for a letter of map amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file;
18. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action;
19. Follow through with corrective procedures of **Section 44-701.J**;
20. Review, provide input, and make recommendations for variance requests;
21. Maintain a current map repository to include, but not limited to, historical and effective FIS report, historical and effective FIRM and other official flood maps/studies adopted under **Subsection 44-701.E**, including any revisions thereto including letters of map change, issued by FEMA. Notify the state and FEMA of mapping needs;
22. Coordinate revisions to FIS reports and FIRM, including letters of map revision based on fill (LOMR-F) and letters of map revision (LOMR);

23. Make substantial improvement and post event damage assessments and determinations:
    (a) Conduct damage assessments for damaged structures located within the SFHA;
24. Complete substantial improvement/damage determinations in accordance with the provisions of **Subsection 44-701(M)5.**

J. Corrective Procedures

1. Stop Work Order

   The Floodplain Administrator may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedied the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to remedy such violation or violations.

2. Notice of Violation

   If the Floodplain Administrator determines that an owner, occupant, applicant or other responsible person has failed to comply with the terms and conditions of a permit, or the provisions of this ordinance, they shall issue a written notice of violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this Article without having first secured a permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

   a. The name and address of the owner or the applicant or the responsible person;
   b. The address or other description of the site upon which the violation is occurring;
   c. A statement specifying the nature of the violation;
   d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this ordinance and the date for the completion of such remedial action;
   e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;
   f. A statement that the determination of violation may be appealed to the community by filing a written notice of appeal within thirty days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).

3. Additional Enforcement Actions

   If the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any

one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, Catawba County shall first notify the owner, applicant or other responsible person in writing of its intended action. Catawba County shall provide reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to remedy such violation. In the event the applicant or other responsible person fails to remedy such violation after such notice and remedial period, Catawba County may take or impose any one or more of the following enforcement actions or penalties:

a. Termination of utility service and/or withhold or revoke Certificate of Occupancy

   Catawba County may terminate utilities and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedied the violation or violations described therein.

b. Suspension, Revocation, or Modifications of Permit

   The Floodplain Administrator may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedied the violations described therein, provided such permit may be reinstated (upon such conditions as the community may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

c. Civil Penalties

   Violation of the provisions of this Article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a Class 1 misdemeanor pursuant to N.C.G.S. 143-215.58.

   i. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $50. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Catawba County from taking such other lawful actions, pursuant to N.C.G.S. 153A, 160A, and 160D, as is necessary to prevent or remedy any violation.

ii. Enforcement by an appropriate equitable remedy issuing from a court of competent jurisdiction may be pursued if the offender fails to remedy the violation, pays assessed fines, and/or fails to file an appeal within the prescribed period of time. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate.

4. Administrative Appeal; Judicial Review

Any person receiving a Notice of Violation may appeal the determination of the community, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the community's rules and regulations, or the issuance of a notice of bond forfeiture.

a. Any person receiving a Notice of Violation may appeal the determination of the floodplain administrator to the local elected governing body. The Notice of Appeal must be in writing and be received by the floodplain administrator and the clerk within 30 days of the date of the Notice of Violation. In the absence of an appeal, the determination of the floodplain administrator shall be final.

b. All appeals shall be heard and decided by the community's designated Appeal Board, which shall be the Board of Adjustment, or their designees. The Board of Adjustment shall hear an appeal within a reasonable time and shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the community's flood damage prevention ordinance, and any other applicable local, state, or federal requirements. In the absence of a petition for review of a quasi-judicial decision, the decision of the Board of Adjustment shall be final.

c. A petition for review of a quasi-judicial decision can be requested by any person with standing aggrieved by a decision or order of the community, after exhausting his/her administrative remedies. The petition shall be received by the clerk of superior court within 30 days of the date of the local governing body decision.

5. Section 1316 Declaration

Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County, or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure remains noncompliant. The community must coordinate a request for Section 1316 declaration to the FEMA Regional Office through the State NFIP Coordinator.

Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied. If a structure that has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by FEMA and flood insurance eligibility restored.

K. Variance Procedures

1. The Board of Adjustment shall act as the appellate board and hear and decide requests for variances from the requirements of this Article.
2. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the court, as provided in N.C.G.S. Chapter 7A.
3. Variances may be issued for:
   a. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
   b. Functionally dependent facilities if determined to meet the definition as stated in **Article 6, Division 2**, provided provisions of **Subsections 44-429.K(1)(b), (c),** and **(d)** have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
   c. Any other type of development, provided it meets the requirements of this Article.
4. In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter along with the following:
   a. The danger that materials may be swept onto other lands to the injury of others;
   b. The danger to life and property due to flooding or erosion damage;
   c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   d. The importance of the services provided by the proposed facility to the community;
   e. The necessity of the facility of a waterfront location as defined in **Article 6, Division 2** as a functionally dependent facility, where applicable;
   f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
   g. The compatibility of the proposed use with existing and anticipated development;
   h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

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

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

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

5. A written report addressing each of the above factors must be submitted with the application for a variance.

6. Upon consideration of the factors listed above and the purposes of this Article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this chapter.

7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to $25.00 per $100.00 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

8. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to FEMA and the state upon request.

9. Conditions for variances:

a. Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or chapters;

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

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

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

e. Variances shall only be issued upon:

i. A showing of good and sufficient cause;

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

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

10. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas provided that all of the following are met:
    a. The use serves a critical need in the community;
    b. No feasible location exists for the use outside the special flood hazard area;
    c. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation;
    d. The use complies with all other applicable federal, state and local laws; and
    e. The County has notified the secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance, in accordance with North Carolina General Statutes §143-215.54A(b).

L. Provisions for Flood Hazard Reduction

1. General Standards

In all Special Flood Hazard Areas the following are required:

a. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure.
b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
c. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.
d. All new electrical, heating, ventilation, air-conditioning, plumbing, duct systems, and other building utility systems, equipment, and service facilities must be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, fuel tanks, and electric outlets/switches.

    i. Replacements part of a substantial improvement must also meet the above provisions.

ii. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements comply with the standards for new construction consistent with the code and requirements for the original structure.

d. All new and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the systems.

e. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

f. On-site waste disposal systems must be located and constructed to avoid impairment to them or contamination from them during flooding.

g. Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this article, must meet the requirements of new construction as contained in this article;

h. Nothing in this article shall prevent the repair, reconstruction, or replacement of a building or structure existing on September 3, 1980, the effective date of the original ordinance, and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback , and provided that the repair, reconstruction, or replacement meets all of the other requirements of this article;

i. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in . A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of ;

j. All subdivision and other development proposals shall be consistent with the need to minimize flood damage;

k. All subdivision and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

l. All subdivision and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

m. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

n. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

o. When a building or structure is located in more than one flood hazard zone or in a flood hazard zone with multiple base flood elevations, the provisions for the more restrictive flood hazard zone and the highest BFE shall apply. Structural fill shall not be used unless design and construction of the structural fill accounts for the following:

i. consolidation of the underlying soil under the weight of the fill and the structure,

ii. differential settlement due to variations in fill composition and characteristics, and

iii. slope stability and erosion control during conditions of the base flood.

M. Specific Standards

In all Special Flood Hazard Areas where BFE data has been provided, the following provisions, in addition to the provisions of **Section 44-701.M.,** are required.

1. Residential Construction. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation (RFPE).

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure, shall have the reference level including basement, elevated no lower than the regulatory flood protection elevation. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation (RFPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO zones, the floodproofing elevation shall be in accordance with **Subsection 44-701.R).** A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in section **44-701.I.**, along with the operational and the inspection and maintenance plan.

3. Manufactured Homes

a. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation (RFPE).

b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes, and any revision thereto adopted by the Commissioner of Insurance pursuant to **G.S. 143-143.15**. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or an engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

c. All enclosures or skirting below the lowest floor shall be in accordance with **Subsection 44-701.N(4).**

d. An evacuation plan shall be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

4. Elevated Buildings

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

a. Shall not be designed or used for human habitation, but shall only be used for vehicular parking, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of the enclosed area must not be finished or partitioned into separate rooms, except to enclose storage areas;

b. Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

c. Shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings shall either be certified by a professional engineer or architect or meet the following minimum design criteria;

i. A minimum of two flood openings on different sides of each enclosed area subject to flooding;

ii. The total net area of all openings must be at least one(1) square inch for each square foot of enclosed area subject to flooding;

iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

iv. The bottom of all required openings can be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;

v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes and do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered to be an enclosure and requires openings as outlined above.

5. Additions/Improvements

a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

i. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.

ii. A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

b. Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitation/improvements to the existing structure, other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.

c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

i. Not a substantial improvement- the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.

ii. A substantial improvement- both the existing structure and the addition and/or improvements must comply with the standards for new construction.

d. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this UDO. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

i. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

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

6. Recreational Vehicles

Recreational vehicles must meet the following:

a. Placement of a Recreational Vehicle in the Regulatory Floodway or Non-Encroachment area is prohibited. This includes both temporary and permanent placement.

