



RE-NEW BERN

LAND USE ORDINANCE

Annotated Outline
Public Draft September 2024

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ABOUT THIS ANNOTATED OUTLINE

This document is an Annotated Outline of New Bern's draft Land Use Ordinance (or "LUO"), which is being developed as part of the City's Re-New Bern process (www.re-newbern.com).

A Land Use Ordinance is the legal document the City uses to protect public's health, safety, and welfare with respect to the use of land and the establishment of development in City. A Land Use Ordinance establishes what kinds of land uses may be permitted in which locations, the process the City will use to consider applications for the establishment of new land uses, and how land uses/sites should be operated to protect public safety and support the City's adopted goals for its future. The Land Use Ordinance applies to land located within the City's corporate limits as well as its extra-territorial jurisdiction.

This annotated outline is an abbreviated or summary version of the proposed Land Use Ordinance. It identifies the "look and feel" of the forthcoming Land Use Ordinance document. It illustrates the proposed numbering scheme, text attributes, and page layout. It also identifies the chapter names and their sequence. It lists the main sections and sub-sections within each chapter and the appendix. In addition, it provides a brief summary of the contents of each main section and sub-section in the document.

The contents of this annotated outline will be modified and expanded during the Re-New Bern process to become the City's new Land Use Ordinance. The new Land Use Ordinance, if adopted by the Board of Aldermen, will replace the City's current development regulations found in Appendix A of the City's Code of Ordinances – (https://library.municode.com/nc/new_bern/codes/code_of_ordinances). The new Land Use Ordinance may consolidate other chapters or sections of the City's Code of Ordinances as well.

This annotated outline proposes 8 chapters that are listed in alphabetic order. Each chapter is designed to consolidate similar kinds of standards, like review procedures, zoning district requirements, use standards, and so forth. The first page of each chapter includes a table of contents of sections and sub-sections within each chapter (which is also organized in alphabetic sequence to the degree possible).

The top of almost every page of this annotated outline identifies the chapter name and number, the main section name and number, and the sub-section found on that particular page. This allows readers to quickly thumb through the document using only the page tops as navigation aids. Page numbers are included on the bottom of each page. Each page footer also bears the date that the document was last updated.

The material included in this Annotated Outline is based upon the Code Assessment, which was the end product of Task 2 of the Re-New Bern project. The Assessment may be reviewed on the project website at www.re-newbern.com.

The goals or guiding principles for Re-New Bern and the new Land Use Ordinance are as follows:

1. Make the regulations more user-friendly
2. Enhance graphic communication
3. Ensure efficient and predictable development review processes
- 4 Add incentives and flexibility
5. Raise the bar for development quality
6. Promote sustainable development patterns
7. Provide more housing options
8. Modernize the land uses and zoning map

Questions about this annotated outline, the new Land Use Ordinance, or any part of the Re-New Bern project may be entered on the project website, or applicants may contact the Development Services Department at 252.639.7581.

TABLE OF AMENDMENTS

Below is a sample table showing a possible method for the City to record amendments to the Land Use Ordinance text following adoption. The table lists amending ordinance numbers and adoption dates. It also provides a short description of each amendment. This table, if included, is updated as part of any proposed Land Use Ordinance text amendment. In addition to this table, amended sections of the Land Use Ordinance text are appended with an editor’s note indicating the date the section was amended and the applicable ordinance number. The City should also make historical text amendment ordinances available for public review so readers can easily see how the Land Use Ordinance language has evolved over time. One other important aspect is the “last updated” date at the bottom of each page. This is the control method the City and applicants can use to ensure they are using the latest version of the Land Use Ordinance.

LAND USE ORDINANCE AMENDMENT		
ORDINANCE NUMBER	ADOPTION DATE	DESCRIPTION
T 2023-00	12-20-23	A short description listing the main sections modified and an abbreviated summary of the changes Section 1.1: added language Section 3.5: section deleted Section 4.2: Some other change, etc.
T 2024-100	08-01-24	Another description and summary from a subsequent round of text amendments

CHAPTER I.

