



# UNIFIED DEVELOPMENT ORDINANCE

**Adopted:** Feb. 28, 2011

**Amendments:**

April 11, 2011	September 9, 2019
September 12, 2011	December 9, 2019
December 12, 2011	March 9, 2020
March 12, 2012	September 14, 2020
June 11, 2012	March 8, 2021
September 17, 2012	June 14, 2021
December 10, 2012	June 28, 2021
March 11, 2013	September 13, 2021
June 10, 2013	December 13, 2021
July 8, 2013	March 14, 2022
September 9, 2013	June 13, 2022
December 9, 2013	September 12, 2022
March 10, 2014	October 10, 2022
June 9, 2014	December 12, 2022
September 8, 2014	March 13, 2023
November 24, 2014	September 11, 2023
December 8, 2014	
March 9, 2015	
June 8, 2015	
September 14, 2015	
November 30, 2015	
March 14, 2016	
June 13, 2016	
September 12, 2016	
December 12, 2016	
March 13, 2017	
June 12, 2017	
September 11, 2017	
December 11, 2017	
March 26, 2018	
September 10, 2018	
October 22, 2018	
December 17, 2018	
March 11, 2019	
June 10, 2019	

# TABLE OF CONTENTS

<b>Section 1: General Provisions</b>		<b>Page</b>
1.1	Title	1-1
1.2	Authority	1-1
1.3	General Purpose and Intent	1-1
1.4	Applicability and Jurisdiction	1-2
1.5	Relationship with Other Laws	1-2
1.6	Official Zoning Map	1-3
1.7	Transitional Provisions	1-5
1.8	Vested Rights	1-6
1.9	Severability	1-8

  

<b>Section 2: Administration</b>		<b>Page</b>
2.1	Review and Decision-Making Bodies	2-1
2.2	Board of Commissioners/Town Board	2-1
2.3	Planning Board	2-2
2.4	Board of Adjustment	2-4
2.5	Historic District Commission	2-6
2.6	Technical Review Committee	2-9
2.7	Town Staff	2-10
2.8	Comprehensive Plan	2-11

  

<b>Section 3: Administrative Procedures</b>		<b>Page</b>
3.1	Administrative Manual	3-1
3.2	Applicable to All Review Processes	3-1
3.3	Comprehensive Review of Chapter	3-1
3.4	Typographical Errors	3-2
3.5	Creation of New Lots/Division of Land	3-2
3.6	Future Land Use Plan & Comprehensive Plan Amendments	3-4
3.7	Unified Development Ordinance and Map Amendments	3-7
3.8	Special Use Permit	3-11
3.9	Reserved for Future Codification	3-18
3.10	Variance	3-18
3.11	Appeal	3-23
3.12	Certificate of Appropriateness	3-26
3.13	Site Plan Review	3-31
3.14	Zoning Compliance Permit	3-33

## **Section 4: Zoning Districts** **Page**

4.1	Residential Base Zoning Districts	4-1
4.2	Business Base Zoning Districts	4-2
4.3	Overlay Zoning Districts	4-6
4.4	Special Use Zoning Districts	4-7
4.5	Other Zoning Districts	4-9

## **Section 5: Use Standards** **Page**

5.1	Use Table	5-1
5.2	Use-Specific Standards	5-14

## **Section 6: Development Standards** **Page**

6.1	Purpose and Intent	6-1
6.2	Reserved	6-1
6.3	General Dimensional Standards	6-1
6.4	Air Pollution	6-5
6.5	Buffers	6-5
6.6	Creation of New Building Lots	6-17
6.7	Design Requirements for All New Non-residential and Multi-Family Buildings	6-18
6.8	Design Requirements for All New Residential Buildings	6-22
6.9	Driveway Connections	6-22
6.10	Landscaping (Parking Lot)	6-24
6.11	Lighting	6-26
6.12	Open Space	6-30
6.13	Parking, Loading, and Circulation	6-36
6.14	Public School Facilities, Adequacy	6-45
6.15	Recreation Sites	6-49
6.16	Screening	6-53
6.17	Sidewalks and Walkways	6-55
6.18	Signage	6-57
6.19	Reserved	6-68
6.20	Stormwater Management	6-68
6.21	Streets	6-83
6.22	Tree Preservation	6-86
6.23	Waste Management & Recycling	6-88
6.24	Wastewater Disposal	6-88
6.25	Water Supply	6-88