Recreational vehicles must either meet the following standards:

b. Temporary Placement

i. Be on site for fewer than 180 consecutive days; or

ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions).

c. Permanent Placement

i. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

7. Temporary Nonresidential Structures

Prior to the issuance of a floodplain development permit for a temporary structure, applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

a. A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

b. The name, address, and phone number of the individual responsible for the removal of the temporary structure;

c. The timeframe prior to the event at which a structure will be removed (for example, a minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

d. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

e. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

8. Accessory Structures

i. When accessory structures (sheds, detached garages, etc.) with a footprint of no more than 600 square feet are placed within A, AO, AH, AE and A99 flood zones, wet floodproofing may be permitted when the following criteria are met: Accessory structures shall not be used for human habitation, including working, sleeping, living, cooking, or restroom areas;

ii. Accessory structures shall not be temperature-controlled;

iii. Accessory structures shall be designed to have low flood-damage potential;

iv. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

v. Accessory structures shall be firmly anchored in accordance with the provisions of **Subsection 44-701.M.(8)**;

vi. All service facilities, such as electrical, shall be installed in accordance with the provisions of this article;

vii. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of this article; and

b. All other accessory structures exceeding the size restrictions in **Article 5, Section B(8)(a)** above must comply with the elevation or floodproofing standards and certification requirements in accordance with **Article 4, Section B(3) and Article 5, Section B(2**).

An accessory structure with a footprint of 150 square feet or less in A, AO, AH, AE and A99 zones satisfying the criteria outlined above in **Article 5, Section B(8)(a)** is not required to meet the elevation or floodproofing certification requirements of **Article 4, Section B(3).** All other accessory structures must comply with the elevation or floodproofing certification requirements in accordance with **Article 4, Section B(3).**

9. Tanks

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

a. Underground Tanks

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

b. Above-ground Tanks, Elevated

Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design

flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

c. Above-ground Tanks, Not Elevated

Above-ground tanks that do not meet the elevation requirements of **Section 44-701.M.** shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

d. Tank Inlets and Vents

Tank inlets, fill openings, outlets and vents shall be:

i. At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

ii. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

10. Other Development

a. Fences in regulated floodways and non-encroachment areas (NEAs) that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of UDO.

b. Retaining walls, sidewalks and driveways in regulated floodways and NEAs

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of this UDO.

c. Roads and watercourse crossings in regulated floodways and NEAs

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of UDO.

d. Commercial storage facilities are not considered "limited storage" as noted in this article and shall be protected to the Regulatory Flood Protection Elevation as required for non-residential structures.

N. Standards for Floodplains Without Established Base Flood Elevations

Within the special flood hazard areas designated as Approximate Zone A and established in subsection **44-701.F.** where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of **Section 44-701.M**, apply:

1. No encroachments, including fill, new construction, substantial improvements, or new development, shall be permitted within a distance of 20 feet from each side from the top of each bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
    a. When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this article and shall be elevated or floodproofed in accordance with standards in **Section 44-701.M** and **Section 44-701.N**.
    b. When floodway or non-encroachment data is available from a Federal, State, or other source, all new development within floodway and non-encroachment areas shall also comply with the requirements of **Section 44-701.N** and **Section 44-701.R.**
    c. All subdivisions, manufactured home parks, and other development proposals shall provide BFE data if development is greater than five acres or has more than 50 lots/manufactured home sites. The BFE data shall be adopted by reference in accordance with **Subsection 44-701.B** and utilized in implementing this article.
    d. When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation as defined in **Article 6, Division 2**. Requirements of **Section 44-701.M** shall also apply.

O. Standards for Riverine Floodplains With BFE But Without Established Floodways Or Non-encroachment Areas

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards outlined in **Section 44-701.M** and **Section 44-701.N;** and
2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.

P. Standards for Floodways and Non-Encroachment Areas

## Article 7. Appendix

### Section 44-701 Floodplain Management Overlay (FPM-O)

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in subsection **44-701.B.** The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in **Section 44-701.M,** and **Section 44-701.N** shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:
    a. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice, and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
    b. A Conditional Letter of Map Revision (CLOMR) has been issued by FEMA for proposed encroachments resulting in increases in the flood levels during the occurrence of the base flood discharge. A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment.
    c. A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment, if the encroachment results in base flood elevation decreases of more than 0.10-feet, changes to the floodway/non-encroachment area widths, and/or changes to the stream location.
2. If **Subsection 44-701.P.** is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this article.
    a. Manufactured homes may be permitted provided the following provisions are met: The anchoring and the elevation standards of **Subsection 44-701.M(3); and**
    b. The encroachment standards of **Subsection 44-701.P(1)** are met.

Q. Standards for Areas of Shallow Flooding (AO Zones)

Shallow flooding areas in AO Zones are designated locations within the Special Flood Hazard Areas established in subsection **44-701.B.** are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to **Section 44-701.M** and **Section 44-701.N**, all new construction and substantial improvements of all structures shall meet the following requirements:

1. The reference level shall be elevated at least as high as the depth number specified on the FIRM in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade plus a freeboard of two (2) feet if no depth number is specified.

2. Nonresidential structures may, in lieu of elevation, be floodproofed to the same level as required in **Section 44-701.M.** so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as in accordance with **Section 44-701.G** and **Subsection 44-701.N(2).**

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

R. Standards for Areas of Shallow Flooding (Zone AH)

Shallow flooding area in AH Zones are designated locations within the Special Flood Hazard Areas that are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations, which are derived from detailed hydraulic analyses, are shown in this zone. All new construction and substantial improvements shall meet the following requirements:

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

S. Legal Status Provisions

1. Effect on rights and liabilities under the existing flood damage prevention ordinance

This Article in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted September 3, 1980, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Flood Damage Prevention Ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Catawba County enacted on September 3, 1980, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Catawba County is September 3, 1980.

T. Effect upon outstanding floodplain development permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this Flood Damage Prevention Ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this Flood Damage Prevention Ordinance.

## Article 7. Appendix

### Section 44-701 Floodplain Management Overlay (FPM-O)

U. Severability

If any section, clause, sentence, or phrase of the Flood Damage Prevention Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Flood Damage Prevention Ordinance.

V. Effective Date

This Flood Damage Prevention Ordinance shall become effective upon adoption.

W. Adoption Certification

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the Board of Commissioners of Catawba County, North Carolina, on the 19th day of October, 2026.

WITNESS my hand and the official seal of County Clerk Dale Stiles, this the _____day of October, 2026.

_____

*(signature)*

*(seal)*

*A copy of the Consistency Statement is hereto attached*:

catawba county
planning

**CATAWBA COUNTY BOARD OF COMMISSIONERS**

**PROPOSED PLAN CONSISTENCY AND REASONABLENESS STATEMENT**

Zoning Amendment Request: Amendments to the Catawba County Unified Development Ordinance (UDO).

The Catawba County Board of Commissioners finds the request to be consistent with recommendations of the 2024 Catawba County Comprehensive Plan. The update emphasizes a deliberate and balanced approach to future development in Catawba County. The purpose of the UDO update is to reflect the goals of the 2024 Catawba County Comprehensive Plan, address current development challenges, and align with recent updates to North Carolina General Statutes.

Pursuant to NCGS 160D-605, the Board of Commissioners finds the amendments reasonable and in the public's interest based upon:

1. Catawba County adopted an updated comprehensive plan in April 2024.
2. Key policy revisions from the Plan addressed in the proposed updated UDO include:
    a. Establishment of density maximums for multifamily projects and high-density single-family uses;
    b. Inclusion of subdivision design standards concerning open space, street connectivity, landscaping, tree canopy, amenities;
    c. Emphasis on ensuring open space is functional as means of preserving sense of place and neighborhood character;
    d. Improved clarity, objectivity, and predictability of by-right development regulations; and
    e. Stability and consistency with the standards and language throughout the code.
3. The UDO update reflects the goals of the 2024 Catawba County Comprehensive Plan, addresses current development challenges, and aligns with recent updates to North Carolina General Statutes.

By a vote of 3-0 the Catawba County Board of Commissioners adopts the 2026 Unified Development Ordinance update.

This, the 19th day of October 2026.

_____
Chair, C. Randall Isenhower

*The following Solid Waste Ordinance applies (requires second reading on November 2nd):*

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Health Director* means the county health director or his duly authorized representative.

*Inert Debris* means solid waste which consists solely of material that is virtually inert, such as brick, concrete, used pavement asphalt, rock, and clean soil, but does not include Construction and Demolition Debris.

*Junk Dealer* means any person who is licensed to operate a junkyard as specified in chapter 44 of this Code regulating junkyards and junk dealers.

*Land-Clearing Debris* means solid waste which is generated solely from land-clearing activities, such as stumps, trees, limbs, brush, grass and other naturally occurring vegetative material.

*Leachate* means any liquid, including any suspended components in liquid that has percolated through or drained from solid waste.

*Open Burning* means any fire where the products of combustion are emitted directly into the outdoor atmosphere and are not directed through a stack or chimney, incinerator, or other similar devices.