ADMINISTRATION

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KEY CHANGES FROM CURRENT LUO

[placeholder]

§101 APPLICABILITY

101.1 GENERALLY

This section identifies the range of development subject to or exempted from the Land Use Ordinance. It also describes the geographic area where the rules apply (Jurisdiction).

101.2 APPLICATION TO GOVERNMENTAL UNITS

Clarifies that the Land Use Ordinance applies to lands and development owned or operated by the City of New Bern, Craven County, the State of North Carolina, public subdivisions of the State, public colleges, or universities in accordance with NCGS§160D-913. The section also encourages development and activities undertaken by the federal government to comply with the Land Use Ordinance.

101.3 JURISDICTION¹

This applies to all lands within the City's corporate limits, its extraterritorial jurisdiction (ETJ), and any lots subject to development agreements outside of these areas but that stipulate Land Use Ordinance applicability.

A. GENERALLY

Clarifies that the standards of this Ordinance apply to all development except were specifically exempted by the City or State law.

B. EXEMPTIONS

Clarifies the forms of development that are generally exempted from the Land Use Ordinance, including: agriculture and agri-tourism activities taking place on a bona fide farm, forestry activities on a bona fide farm or subject to an approved forestry management plan, court-ordered subdivisions, and division of land as part of a will or NC intestate succession laws. The section clarifies that bona fide farms and land taxed under present use value are not exempted from the Land Use Ordinance's subdivision, flood damage prevention, and watershed protection provisions.

C. ANNEXATION

Clarifies that the provisions of the Land Use Ordinance are made applicable at the time of annexation or at some other date certain as specified by the Board of Aldermen.

D. EXTRATERRITORIAL JURISDICTION

Clarifies that in cases where the City is seeking approval of ETJ extension from the Craven County government, the City may review development applications from the area subject to the ETJ request in accordance with NCGS§160D-20.

101.4 MINIMUM REQUIREMENTS²

Clarifies that the standards in the Land Use Ordinance are minimum standards, unless otherwise noted or subject to a City-approved reduction.

§102 AUTHORITY³

States that the Ordinance will consolidate the City's Land Use Ordinance, which includes the Flood Damage Prevention Ordinance, and Stormwater Ordinance, as authorized by the NCGS. Additionally, it clarifies the Ordinance will be consistent with NCGS, City Charter, other statutory provisions (e.g., Ch. 143, Water and Air Resources, Ch 160A Art. 8, Police Power, Ch 160A Art 15, Streets, etc.), and any special authority granted to the City (like the ability to prohibit demolition of a local historic resource) and any special legislation. Repeals prior ordinances.

§103 CONFLICT

This is a new section that includes a portion of Section 15-5(b) from the Land Use Ordinance and covers the variety of potential conflicts between Land Use Ordinance provision, conflicts with other City laws, and conflicts

¹ This replaces Section 15-3 Jurisdiction in the Land Use Ordinance.

² Carries forward and expands on Section 15-276 Interpretations and Section 15-507 Interpretation in the Land Use Ordinance.

³ Carries forward Section 15-2 Authority in the Land Use Ordinance.

with other laws or private agreements. It also recognizes that the most restrictive standard does not always control (such as in the case of administrative adjustments, variances, and some rezoning conditions). The language pertaining to promotion of the health, safety, and general welfare is relocated to the section on purpose and intent, and the abrogation provisions are addressed under the new authority section.

103.1 CONFLICT BETWEEN STANDARDS IN THIS ORDINANCE

A. GENERALLY

Clarifies that generally speaking, when two standards in the Land Use Ordinance conflict with one another, the more restrictive standard controls unless indicated otherwise in this section.

B. ALTERNATIVES

1. AUTHORIZED DEVIATIONS

Clarifies that authorized deviations, such as an approved administrative adjustment, approved conditional rezoning master plan, or alternative form of compliance (parking, landscaping, signage, lighting, etc.) shall control and are not considered to conflict with other more restrictive standards.

2. INCENTIVES

Incentives, like density incentives associated with a zoning district, conservation subdivision, or sustainable development feature shall control and are not considered to conflict with other more restrictive standards.

C. DEVELOPMENT STANDARDS AND DISTRICT STANDARDS

In cases where a development standard conflicts with a zoning district standard, the zoning district standard shall control.