## **Section 7: Nonconformities** **Page**

7.1	General Applicability	7-1
7.2	Nonconforming Uses	7-2
7.3	Nonconforming Characteristics of Use	7-3
7.4	Nonconforming Structures	7-4
7.5	Nonconforming Lots of Record	7-5

## **Section 8: Enforcement**

## **Page**

8.1	Purpose and Applicability	8-1
8.2	Violations	8-1
8.3	Responsible Persons	8-2
8.4	Inspections and Investigations	8-2
8.5	Enforcement Procedure	8-2
8.6	Remedies	8-3
8.7	Civile Penalty Assessment	8-6
8.8	Prevention of Demolition by Neglect	8-7

## **Section 9: Definitions**

## **Page**

9.1	Rules of Measurement, Computations, and Exceptions	9-1
9.2	Definitions	9-6

## AMENDMENT KEY

<b>AMENDMENT DATE</b>	<b>AFFECTED SECTIONS</b>
April 11, 2011 (scriveners errors)	3.6.10; 3.8.4.2; 3.8.4.3; 3.8.4.4; 4.2.7.1; 4.3.3.2(a); 5.1.2.1f; Table 5.1.5 and 5.1.6; 5.2.5 (add); Table 6.3.2; add Figure 6-1, 6-7, 6-8; 6.18.4; 6.18.15; 7.1.1; 7.2.2.1; 8.6.2; 8.6.3.8; 8.6.5; 8.6.6
September 12, 2011	3.10.7; 6.16.3.2.a; 6.19.2; 6.22.1; 6.22.2, 6.22.3, 6.22.4, 6.22.6; and 9.2 (canopy tree, deciduous tree, non-deciduous tree)
December 12, 2011	5.1.6; 6.5.1; 6.13.3.5; 6.16.1; 6.18.6.2; 6.18.6.3; 9.1.5.1; and 9.2 (public event, storage & warehousing: self)
March 12, 2012	5.15; 5.2.3; 6.18.5 (faith-based cemeteries & pointer signs)
June 11, 2012	Table 6.3.1 and 6.3.1; 6.18.15.1 (new); 6.20 (Falls Lake); and 9.2 (new terms related to Falls Lake)
September 17, 2012	5.2.16 (home occupation)
December 10, 2012	3.8.4.4 and 3.9.4.3 (stormwater); 5.1, 5.2.11, and 9.2 (electronic gaming); 5.2.24; 6.18.15.1
March 11, 2013	4.3.1.2
June 10, 2013	5.1 (artisan studio in GI)
July 8, 2013	5.1 (performance facility in CC); 5.2.35, conditions for performance facility
September 9, 2013	Sections 4, 5, 6, Create Adaptive Re-Use district; 6.3.1, lot size in AR district; 6.5.7.4, utilities and buffers; 9.2, food preparation business
December 9, 2013	Sections 3.9, 3.10, and 3.11, updated BOA processes; Section 3.13 and 5.1.6, site plan thresholds; Section 4.5.3.8 and Section 6.20.17, riparian buffer requirements for delegated authority; Section 5.1.6 and 9.2, restaurant definition; Section 6.13.8, parking space and aisle dimensions
March 10, 2014	Section 9.2, 5.1, and 5.2 to delete nightclub and add provisions to restaurant, bar, and performance facility; Section 6.18.4 to add water tank signage provisions
June 9, 2014	Sections 4.3.1.2, 4.3.1.2, 4.4.3.1, and 4.4.4.2
September 8, 2014	Sections 5.1.6, 5.2, 5.2.36, 6.5.3.4, 6.5.10, 6.6.2, 6.10.3.8, 6.10.3.12, 6.13.9.1, 6.13.9.4, 6.17.3.2(c), 6.17.3.2(d), 9.1.5.2, 9.2