*Open Dump* means a solid waste disposal site that does not have a license and/or does not comply with the rules set forth in G.S. 130A-294, the state solid waste management program, or in this chapter; a consolidation of solid waste from one or more sources at an illegal disposal site which may have unsanitary conditions and little or no cover.

*Person* means any individual, firm, governmental unit, organization, partnership, corporation, company or other legal entity.

*Premises* means each single residential dwelling unit housed in a building used for residential purposes, or manufactured home, or a structure used for residential purposes on any property. The term "premises" also means each unit contained in any structure serving a separate owner, tenant, lessee, or used for any purpose other than residential.

*Sanitary Landfill* means a method of disposing of solid waste on land in a sanitary manner without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of compacted earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

*Solid Waste* means any hazardous or nonhazardous garbage, refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; domestic sewage and sludge generated in a sanitary sewage collection, treatment and disposal systems; mobile homes or other dwellings in a state of decay, destruction, or extreme disrepair which appear to have been abandoned for residential purposes, including mobile homes that have been stripped or partially dismantled; and other material that is either discarded or being accumulated, stored or treated prior to being discarded or has served its original intended use and is generally discarded, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include the following:

(1) Fowl and animal fecal waste;

(2) Solid or dissolved material in:

a. Domestic sewage and sludge generated in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluent to the surface waters.

b. Irrigation return flows means water which was artificially supplied for irrigation of land and has returned to a former place or state by reversed flow or negative pressure. Such water may contain chemicals or contaminants.

c. Wastewater discharges and the sludge generated by the treatment which are point sources subject to licenses granted under Section 402 of the Federal Water Pollution Control Act, as amended, and permits granted under G.S. 143-215.1 by the environmental management commission; except that

any sludge that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter.

(3) Oils and other liquid hydrocarbons controlled under G.S. 143-215.75—143-215.104AA; except that any such oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter;

(4) Any radioactive material as defined by the North Carolina Radiation Protection Act, G.S. 104E-1—104E-29; or

(5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46—74-68, and regulated by the state mining commission, as defined under G.S. 143B-290; except that any specific mining waste that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter.

*Spoiled Food* means any food which has been removed from sale by the United States Department of Agriculture, the state department of agriculture, the Food and Drug Administration, or any other regulatory agency having jurisdiction in determining that food is unfit for consumption.

*State* means the North Carolina Department of Environment and Natural Resources (NCDENR) or any other department that may be responsible for the enforcement of solid waste.

*White Goods* means inoperative and discarded refrigerators, ranges, water heaters, freezers, ovens, dishwashers, and other similar domestic or commercial large appliances.

*Yard Trash* means solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative material.

*Yard Waste* includes both yard trash and land-clearing debris, as defined in G.S. 130A-290, including stumps, limbs, leaves, grass, and untreated wood.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

Cross reference(s)—Definitions generally, § 1-2.

**Sec. 32-2. Exclusive collection licenses.**

For the purpose of providing for proper collection, transportation, and disposal of solid waste within the County, the Board of Commissioners may create specific geographic areas where exclusive collection licenses may be granted.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

**Sec. 32-3. Licenses.**

(a) Pursuant to G.S. 153A-46 and 153A-136, the Board of Commissioners may grant a license to any person to engage in the collection and disposal of Solid Waste. The Board may grant a license under this chapter for the exclusive right to collect, transport, and dispose of solid waste for compensation within the entire County or within specified areas of the County and may prohibit unauthorized persons from engaging in the same service within the area where the exclusive right has been granted. The license shall be displayed at the licensee's place of business.

(b) All applicants for a license to collect, transport, store, and dispose of Solid Waste and recyclable materials and own and operate a materials recovery facility shall file written application with the county manager on or before one year prior to the expiration of the existing franchise contract and shall furnish the following information:

(1) The name and address of the applicant and the nature of the business entity with full disclosure of all ownership interests.

(2) A list of the equipment possessed, available, or to be obtained by the applicant.

(3) The number of employees the applicant expects to use in the operation of the business.

(4) Previous experience of the applicant in solid waste collection, transport, disposal, and materials facility recovery management.

(5) A balance sheet or equivalent financial statement prepared by a certified public accountant or other person satisfactory to the Board of Commissioners as of the close of the applicant's last business year, showing the net worth of the business. All such financial data submitted in compliance with the requirements of this subsection shall be confidential and shall not be regarded as public information.

(6) Plan routes and areas of the County the applicant expects to serve.

(7) The schedule of fees the applicant plans to charge.

(8) Any other information the Board of Commissioners may request.

(c) If a license is withdrawn, surrendered, or a change is otherwise indicated by the parties or the operation of law, the Board of Commissioners reserves the right to review information, take application, and take the appropriate action on any other time schedule as is appropriate.

(d) The Board of Commissioners prefers a single franchise to provide all of the services stated in this section, including but not limited to collection, transportation, storage, and disposal of solid waste as well as management of a materials recovery facility, but reserves the right to enter into more than one franchise agreement with each element of the solid waste service, including but not limited to collection, transportation, storage, and disposal of solid waste as well as management of a materials recovery facility.

(e) Existing contracts shall be subject to a yearly review with the information designated in subsection (b) of this section being presented to the county manager upon his request at any time during the fiscal year when a franchise contract is in operation.

(f) The county manager may bring before the Board of Commissioners applications for licenses and/or a review of existing contracts to collect, transport, and dispose of solid waste and own and operate a materials recovery facility at least six months prior to the expiration of an existing franchise agreement. The Board of Commissioners shall award an exclusive license for the collection of solid waste in each of the areas. The term of the license shall not exceed 30 years from the effective date and is renewable.

(g) The Board of Commissioners reserves the right to receive applications for licenses and the right to create additional areas out of any one or more of the areas previously designated. Applications must be filed with the county manager at least 90 days prior to the board meeting at which the application will be reviewed.

(h) The county manager may temporarily suspend any license granted if the licensee fails or is unable to properly perform the duties covered by the license and contract. The licensee may request in writing to the county manager a hearing before the Board of Commissioners in order that the licensee may justify why such license should not be revoked. Such requests shall be received by the county manager no later than ten calendar days following notice of license suspension. After hearing the appeal, the Board of Commissioners shall revoke or reinstate the license.

(i) If a license has been revoked pursuant to subsection (h) of this section or surrendered by the licensee, the county manager shall receive applications for the area involved. The Board of Commissioners may grant a license to an applicant at the expiration of the appeal process in subsection (h) of this section. The license shall commence on the date of the meeting and end the subsequent June 30.

(j) The licensee shall serve every person who contracts with it for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this chapter. The licensee shall not discriminate against

any person for contract purposes in violation of the Civil Rights Act, as amended, on the basis of race, color, creed, religion, national origin, physical impairment, or sex.

(k) Before the County issues a license pursuant to this chapter, the county manager shall determine that all facilities, equipment, and proposed operating methods the applicant plans to use in the solid waste collection business are in compliance with this chapter and applicable regulations of the state.

(l) It shall be unlawful for any person to engage in the business of collecting, transporting, and disposing of solid waste, outside of any municipality, but within any of the areas in the County set out in this section, except under the authority in full force and effect given by a license as provided for in this section.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

**Sec. 32-4. Fees.**

(a) All residential, commercial, industrial, and special haul service rates imposed pursuant to this chapter shall be approved by the Board of Commissioners.

(b) The licensee shall be responsible for the collection of all fees for its services to be rendered to the citizens and customers within its assigned area.

(c) The licensee shall collect and the customer shall pay a monthly fee, approved by the Board of Commissioners, for roadside collection and disposal of solid waste and for collection of materials separated for recycling from the customer's premises at least once a week.

(d) The licensee shall provide special haul services to all persons within the County, at a rate approved by the Board of Commissioners.

(e) For additional services and for commercial customers, the customer and the licensee may enter into an agreement satisfactory to them as to fees and the services to be rendered. If a licensee and customer are unable to agree upon the special services to be rendered and the remuneration to be paid therefor, the Board of Commissioners will, upon application of either the licensee or the customer or both of them, mediate the dispute at a hearing of the matter at its next regular meeting subsequent to the expiration of not less than ten days after the applicant for a hearing has given the other party involved written notice of his intent to present the matter to the board or as soon after the expiration of the ten days as is convenient.

(f) Any change in any collection rates, whether it be residential, commercial, or special hauling, must be justified to the Board of Commissioners and approved by the board.

(g) The licensee shall serve all customers in the unincorporated areas of the County and within any territories if applicable, who request service. Services may be discontinued if a customer becomes in arrears in fees due the licensee for two months; however, the licensee shall resume services for the customer who becomes in arrears in fees upon receipt by the licensee of all fees in arrears, together with a fee in advance for the then-present month and for each subsequent month. New customers may be billed one month in advance of service.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

**Sec. 32-5. Collection and transportation of solid waste.**

(a) The licensee shall be responsible for the satisfactory collection and transportation of all solid waste to a County-operated disposal site or facility.