D. DEVELOPMENT STANDARDS AND USE STANDARDS

In cases where a development standard conflicts with a use standard, the use standard shall control.

E. OVERLAY DISTRICT STANDARDS

In cases where the text for an overlay district differs with another standard, the overlay zoning district standard shall control.

F. TEXT AND ILLUSTRATIONS

In cases where the text in the Land Use Ordinance differs from an illustration, the text controls, and that illustrations are provided solely for informational purposes only. In cases where the text differs from a heading, caption, or table, the text controls.

G. TEXT AND MAPS

In cases where the text in the Land Use Ordinance differs from an adopted map, the text controls.

103.2 CONFLICT WITH A CONDITION OF APPROVAL

In cases where a standard conflicts with an authorized and legally established condition of approval that has not expired, the condition of approval controls.

103.3 CONFLICT WITH A PRIVATE AGREEMENTS AND COVENANTS

In cases where a standard conflicts with a private agreement, covenant, or deed restriction, and the standards in this Ordinance are more restrictive, the standards in this Ordinance shall control. In cases where a private agreement or covenant conflicts with State or federal law, it shall no longer apply.

103.4 CONFLICT WITH STATE OR FEDERAL LAW

If a provision of this Ordinance is inconsistent with State or federal law, the more restrictive provision controls, to the extent permitted by law.

103.5 CONFLICT WITH CITY CODE OR POLICY

If a provision of the Land Use Ordinance is inconsistent with another provision found in other adopted ordinances of the City, the more restrictive provision shall govern, unless the terms of the more restrictive provision specify otherwise. City policy is advisory only.

103.6 DETERMINATION OF MOST RESTRICTIVE STANDARDS

The more restrictive provision is the one that imposes greater restrictions, burdens, or more stringent controls.

§104 CONSISTENCY WITH ADOPTED POLICY GUIDANCE⁴

This section replaces the standards in Article I, Section 2 of the Zoning Ordinance. It clarifies that policy is advisory and that the Board of Aldermen may take action that differs from the adopted policy guidance without legal repercussion.

104.1 ADVISORY IN NATURE

Clarifies that adopted policy guidance is advisory in nature only.

104.2 CONFORMANCE

States that conformance with adopted policy guidance is desired, but not required.

104.3 CONSISTENCY

Clarifies that consistency with adopted policy guidance is not a requirement for the continuing validity of any provision of this Ordinance, except as provided in NCGS §§160D-604 and 160D-605. Consistency with adopted policy guidance is not a prerequisite for approval of a rezoning, and the future land use map portion of the Comprehensive Plan shall be deemed amended when the Board of Aldermen approves a rezoning application that is inconsistent with the future land use map in accordance with NCGS §§160D-605.

104.4 INCONSISTENCY

Clarifies that in the event the Land Use Ordinance becomes inconsistent with adopted policy guidance, the City should take steps to address the inconsistency(ies), but that such inconsistencies do not invalidate the Land Use Ordinance or actions taken in accordance with it. Additionally, this subsection clarifies that the Board of Aldermen may take actions that are inconsistent with adopted policy guidance in their sole discretion, and what happens as a result.

104.5 POLICY DOCUMENT IDENTIFIED

Enumerates the City's adopted policy guidance applicable to development and development-related activity, including the 2022 Land Use Plan, 2010 Regional Land Use Plan, Historic Preservation Plan, 2022 Bicycle & Pedestrian Plan, small area plans, and any applicable capital improvement plans.

§105 DOCUMENT TITLE⁵**105.1 ORDINANCE TEXT**

Establishes the title of the Land Use Ordinance.

105.2 ZONING MAP

Establishes the title of the Official Zoning Map.

§106 EFFECTIVE DATE

Replaces Section 15-4 Effective dates of the Land Use Ordinance with the new effective date. Note that the effective date may need to be delayed allowing City staff time to prepare application forms and budget amendments for any new fees. It is not uncommon for there to be 60-180 days between adoption date and effective date. If this is the case, the Land Use Ordinance will clarify that applications submitted after the adoption date but before the effective date may choose which version of the City standards to follow in accordance with NCGS §§160D-108. Given the proposed project schedule with adoption of the new Land Use Ordinance by October 2025, a potential effective date for the new Land Use Ordinance might be April 1, 2026.