<b>AMENDMENT DATE</b>	<b>AFFECTED SECTIONS</b>
November 24, 2014	Sections 2.5.1.a, 2.5.1.b, 2.5.1.d, 2.5.1.e, 2.5.1.f, 2.5.1.g, 2.5.1.h, 3.12.1, 3.12.2, 3.12.3, 3.12.4, 3.12.5.1, 3.12.5.3, 3.12.6, 3.12.6.1, 3.12.6.2, 3.12.6.3, 8.6.1
December 8, 2014	Sections 3.9, 3.13.2, 6.7.2, 6.7.3.3, 6.7.5.1, 6.7.5.2, 6.7.7.8, 6.7.8.6, 6.7.9.3, 6.7.11.1, 6.7.11.4, 6.7.12.1
March 9, 2015	Sections 5.2.16, 5.2.16.1a, 5.2.16.1b, 5.2.16.1c, 5.2.16.1d, 5.2.16.1e, 5.2.16.1f, 5.2.16.2, 6.5.4.3, 9.2
June 8, 2015	Sections 5.2.22.1, 5.2.46.1, 5.2.47.1, 6.20.8.1, 6.20.8.2.a, 6.20.8.2.b, 6.20.8.2.c
September 14, 2015	Sections 5.1.5, 5.1.6, 5.2.9.3, 9.2
November 30, 2015	Sections 5.1.6, 6.11.5.1, 6.18.12.2, 6.18.12.2.a, 6.18.12.2.b, 6.18.12.4, 6.18.12, 6.18.12.5, 6.18.13.2
March 14, 2016	Sections 5.1.6, 6.3.3, 9.2, corrected typographical errors throughout
June 13, 2016	merge in EDD uses and requirements; rename Mixed Residential Special Use; 2.5.1; 3.6.15(delete), 3.6.6; 3.8.9; 3.8.24; 3.9.5.4; 3.9.16; 4.1.4.3(delete); 4.2.9.1; 4.3.5(delete); 5.1.6; 6.3.2; 6.3.3, 6.5.9; 6.5.10.1 & 2; 6.20.16(delete impervious surface); 7.2.3(delete); 9.2 amend recreational facility (delete office uses not providing services via walk in traffic and office uses providing services to walk in client)
September 12, 2016	Amend table 6.13.3.5 minimum number of parking spaces required, amend 9.1.3.1, 9.1.5.1, 9.2
December 12, 2016	Amend 7.5.2.1, 6.2 (section deleted), amend 6.11.7.3, amend 3.13.3.d, new section inserted into 7.3, amend 3.8.5.1.a
June 12, 2017	Add Section 5.1.5 Temporary Seasonal Sales on Non-Residentially Zoned Property, Amend Section 5.2.9 to replace subsections 1 and 2, Amend section 6.7.2, Amend section 6.17.2, Amend section 6.18.12.3, 6.18.12.4, and 6.18.14.1
September 11, 2017	Amend Sections: 3.2.21 and 3.9.13, 3.8.24 and 3.9.16, 6.11.6.1, and 9.1.4
December 11, 2017	Amend 6.13.3, 6.13.5, 6.13.9, and 6.15.7
March 26, 2018	Amend Tables 5.1.6 and 5.1.7, 5.2.45.1e, 6.18.6.1, and 9.2
September 10, 2018	Amend 3.13.8, 5.2.12, Table 6.3.2, 6.18.9.8, and 9.2 (electronic gaming)

<b>AMENDMENT DATE</b>	<b>AFFECTED SECTIONS</b>
October 22, 2018	Amend 6.18.6.1 (add g)
December 17, 2018	Amend 6.15.3, 6.15.8, and 6.15.9; remove Section 6.19 (steep slopes); Table 5.1.7; Section 5.2 (drive-thru); 9.2
March 11, 2019	Amend 5.1.6 to show attached dwellings as permitted in MF and mobile home parks as permitted in MHP
June 10, 2019	Create 3.14.12; Amend 5.2.43 and 6.18.7 (changeable message signs); Amend 6.11.6 and 6.18.9.5 (string lights); Amend 6.17.7 and 9.2 (off-premise signs); and 9.2 (restaurant, convenience, other clean-up)
September 9, 2019	Section 5.2.3 (bars), 5.2.25.23 (mobile homes parks), and 5.2.43 (restaurants) Scrivener errors: 5.1.5.5 (spelling- circumstances), 5.2.40 (spelling – convenience), Table 5.1.6 to delete drive-up window (use deleted in December 2018)
December 9, 2019	Section 5.2.9.1.d (freestanding accessory dwellings - replace), Section 6.3.2 (remove impervious surface), Section 9.1.5 and 9.2 (setback measurement and graphic)
March 9, 2020	Section 5.1.7 (permitted uses, non-residential), 5.2.10 (dwellings, attached), 6.5 (buffers)
September 14, 2020	Section 3.6 (downzoning); Section 4 (removed BMP references), Section 6.20 (update stormwater); Section 9.2 (dwelling, hotel, lodging unit)
March 8, 2021	Section 2.6 and 3 (Technical Review Committee); Section 3.8 and 3.9 (waiver clarification); Section 6.7 (design standards); and Section 6.21 (fire code reference)
June 14, 2021	Section 5.2.9.2 (remove public road requirement); Section 6.3.1 (AR setbacks); Section 7.5 (limit combination of nonconforming lots); Complete ordinance – changes to comply with North Carolina General Statutes, Section 160D including use tables and assignment of Special Use Permit approval to Board of Adjustment
June 28, 2021	Section 9.2, Stormwater definitions (overlooked from June 2020 hearing)
September 13, 2021	Section 3.8.11, Notice of Evidentiary Hearing; Section 9.1.5.2.e, residential HVAC
December 13, 2021	Remove waivers: Section 1.8.2, Section 3.8.4, 3.8.19.2, 3.8.20.4 (deleted), 3.13.7.4 (deleted), 3.13.7.5, and 6.17.3.1. Add flexibility: Section 6.5.8, Section 6.11, Section 6.13.3, and Section 6.17.3.3. Change multi-family density: Section 6.3.1. Section 7.5, Setbacks for nonconforming lots