(b) Vehicles or solid waste containers used by the licensee for the collection and transportation of garbage or refuse containing garbage shall be covered, leak-proof, durable and of easily cleanable construction. These shall be cleaned as often as necessary but not less than twice a year to prevent a nuisance or insect breeding and shall be maintained in good repair. The licensee shall have adequate solid waste containers and vehicle

cleaning facilities. The licensee shall close all lids on solid waste containers after the containers are emptied and shall plug all drains in solid waste containers where required by local and state regulations. Vehicles shall display, in three-inch letters, the name and address of the hauler and the cubic yardage of the vehicles.

(c) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill and shall be adequately secured and/or covered to prevent spillage. Should spillage occur, the material shall be recovered immediately by the solid waste hauler and returned to the vehicle or container and the area properly cleaned.

(d) The licensee shall maintain in its employment a sufficient number of employees to adequately serve the area assigned to it and shall own and control sufficient equipment and machinery to perform the duties and services of collecting, transporting and disposing of the solid waste in the County.

(e) The licensee shall be responsible for actively campaigning for new customers by using all available sources and for working toward the goal of 100 percent collection in its designated area.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

**Sec. 32-6. Storage, accumulation and disposal of garbage and solid waste.**

(a) No owner, occupant, tenant, or lessee of any property shall deposit, store, or license to accumulate any garbage or solid waste upon such property that is not stored or disposed of in the following manner:

(1) It shall be unlawful for any person to store any garbage in any container that is not durable, rust-resistant, nonabsorbent, watertight, rodent-proof, and easily cleanable with a close-fitting, fly-tight cover in place with adequate handles or bails to facilitate handling, not to exceed a 96-gallon capacity, or other types of containers conforming to the intent of this chapter. It shall also be unlawful for any person to store garbage of a perishable or offensive nature for more than one week in any type of container.

(2) Solid waste or garbage shall not be deposited, stored, or licensed to accumulate on any property in such a manner that it will provide food or harborage for rodents and vermin or will create a fire or safety hazard.

(3) It shall be unlawful for any occupant of any dwelling or dwelling unit to place or leave outside of any building longer than 72 hours any dilapidated furniture, icebox, refrigerator, stove or other appliance, machinery, equipment, building material, or other item which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition, or which in the opinion of the health director constitutes a potential public health problem. This section shall not apply to a licensed junk dealer.

(4) It shall be unlawful for any person to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind in which a child could get into. An acceptable alternative is to crate, strap, or lock the discarded container to such an extent that it is impossible for a child to obtain access.

(5) No person shall throw, dump, deposit or cause to be thrown, dumped, or deposited solid waste on property owned by the person, another person, or on any public highway, street or road; upon public parks or recreation areas; or upon any other public property except property specifically designated for that use.

(6) It shall be unlawful for any person to dispose of garbage or solid waste at any place other than in a manner approved by law. Acceptable means of solid waste disposal includes the following:

a. Contracting with a County-licensed, franchised solid waste disposal service.

b. Hauling garbage and solid waste to a public sanitary landfill site or designated County-owned solid waste convenience centers (residential waste only).

c. Burning solid waste in an incinerator that has all required local, state, and federal air pollution control licenses.

d. By any other method, including reclamation and recycling processes, that has been approved by the state.

(7) Where there are five or more premises located in a residential building or manufactured home park, it shall be the responsibility of the owner or person in charge of each building or manufactured home park to contract with the licensed, franchised solid waste disposal service and to pay for the regular collection of all garbage from each premises. It is the responsibility of the owner or person managing rental property to see that the residents dispose of their garbage in a lawful manner.

(b) Any landfill located in the County shall be operated according to rules and regulations providing standards for solid waste disposal adopted by the state, North Carolina Administrative Code (NCAC), title 15A, chapter 13, Solid waste management. The operational requirements for a sanitary landfill as outlined in the NCAC title 15A, chapter 13, Solid waste management, or as amended, are made a part of this chapter by reference.

(c) The sanitary landfill of the County may be used for the disposal of solid wastes by any person who is a resident of the County during regular hours of operation of the landfill. Solid wastes shall be disposed of at the landfill in the manner and according to the procedures required by the landfill manager. The following wastes may not be disposed of in the landfill:

(1) Radioactive wastes.

(2) Hazardous wastes.

(3) Infectious wastes.

(4) Wet sludge which has no presence of any free liquids in a representative sample of waste as determined by USEPA Method 9095B, paint filter liquids test and in compliance with 40 CFR 264.314 and 265.314.

(5) Any solid waste that creates a difficult operational problem at the landfill.

(6) Burning material.

(7) Dead animals in large quantities.

(8) Lead-acid batteries.

(9) Used oil.

(10) Yard trash, except in a container marked and designated for landfills qualified to accept such waste as described by the appropriate regulations promulgated by state waste management or other appropriate governmental entities.

(11) White goods.

(12) Antifreeze.

(13) Beverage cans.

(14) Liquid wastes.

(15) Tires.

(16) Construction and demolition wastes.

(17) Infectious, hazardous, and radioactive wastes, which shall be disposed of according to written procedures approved by the state.

(18) Motor vehicle oil filters.

(19) Recyclable rigid plastic containers.

(20) Wooden pallets.

(21) Oyster shells.

(22) Discarded computer equipment.

(23) Discarded televisions.

(24) Any other material prohibited by state or federal law.

(d) A person operating or having operated an open dump for disposal of solid waste or a person who owns land on which such an open dump is or has been operating shall immediately close the site in accordance with the state, which is as follows:

(1) Implement effective vector control, including baiting for at least two weeks after closing, to prevent vector migration to adjacent properties.

(2) If the site is deemed suitable by the state, compact and cover existing solid waste in place with two feet or more of suitable compacted earth; a condition of closing the site by compacting and covering the waste in place shall be recordation of the waste disposal location by the property owner with the register of deeds in the County where the land lies. Copies of the recordation procedure may be obtained from and inspected at the state.

(3) If the site is deemed unsuitable by the state, remove and place solid waste in an approved disposal site or facility.

(4) Implement erosion control measures by grading and seeding.

(5) Prevent unauthorized entry to the site by means of gates, chains, berms, fences, and other security measures approved by the state and post signs indicating closure for a period designated by the state.

All persons failing to comply with this subsection (d) shall be guilty of a misdemeanor and punished in accordance with section 1-14 of this Code with each day that the violation continues to exist being considered a separate and distinct offense until the dumping site has been corrected as required.

(e) All persons using sanitary landfills or solid waste containers operated by the County shall abide by the rules and regulations governing their use, and a violation of such rules and regulations shall constitute a violation of this chapter and violators may be punished in accordance with section 1-14 of this Code in the discretion of the court with each day a violation continues to exist being considered a separate and distinct offense.

(f) No building shall be erected on any land where there has been or is currently any garbage or solid waste deposited until tests are made of the property showing there is no danger in the future of settling or explosion due to methane gas being formed from the solid waste that has been deposited.

(g) Any person collecting and transporting solid waste generated on his own property for disposal at an approved disposal site shall comply with subsection 32-5(c) of this Code concerning vehicles and containers.

(h) There shall be no open burning of solid waste or garbage by any person.

(i) Use of solid waste containers shall be in accordance with the following:

(1) Solid waste convenience centers are maintained at numerous sites throughout the County for the convenience of County residents on land owned or leased by the County. Solid wastes may be deposited in the solid waste convenience centers only in accordance with this chapter.

(2) All solid waste shall be deposited inside the solid waste convenience centers. No solid waste may be left at the solid waste disposal site outside the convenience center.

(3) Commercial, industrial, and institutional solid wastes may not be deposited in the County-owned solid waste convenience centers.

(4) The following wastes may not be deposited in solid waste containers:

a. Radioactive wastes.

b. Hazardous waste.

c. Infectious wastes.

d. Wet sludge which has no presence of any free liquids in a representative sample of waste as determined by USEPA Method 9095B, paint filter liquids test and in compliance with 40 CFR 264.314 and 265.314.

e. Any solid waste that creates a difficult operational problem at the landfill.

f. Burning material.

g. Dead animals in large quantities.

h. Lead-acid batteries.

i. Used oil.

j. Yard trash, except in a container marked and designated for landfills qualified to accept such waste as described by the appropriate regulations promulgated by state waste management or other appropriate governmental entities.

k. White goods.

l. Antifreeze.

m. Beverage cans.

n. Liquid wastes.

o. Tires.

p. Construction and demolition wastes.

q. Infectious, hazardous, and radioactive wastes, which shall be disposed of according to written procedures approved by the state.

r. Motor vehicle oil filters.

s. Recyclable rigid plastic containers

t. Wooden pallets

u. Oyster shells

v. Discarded computer equipment

w. Discarded televisions

x. Any other material prohibited by state or federal law.

No person may remove any item from a solid waste container, climb on or into a container, damage, or willfully set fire to or attempt to set fire to contents of a container.

(j) *Disposal of waste tires.* The uncontrolled storage and/or disposal of waste tires presents a health and safety hazard. Tires are not suitable for burial in a sanitary landfill nor for burning in a municipal solid waste incinerator. All waste tires in the County must be delivered to a County landfill or other collection point designated by the landfill manager and deposited there to be transported to a tire disposal facility where they can be disposed of in an environmentally acceptable way. This subsection is not intended to prevent any individual, company, or other entity from developing an environmentally acceptable method for tire disposal. Any such proposal for an alternate disposal method shall be submitted to the department of utilities and engineering for review and final approval by the Board of Commissioners.

(k) *Disposal of dead animals.* It shall be the duty of the owner or person in charge of any domesticated animal which dies of any cause and the owner, lessee, or person in charge of any land upon which any domesticated animal dies to bury the animal to a depth of at least three feet beneath the surface of the ground within 24 hours after knowledge of the death of the domesticated animal or to otherwise dispose of the animal in a

manner approved by the state veterinarian. It shall be a violation of G.S. 106-403 to bury any dead domesticated animal closer than 300 feet to any flowing stream or public body of water. Dead animals may be disposed of at the County landfill for a fee as prescribed by the Board of Commissioners, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. The state department of transportation (DOT) has jurisdiction over the disposal of any dead animal located on or within the state department of transportation's right-of-way. All costs incurred by a municipality or County in the removal of a dead domesticated animal shall be recoverable from the owner of such animal or from the owner, lessee, or person in charge of the land upon which the animal was illegally disposed and upon admission of ownership or conviction. The term "domesticated animal" as used in this subsection shall include poultry.

(Ord. No. 2012-18, 11-19-2012; Ord. No. 2013-04, 6-3-2013, 10-19-2026)

**Sec. 32-7. Bond, insurance; license fee; transferability of license; jurisdiction of chapter.**

(a) The applicant, upon being awarded the right to collect and dispose of solid waste by the Board of Commissioners as provided for in this chapter, shall secure and present to the county manager a good and sufficient liability insurance policy covering and insuring the payment of such damages as may be done by the licensee to the premises or property upon which it may enter for the purpose of collecting or disposing of solid waste in an amount, not less than the amount the County carries upon itself, insuring the licensee and its employees from personal injury and property damages that may be occasioned by occupational hazards. Such policy shall contain a hold harmless clause indemnifying the County against claims made against the licensee.

(b) The licensee shall pay to the County annually a sum to be determined by the Board of Commissioners for the issuance of each license.

(c) No license existing or granted under this chapter shall be sold, assigned, pledged or transferred, nor shall control thereof be changed by stock transfer or otherwise or any rights leased, nor shall any merger of combination affecting the license be made through acquisition or control by stock purchase or otherwise, except after application for and written approval, which shall be given if justified by the facts then existing.

(d) Any and every license issued shall be subject to this chapter and as it may be amended from time to time, except any amendment that may be made from time to time affecting the duration of a license existing at the time of the enactment of the amendment. Any license transferred or assigned without the express written authority of the Board of Commissioners shall be void and of no effect, and any collection is in violation of this chapter.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

**Sec. 32-8. Violations and penalties.**

(a) *Criminal penalty.* Any person violating this chapter shall be guilty of a misdemeanor punishable in accordance with section 1-14 of this Code.

(b) *Civil penalty.* Any person who is found in violation of this chapter shall be subject to a civil penalty of not more than $500.00 as provided by G.S. 153A-123. Each day's violation shall be treated as a separate offense.

(c) *Equitable remedies.* This chapter may be enforced by equitable remedies in accordance with G.S. 153A-123 or 153A-140.

(Ord. No. 2012-18, 11-19-2012, 10-19-2026)

**Sec. 32-9. Reservation of rights.**

The Board of Commissioners expressly reserves the right to require the source separation of materials from solid waste prior to collection of the solid waste for disposal and require participation in a recycling program which has been approved by the Board of Commissioners.

(Ord. No. 2012-18, 11-19-2012; 10-19-2026)

**Sec. 32-10 - 32-20. Reserved.**

***ARTICLE II. ABANDONED AND JUNKED VEHICLES***

*Purpose: This article shall be known as the "Abandoned and Junked Vehicle Chapter for Catawba County" and may be referred to as the "abandoned and junked vehicle chapter."*

*DIVISION 1. GENERALLY*[2]

**Sec. 32-21. Authority and purpose.**

This article is enacted pursuant to the powers granted to the county by G.S. 153A-121, 153A-132 and 153A-
132.2. The purpose of this article is to protect the health, safety and general welfare of the citizens of the county, natural scenic beauty, and property values, of the county from potential adverse effects caused by the proliferation and improper disposal of junked motor vehicles.

(Ord. No. 2021-05, 6-21-2021; 10-19-2026)

**Sec. 32-22. Jurisdiction.**

In accordance with G.S. 153A-122, this article applies to, and is enforceable in, unincorporated part of the county and areas within the city's extraterritorial jurisdiction (ETJ) jurisdiction. However, the governing board of any city within the County may by resolution permit this article to be enforced within the city. The board of commissioners may approve to accept a resolution by the city to set the date and terms of enforcement of this article within the city. The city may, by resolution, withdraw its permission to enforce this article within the city. The city must give the county at least 30 days advance, written notice of its intent to withdraw permission.

(Ord. No. 2021-05, 6-21-2021; 10-19-2026)

**Sec. 32-23. Administration.**

The Planning Director is responsible for the administration and enforcement of the provisions of this article. (Ord. No. 2021-05, 6-21-2021; 10-19-2026)

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[2]State law reference(s)—Authority to prohibit the abandonment of motor vehicles on public ground and private property, G.S. 153A-132; authority to abate nuisances, G.S. 153A-140.

**Sec. 32-24. Definitions.**

The following definitions apply unless the context clearly indicates or requires a different meaning.

*Abandoned vehicle* means any motor vehicle that is left:

(1) Upon a public street or highway in violation of a law or chapter prohibiting parking;

(2) On a public street or highway for longer than seven days;

(3) On property owned or operated by the county for longer than 24 hours; or

(4) On private property without the consent of the owner, occupant or lessee, for longer than two hours.

*Enclosed building* means a garage or building structure that provides a complete enclosure (all sides of building enclosed) so that the contents of the building cannot be seen from a street or from adjacent property.

*Junked motor vehicle* means any motor vehicle that does not display a current North Carolina license plate that:

(1) Is partially dismantled or wrecked;

(2) Cannot be self-propelled or moved in the manner in which it originally was intended to move. This includes dismantled truck trailers or truck bed boxes which were originally attached to a motorized vehicle; or

(3) Is more than five years old and appears to be worth less than $100.00.

*Magistrate* means the magistrate for the county or in any other office designated to receive requests by the chief district court judge.

*Motor vehicle* or *vehicle* means all machines designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle.

*Nuisance vehicle* means a vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

(1) A breeding ground, nest or harbor for mosquitoes, other insects, rats or other pests;

(2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;

(3) A point of collection of pools or ponds of water;

(4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials;

(5) Having areas of confinement that cannot be opened or in the alternative, operated from the inside of the area of confinement, such as trunks, hoods, etc.;

(6) So situated or located that there is a danger of the vehicle falling, dislodging or turning over;

(7) A point of collection of refuse, trash, garbage, food waste, animal waste, or any other rotten or decaying matter of any kind;

(8) Having parts which are jagged or contain sharp edges of metal, plastic or glass; or

(9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the planning director.

*Planning director* means the planning director or designee, for the county.

*Sheriff* means the sheriff of the county.

*Vector* means any organism that carries disease-causing microorganisms from one host to another (i.e. rats, mosquitoes, etc.).

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

*DIVISION 2. REGULATIONS*

**Sec. 32-25. Abandoned Vehicle Unlawful; Removal Authorized.**

(a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the public property after it has been declared an abandoned vehicle.

(b) If a motor vehicle is abandoned on public property, the board of commissioners may direct the sheriff, or designee to removal the vehicle to a designated storage area determined by the sheriff.

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

**Sec. 32-26. Nuisance Vehicle Unlawful; Removal Authorized.**

(a) It shall be unlawful for the registered owner, or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located, to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(b) Upon investigation, the planning director may determine and declare that a vehicle is a health or safety hazard and therefore a nuisance vehicle, and order the vehicle removed. Notice of the planning director's determination may be combined with any other notices required under this article. Notices shall be provided to the registered owner or person entitled to possession of the motor vehicle and/or the owner, lessee or occupant of the real property by first class mail except in situations where a name and address cannot be ascertained, notice may be given by affixation on the windshield or some other conspicuous place on the vehicle.

(c) In cases where it is impractical or impossible to find and/or prosecute the responsible party, the County may, at its discretion, have the vehicle towed in accordance with G.S. 153A-132.

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

**Sec. 32-27. Right to Enter Premises.**

The planning director shall have the right, upon presentation of proper credentials and identification, to enter any premises within the jurisdiction of this article during daylight hours to determine if any vehicle is in violation of this chapter.