- March 14, 2022 Add Sec. 3.12.14 (Emergency Admin. COA); Amend Sec. 6.17.3.1, 2<sup>nd</sup> par. (remove permit-issuing authority ability to set payment in-lieu for low-priority sidewalks); Amend Sec. 6.17.3.2 (require sidewalks on both sides of existing/new public/private streets in multi-family/retail developments); Amend Sec. 6.21.2 (allow private streets allow in developments without formally established street network); Amend Sec. 6.21.4 entirely (change “road” to “street”); Amend 6.22.1, 6.22.2, 6.22.3, & 6.22.3.4, 6.22.5, 6.22.6 (exempt forestry mgmt., address clear-cutting, expand tree protection requirements, clarify canopy retention standards, remove tree canopy figure, add 6.22.7-tree replacement & 6.22.8-maintenance)
- June 13, 2022 Amend Sec. 5.1.7 (Use Table for Residential Districts) to allow Gallery/Museum as a permitted use in the AR district; amend Sec. 8 (Enforcement) by rewriting entire section up to Demolition by Neglect
- September 12, 2022 Add Sec. 3.2.5 to require other licenses/permits be obtained before issuance of zoning compliance permit and/or certificate of occupancy; Amend Section 5.2.12 (Event Centers) to remove requirement that they only be allowed in existing buildings and to remove unnecessary language;
- October 10, 2022 Amend Sec. 3.7.3 (Authority to Apply) relative to PD (Planned Development) district rezonings; Add Sec. 3.7.6 requiring neighborhood information meeting for PD rezonings; Add Sec. 3.7.11 addressing PD zoning approval conditions; Amend Sec. 3.7.15 (Vesting) regarding PD development schedules and vesting; Amend Sec. 3.7.16 (Deviations, Modifications, Revocation, Expiration) to recognize PD map amendments; Add Sec. 3.13.2.3 to require site plan for property involving PD zoning; Add Sec. 4.6.1 to describe intent and application criteria for PD districts; Amend Sec. 5.2 (Use Standards) to create PD development standards; Amend Sec. 6.12 (Open Space) to be more detailed than prior requirements; Amend Sec. 9 (Definitions) to update definitions for Master Plan, Open Space, Phased Development Plan, and Site-specific Development Plan, and to add definition of Planned Development.
- December 12, 2022 Amend Sec. 6.5 (Buffers), Subsect. 6.5.7 (Special Circumstances Based on Adjacent Conditions), Para. 6.5.6.2 to add provision exempting train stations from 100-foot buffer adjacent to railroad rights-of-way; Amend Sec. 6.7 (Design Requirements for All New Non-residential and Multi-family Buildings), to reduce the percentage of windows and doors on ground floor and upper floor facades, allow use of spandrel glass, make minor grammatical changes and add a photographic example of a faux window treatment.
- March 13, 2023 Amend: Sec. 5.1.8 (Table: Use Table for Non-residential Districts) to add brewery and micro-brewery as uses; Sec. 6.7.10.1 to further regulate parapet walls on flat roofs; repeal Sec. 6.7.10.2 regarding roof pitch; Sec. 6.13.3.4 (Table: Minimum Number of Parking Spaces Required) to establish minimum parking for brewery & micro-brewery; & Sec. 9.2 (Definitions) to define brewery and micro-brewery.

September 11, 2023 Amend Sec. 6.13.3.4 (Table: Minimum Number of Parking Spaces Required) to change standards for Churches and Places of Worship.