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

**Sec. 32-28. Junked Motor Vehicles Regulated; Removal Authorized.**

(a) All junked vehicles must be kept in a garage or building structure that provides a complete enclosure so that vehicle(s) cannot be seen from a public street or from adjacent property. For purposes of this chapter, a garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations. A carport shall not be treated as an acceptable garage or enclosure under this chapter.

(b) It shall be unlawful for the registered owner, or person entitled to the possession of a junked motor vehicle, to place, store, leave or allow a vehicle to remain on any property in violation of this chapter or to allow a vehicle to remain on any property after the vehicle has been ordered removed from that property.

(c) It shall be unlawful for the owner, lessee or occupant of the real property, upon which a junked motor vehicle is located, to leave, or allow the vehicle to remain on the property in violation of this chapter after the vehicle has been ordered removed.

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

**Sec. 32-29. Enforcement Provisions.**

The planning director shall enforce this chapter. He may call upon other agencies as necessary to assist in the enforcement of this chapter.

(1) Whenever the planning director receives a complaint alleging a violation of this chapter, he shall investigate the complaint and take whatever action is warranted.

(2) The owner, tenant, or occupant of any building or land, and agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and be subject to all penalties and remedies.

(3) Upon discovery of a violation, the following procedures apply:

a. The planning director shall send a written notice to the person responsible for such violation, indicating the nature of the violation, the action necessary to correct it, and the number of days within which the violation must be corrected.

b. In cases that pose an immediate danger to the public's health, safety, or general welfare, the planning director may seek enforcement without proper written notice by invoking any of the penalties or remedies authorized in this section.

(4) The county may assess the following civil and criminal penalties:

a. A violation subjects the violator to a civil penalty in the amount of $50.00. Each day's continuing violation is a separate and distinct offense.

b. Reserved.

c. In addition to the foregoing enforcement provisions, this article may be enforced by any remedy provided in G.S. 153A-123. Each day's continuing violation is a separate and distinct offense.

(Ord. No. 2021-05, 6-21-2021; Ord. No. 2022-03, 2-7-2022, 10-19-2026)

**Sec. 32-30. No Liability.**

The county, or any person acting on behalf of the county in the enforcement of this article, may not be held to answer in a civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, junked, lost or stolen vehicle for the enforcement of this chapter.

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

**Sec. 32-31. Exceptions.**

This article does not apply to any motor vehicle that is located:

(1) In an enclosed building;

(2) On the premises of a business enterprise being legally maintained and operated primarily for the purpose of making repairs to motor vehicles or wholesale or retail sales of items or parts routinely used in motor vehicles, in a lawful place and manner if the vehicle is necessary to the operation of the business;

(3) On the premises of a business enterprise being operated in a legally zoned place and manner if the vehicle is necessary in the operation of the enterprise or needed in the operation of a bona fide farm; or

(4) In an appropriate storage place or depository maintained by the

county. (Ord. No. 2021-05, 6-21-2021, 10-19-2026)

**Sec. 32-32. Changes in State Law.**

Should G.S. ch. 153A and G.S. 153A-132.2, or any other section of the general statues incorporated herein by reference or otherwise referred to herein be changed or amended, or should such statutes require or mandate a different procedure or change or impose new, different or additional requirements, then, in that event, this chapter shall be deemed to have been amended without further action to have complied with such new, additional or amended requirements.

(Ord. No. 2021-05, 6-21-2021, 10-19-2026)

The 19th day of October 2026.

**[Seal]**

C. Randall Isenhower, Chairman
Catawba County Board of Commissioners

Attest:

Dale R. Stiles, Clerk to the Board
Catawba County Board of Commissioners

9. Consent Agenda.
County Manager Mary Furtado presented the following five items under the consent agenda. Chair Isenhower asked if any commissioner wished for the item to be broken out of the consent agenda for individual consideration. None was requested.

**a.** The Finance and Personnel Subcommittee recommended the Board of Commissioners appropriate $6,000 to the Library Endowment Fund to account for revenue overcollections.

In 2016, the Catawba County Libraries established a formal endowment account through the North Carolina Community Foundation (NCCF) to serve as a vehicle for receiving private donations. These donations are sent to the NCCF at the end of each fiscal year. Over the past two fiscal years, donations have come in over-budget by $2,800, and donations for the current year already exceed the budgeted amount of $3,000. Staff recommends increasing the amount budgeted towards Library Endowment contributions by $6,000 which would allow last year's overcollection to be sent to NCCF and would leave enough funds remaining to cover the projected end-of-year donations for FY2026/2027.

The endowment fund managed by the NCCF on behalf of the Library has a current balance of $143,066. Since its inception, no monies have been expended from the endowment.

Supplemental Appropriation:

| | | |
|---|---|---|
| Revenue: | | |
| 250-810050-650158 | Endowment Donations | $6,000 |
| Expense: | | |
| 250-810050-849242 | NC Community Foundation | $6,000 |

**b**. The Finance and Personnel Subcommittee recommended the Board of Commissioners appropriate an additional $118,000 in Rural Health Transformation Program Mobile Integrated Healthcare (RHTP MIH) grant funds for the REACH community paramedicine program and authorize the County Manager to execute the contract amendment and associated documents.

In July 2026, the Board of Commissioners accepted funding through the NC Department of Health and Human Services' Rural Health Transformation Program to expand Emergency Services' community paramedicine capabilities through the REACH program. The original award supported personnel, workforce development, technology, medical supplies, and other resources necessary to expand community-based healthcare, behavioral health, substance use disorder response, and care coordination.

After initial grant award, the North Carolina Department of Health and Human Services made additional grant funds available to the RHTP MIH grant awardees. Through this, Catawba County has secured $118,000 more in funding, increasing the total contract amount from $195,000 to $313,000, all of which requires no County match. The existing contract termination date of September 30, 2027, remains unchanged.

The additional funding is specifically designated to support:

- $36,000 for acquisition and upfit of a dedicated Community Paramedic response vehicle; and
- $82,000 for communications equipment supporting MIH field operations.

The dedicated response vehicle will support community-based healthcare delivery and expansion of Community Paramedicine services. The communications equipment will support field communications, coordination, and other operational requirements associated with the County's growing MIH program.

**c.** The Policy and Public Works Subcommittee recommended the Board of Commissioners adopt a resolution establishing total project cost, setting the Preliminary Assessment Roll, and scheduling a Public Hearing on the Preliminary Assessment Roll for Wellington Subdivision Road Improvement Project; and

authorize the Chair to petition the North Carolina Department of Transportation (NCDOT) to accept Wellington Avenue, Dublin Lane and Devonshire Road into NCDOT's Secondary Road Maintenance Program.

In 2020, the Board established a petition-driven program to facilitate acceptance of private roads into NCDOT's Secondary Road Maintenance Program, which is consistent with NCGS §153A-185 *Authority to Make Special Assessments*. Through this program, the County provides up-front financing to improve private roads to NCDOT standards, so NCDOT can assume maintenance responsibility. The cost of improvements is assessed against the property owners and recouped over a 10-year period through the special assessment process. To participate in the program, at least 75 percent of the homeowners to be assessed must voluntarily sign a petition supporting the project, and the owners who sign the petition must account for at least 75 percent of the road frontage to be improved through the assessment. The Board of Commissioners must then authorize the project prior to any construction efforts. In 2022, the Board established the $2.5 Million Subdivision Road Improvement Fund and authorized the dedication of special assessment repayment revenue to the Fund, thereby establishing a clear funding mechanism for subdivision road improvement projects.

Property owners of Wellington subdivision followed the above process to petition the County to finance repairs to their subdivision roads for the purpose of bringing the roads up to NCDOT standards for acceptance into NCDOT's secondary road maintenance program. The construction is now complete, and NCDOT Division staff are satisfied that the roads now meet NCDOT standards and can be accepted into the secondary road maintenance program.

In order to complete the special assessment after a project is complete, the Board must make a final determination of cost, prepare and publish a Preliminary Assessment Roll, conduct a public hearing, and consider adopting what – if approved – will then become the Final Assessment Roll, and charge the Tax Administrator with the collection of the assessments. Property owners will then be notified of the assessment and payment options. This action implements the special assessment. The last required action is submission of a petition to the NCDOT Board for acceptance of the roads into the State's program for maintenance.

The table below summarizes the statutory process for establishing private road assessments and, for the items that have already been completed, provides the dates on which the Board of Commissioners each took the required action. The table also outlines the remaining steps the Board will still need to take to implement the assessment (*noted in italics, with planned dates).*

| NCGS § | Date | Action Items |
|---|---|---|
| 153A-205 | 5/16/2025 | Citizens petition BOC: >75% of property owners & >75% of road frontage |
| 153A-190 & 153A-191 | 6/16/2025 | BOC accepts Citizen Petition, makes funding decision and adopts Preliminary Resolution describing the project and setting time for Public Hearing. |
| 153A-192 | 7/21/2025 | BOC holds Public Hearing on Preliminary Assessment Resolution. |
| 153A-192 | 7/21/2025 | BOC adopts Final Resolution approving Project, setting financing terms. |
| 143-131 | 7/25/2025 | Project is bid in accordance with NC Procurement Procedures. |
| 143-131 | 10/6/2025 | Bid awarded. |
| 153A-193 & 194 | 10/19/2026 | BOC determines Project Total Cost, sets date and time for Public Hearing on the Preliminary Assessment Rolls. |
| *153A-195* | *TBD:proposed date 11/16/2026* | *BOC holds Public Hearing and confirms Preliminary Assessment Rolls. If confirmed, Tax Administrator is authorized to collect assessment fees in same manner as property taxes.* |

Below is a summary of the actions the Board is being requested to take today.

1). Determination of Cost
In determining the total cost, the Board may include construction costs and the cost of publishing and mailing notices. For Wellington, the costs associated with the project are:

Determination of Cost – Wellington

| | |
|---|---|
| Construction | $328,530.39 |
| Advertisement of Preliminary Assessment (prior to construction) | $ 151.68 |
| Advertisement and notice of Preliminary Roll (current BOC item) | $ 151.68 |
| Tax Roll Advertisement | $ 200.00 |
| Total Cost – Wellington | $329,033.75 |

The basis for assessment is by lot in accordance with the number of subdivision lots at the time the petition was made, which is 28.

The individual assessment for each of the 28 lots is $11,751.21. This amount can be paid as a lump sum before the first assessment bill comes due or in 10 annual payments with 1.5% annual interest. The annual payment with interest is $1,274.23.

2.) Preliminary Assessment Roll Prepared and Published
Now that construction is complete, County staff have developed a preliminary assessment roll for Wellington subdivision, in accordance with the provisions of NCGS 153A-194. If the Board adopts the resolution presented, the preliminary assessment roll will be filed in the Clerk's office where it will be available for inspection, and the required public hearing will be scheduled for the Board meeting on November 16, 2026. Additionally, a notice of the preliminary assessment roll and public hearing will be mailed first-class to each property owner.

3.) Petition to NCDOT
To initiate the process with NCDOT regarding maintenance responsibility, the Board must authorize submitting a petition to NCDOT to accept the following roads: Wellington Avenue, Dublin Lane and Devonshire Road in Wellington subdivision. A copy of the NCDOT petition form for the subdivision is attached.

If the Board of Commissioners should choose not to adopt the Final Assessment Rolls, the County would be unable to recover the project funds spent repairing the roads and would have established a precedent of dedicating public funding to private road repair projects.

*The following resolution applies:*

RESOLUTION No. 2026-25
RESOLUTION DECLARING COST, ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON THE PRELIMINARY ASSESSMENT ROLL FOR THE STREET IMPROVEMENT PROJECT FOR WELLINGTON SUBDIVISION

WHEREAS, the improvement of Wellington subdivision fronting Wellington Avenue, Dublin Lane and Devonshire Road was requested by petition of Property Owners filed on May 16, 2025, duly certified, to the Board of Commissioners, and determined to be sufficient in all respects by the Director of Utilities and Engineering; and

WHEREAS, the Board authorized the project by a Resolution adopted by the Board on June 16, 2025, and the project has been completed; and

WHEREAS, the cost of the project, has been determined.

NOW, THEREFORE, BE IT RESOLVED by the Catawba County Board of Commissioners that:

1. The cost of the above-described improvement, has been computed and determined and is hereby declared to be $329,033.75.

2. The Catawba County Tax Administrator is hereby directed to prepare a preliminary assessment roll, in accordance with N.C.G.S. §153A-194, showing the individual assessments upon properties benefited by the improvement.

3. The Catawba County Clerk is hereby directed to make available during regular office hours, in the Clerk's office, the preliminary assessment roll for inspection by the public from this day through November 16, 2026.

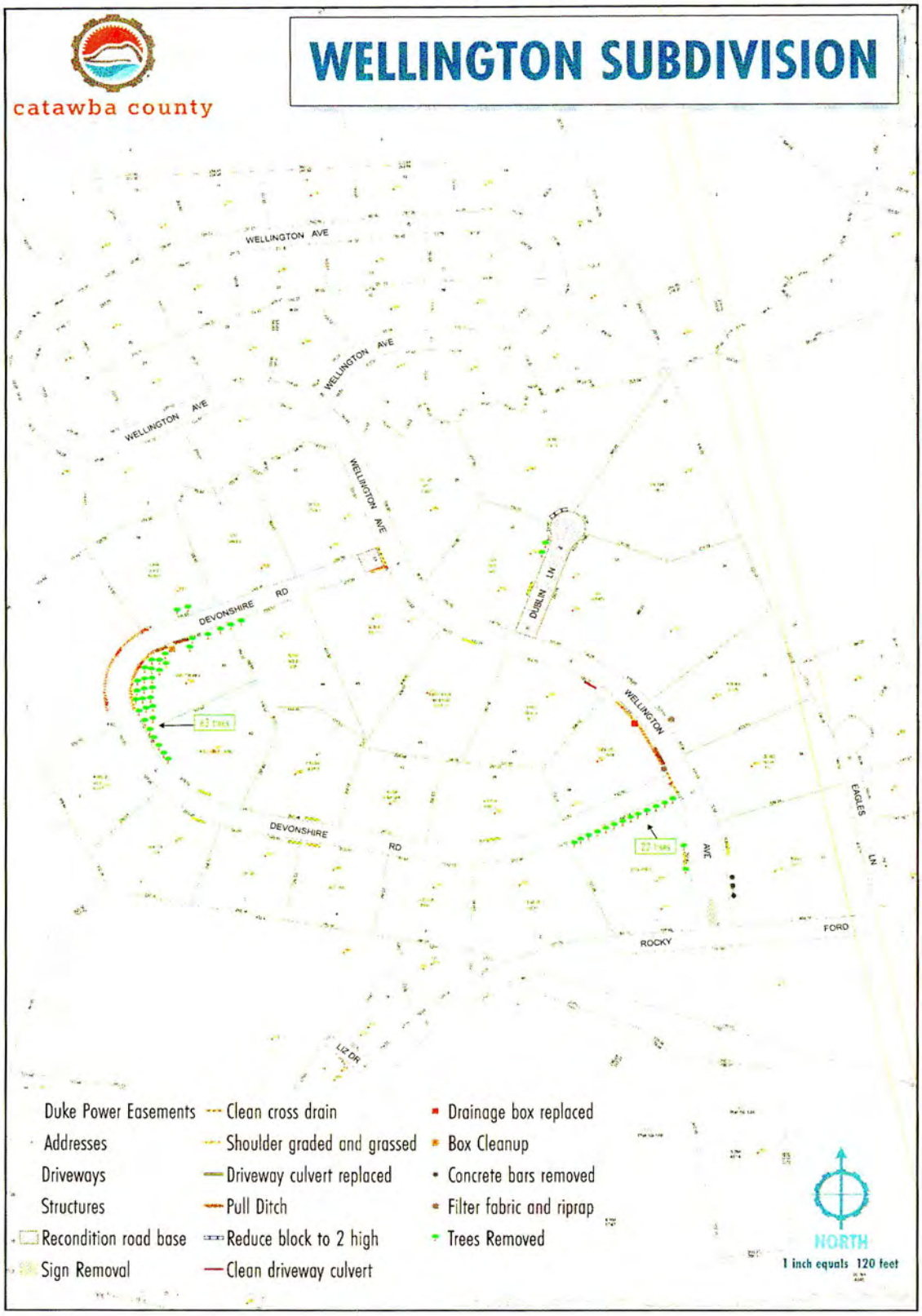
4. The Catawba County Board of Commissioners will hold a public hearing in accordance with N.C.G.S. §153A-195 at 7:00 p.m. on November 16, 2026, at the Catawba County Board of Commissioners Board Room, located in the Justice Center in Newton, North Carolina.

5. The Clerk is hereby directed to issue notice of the above-described public hearing.

6. The Clerk is further directed, no later than 10 days before the public hearing, to mail by first class mail copies of the notice of hearing to the property owners listed on the preliminary assessment roll.

Adopted the 19th day of October, 2026.

*A photo of Wellington Subdivision is hereto attached:*


catawba county
WELLINGTON SUBDIVISION
WELLINGTON AVE
WELLINGTON AVE
WELLINGTON AVE
WELLINGTON AVE
DEVONSHIRE RD
DUBLIN LN
WELLINGTON
DEVONSHIRE RD
EAGLES LN
FORD
ROCKY
LIZOR
Duke Power Easements
Addresses
Driveways
Structures
Recondition road base
Sign Removal
Clean cross drain
Shoulder graded and grassed
Driveway culvert replaced
Pull Ditch
Reduce block to 2 high
Clean driveway culvert
Drainage box replaced
Box Cleanup
Concrete bars removed
Filter fabric and riprap
Trees Removed
NORTH
1 inch equals 120 feet

**d**. The Policy and Public Works Subcommittee recommended the Board of Commissioners adopt a resolution declaring Catawba County's intent to participate in the Commercial Property Assessed Capital Expenditure (C-PACE) Program and setting a November 2, 2026, Public Hearing to consider participation.

The NC Commercial Property Assessed Capital Expenditure (C-PACE) Program offers long-term private financing for commercial property upgrades in energy, water, and resiliency improvements. Established by the General Assembly in 2024 through Senate Bill 802, c-PACE is administered by the Economic Development Corporation of NC. The program creates an additional financing tool for property owners to use private funds to finance improvements to eligible properties, supporting economic development by helping building owners make major building improvements, refinance / recapitalize after improvements, construct new buildings, and drive jobs and investment.

A C-PACE loan is secured by a voluntary senior lien on the property imposed by the local government at the property owner's request, paid back over time. The security of the C-PACE lien enables capital providers to offer C-PACE financing which spreads the cost of qualifying improvements over the useful life of the measures, a term generally lasting between 20-30 years. Except for executing documents needed for C-PACE financing, there is no other necessary administrative involvement by the local government.

Properties eligible for C-PACE financing include any privately-owned commercial, industrial, agricultural, or multi-family real property with five or more dwelling units. This includes properties owned by nonprofits, charitable, or religious organizations. Qualifying improvements include:

- Energy efficiency measures – projects that reduce energy use and increase efficiency.
- Resiliency measure – projects that increase environmental resiliency, including storm retrofits, flood mitigation, and stormwater management.
- Renewable energy measures – projects that utilize renewable energy sources.
- Water conservation measures – projects that decrease water consumption or demand, and that address safe drinking water.

The total C-PACE financing amount is limited to 35% of the property's expected stabilized value with the proposed qualifying improvements installed. Payments are non-accelerating, and there is a 3-year look-back period for eligible expenses.

A list of participating NC local governments, current through August 8, 2026, is included for reference. Catawba County's participation extends the program benefits to the municipalities. Joining the program is a voluntary 3-step process:

1. Adopt a resolution of intent to participate *(proposed 10/19/26)*
2. Hold a public hearing *(proposed 11/2/26)*
3. Adopt a final resolution to join c-PACE *(proposed 11/2/26)*

*The following resolution applies:*

RESOLUTION 2026-26
CATAWBA COUNTY BOARD OF COMMISSIONERS
RESOLUTION DECLARING INTENT OF THE CATAWBA COUNTY, NORTH CAROLINA TO PARTICIPATE IN THE COMMERCIAL PROPERTY ASSESSED CAPITAL EXPENDITURE (C-PACE) PROGRAM

WHEREAS, Article 10B of Chapter 160A of the General Statutes of North Carolina, as amended (the "C-PACE Act"), authorizes the establishment of a statewide commercial property assessed capital expenditure (C-PACE) program (the "C-PACE Program") that local governments may voluntarily join; and

WHEREAS, the C-PACE Act authorizes the North Carolina Department of Commerce (the "Program Sponsor") to oversee the C-PACE Program and requires the Economic Development Partnership of North Carolina, Inc., a North Carolina nonprofit corporation (the "Statewide Administrator"), to administer the C-

PACE Program and, in support thereof, provide certain administrative services described in N.C. Gen. Stat. § 160A-239.14; and

WHEREAS, the C-PACE Act and C-PACE Program permit willing owners of commercial, industrial, or agricultural real property, or residential real property with five or more dwelling units located in the jurisdictional boundaries of participating local governments ("Qualifying Commercial Property") to obtain direct financing ("C-PACE Financing") from a "capital provider" (as further defined in N.C. Gen. Stat. § 160A-239.12(1), "Capital Provider") for "qualifying improvements" (as further defined in N.C. Gen. Stat. § 160A-239.12(14), "Qualifying Improvements") approved by the Program Sponsor, including energy efficiency measures, resiliency measures, renewable energy measures, and water conservation measures; and

WHEREAS, under the C-PACE Act, C-PACE Financing shall be secured by a (a) voluntary assessment imposed on Qualifying Commercial Property by a local government for the total amount of such financing (the "C-PACE Assessment") and (b) lien on such Qualifying Commercial Property until the financing is paid in full (the "C-PACE Lien"); and

WHEREAS, the County of Catawba, North Carolina (the "County"), acting by and through its Board of Commissioners, desires to participate in the C-PACE Program and, in support thereof, adopt a resolution setting forth the items required by N.C. Gen. Stat. § 160A-239.15(a).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Catawba County, North Carolina as follows:

Section 1. The County hereby authorizes (a) the C-PACE Program to operate within its jurisdictional boundaries and (b) the Statewide Administrator to provide the administrative services described in N.C. Gen. Stat. § 160A-239.14.

Section 2. The County intends to (a) authorize C-PACE Financing within the jurisdictional boundaries of Catawba County, (b) authorize the imposition of C-PACE Assessments to secure repayment of C-PACE Financing, (c) assign the C-PACE Lien to Capital Providers providing C-PACE Financing and (d) delegate billing, collection, and enforcement duties for the C-PACE Assessment and C-PACE Lien to Capital Providers.

Section 3. The amount of any C-PACE Financing and related C-PACE Assessment repayment terms shall be pursuant to an agreement by and among County, the Statewide Administrator, a "property owner" (as defined in the C-PACE Act, a "Property Owner") and Capital Provider (an "Assessment Agreement") and a financing agreement between a Property Owner and a Capital Provider in which a Property Owner agrees to repay a Capital Provider for the C-PACE Financing provided, including, but not limited to, any finance charges, fees, debt servicing, accrual of interest and penalties, and any terms relating to the treatment of prepayment and partial payment, and the billing, collection, and enforcement of the C-PACE Financing.

Section 4. The County Manager shall, upon receipt from the Statewide Administrator of an approved project application for C-PACE Financing within the jurisdictional boundaries of the County, execute an Assessment Agreement, a Notice of C-PACE Assessment, and an Assignment of C-PACE Lien.

Section 5. The County shall be reimbursed by the Statewide Administrator for the actual and reasonable costs associated with the performance of the duties described in Section 4 hereof.

Section 6. A public hearing on the C-PACE Program will be held in the Board of Commissioners Meeting Room at the Catawba County Justice Center, 100 Government Drive, Newton, NC on Monday, November 2, 2026 at 7:00 pm.

Section 7. Nothing in this resolution shall be interpreted as authorizing the County to pledge, offer, or encumber its full faith and credit, and the County shall not pledge, offer, or encumber its full faith and credit in connection with any C-PACE Financing.

Section 8. Should any provision or provisions of this Resolution be declared invalid or unenforceable in any respect by final decree of any court of competent jurisdiction, the invalidity or unenforceability of any such provisions shall not affect the remaining provisions of such Resolution.

Section 9. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. This Resolution shall take effect upon its adoption.

ADOPTED AND APPROVED this 19th day of October, 2026.

I, Dale R. Stiles, Clerk to the Board of Commissioners for the County of Catawba, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the Board of Commissioners of the County at a regular meeting duly called and held on October 19, 2026.

WITNESS my hand and the official seal of the County this 19th day of October, 2026.

_____, Clerk
Dale R. Stiles
Board of Commissioners
County of Catawba

**e.** Tax.
Staff recommended the Board of Commissioners approve fifteen (15) releases totaling $2,592.21, one (1) refund totaling $15.25, and sixty (60) Motor Vehicles Bill adjustments / refunds totaling $6,072.58 requested during the month of March.

North Carolina General Statute 105-381(b) states upon receipt of a taxpayer's written request for release or refund, the taxing unit's governing body has 90 days to determine whether the taxpayer's request is valid to either approve the release or refund of the incorrect portion or to notify the taxpayer in writing that no release or refund will be made.

During the month of March Tax Office staff have checked records and verified the legitimacy of fifteen (15) releases totaling $2,592.21, one (1) refund totaling $15.25 and sixty (60) Motor Vehicle Bill adjustments / refunds totaling $6,072.58.

Common reasons for the release of tax bill amounts include change in values and months, change in situs, businesses closing / being sold, clerical errors, taxpayers living in different states during GAP period and request for documentation for tax relief fulfilled. The refund is due to adjusted billing to remove utility trailer sold in 06/28/2024. The motor vehicle bill adjustments are largely due to pro-ration of tax bill amounts to account for mid-year transfers of ownership, change in values and change in situs.

The consent agenda items came in the form of a motion by Chair Isenhower, which carried unanimously.

10. Other Items of Business. None.

11. Manager's Report.
County Manager Mary Furtado reported to the Board the following addition to the Pay Plan:

The classification of Engineering Supervisor has been added to the County's classification plan at a pay grade 82 with a salary range of $79,684.61-$131,479.62.

12. Attorney's Report.
County Attorney Jodi Stewart requested the Board consider moving into Closed Session in accordance with North Carolina General Statute 143-318.11(a)(**6**) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee public officer or employee. Commissioner Beatty made a motion to move into closed session for the stated reason. The motion carried unanimously.

13. Adjournment. No further action was taken. Upon a motion by Barbara Beatty which unanimously carried, the meeting was adjourned at 9:47 p.m.

Randy Isenhower, Chair
Catawba County Board of Commissioners

Dale R. Stiles
County Clerk