§107 PROCEDURES MANUAL

Creates a new section referencing an outside Procedures Manual that includes application forms and submittal requirements.

⁴ Replaces Section 15-6 and enumerates the applicable policy documents. Clarifies that policy documents do not carry the force of law.

⁵ Expands on Section 15-1 in the Land Use Ordinance.

§108 PURPOSE AND INTENT OF ORDINANCE

This is a new comprehensive set of purpose and intent statements inclusive of those in the General Statutes as well as language from the adopted policy guidance. These address protection of health, safety, and welfare, as well as preserving light and air, and so forth, along with provisions related to growth, environmental protection, promoting beneficial employment, addressing nonconforming development, ensuring user-friendly review procedures, and why flexibility is incorporated into the Ordinance.

§109 REVIEW AUTHORITIES

This section replaces and expands on Article III. Administrative Mechanisms Parts I to V of the Land Use Ordinance by identifying each review authority, their composition, and powers and duties. There is also a new preliminary section dealing with general requirements for all review authorities.

109.1 AUTHORITIES ESTABLISHED

This section enumerates all of the review authorities with decision-making responsibilities under the Land Use Ordinance.

109.2 GENERAL REQUIREMENTS FOR ALL AUTHORITIES

A. OATH OF OFFICE

Sets out the oath each review authority must take (Art. 6 Sec. 7 of the NC Constitution).

B. CONFLICT OF INTEREST

Sets down the range of conflict-of-interest provisions for legislative and evidentiary decision-making, as well as the conflict statements applied to administrative decision makers.

C. MEETINGS⁶

1. ADVERTISED

This section clarifies that all meetings of the Board of Aldermen, Planning and Zoning Board, and Board of Adjustment shall be subject to the advertising requirements for adjacent landowners and the general public in NCGS§§160D-406, 160D-601, 160D-602, 160D-1005, as well as the standards NCGS§143-318.12 pertaining to open meeting laws, where appropriate.

2. MINUTES AND RECORDS

Requires accurate minutes of all meetings (even those with closed sessions).

3. OPEN TO THE PUBLIC

All meetings of review authorities shall be open to the public except for closed sessions conducted by the Board of Aldermen in accordance with NCGS§143-318.11.

D. RULES OF PROCEDURES

Clarifies that review authority rules of procedure, if adopted, shall be made available for public inspection, and shall be maintained by an identified City staff member.

109.3 BOARD OF ALDERMEN⁷

This section recognizes the Board of Aldermen, setting out their powers and duties, and clarifying how appeals of their decisions are considered.

A. POWERS AND DUTIES

Sets out the powers and duties of the Board of Aldermen under the Land Use Ordinance via cross reference to the Application Summary Table in Chapter 2, Applications.

B. LEGISLATIVE CHALLENGE TO COURTS

Sets out the process for a person with standing to challenge a legislative decision of the Board of Aldermen (like a rezoning) with the Superior Court for Craven County. The section differentiates the process and timelines for decisions on zoning map amendments and development agreements or text amendments.

⁶ This replaces Article III, Part VI of the Land Use Ordinance.

⁷ Replaces Section 15-40. Board of aldermen.

C. QUASI-JUDICIAL APPEAL TO COURTS

Sets out the process for a person with standing to challenge a quasi-judicial decision of the Board of Aldermen (like a Special Use Permit) with the Superior Court for Craven County. The section differentiates the process and timelines for filing an appeal.

109.4 BOARD OF ADJUSTMENT

This section relocates and revises Section 15-31 to 15-36 of the Land Use Ordinance and clarifies the Board of Adjustment is established in accordance with NCGS§160D-302. This section will remove initial term guidance to comply with NCGS and clarify residence status of alternate members.

A. AUTHORITY

Sets out the statutory authority for the Board of Adjustment (NCGS§160D-302).

B. COMPOSITION

Establishes the number of board members and board that appoint corporate and ETJ members.

C. POWERS AND DUTIES

Sets out the powers and duties of the Board of Adjustment under the Land Use Ordinance via cross reference to the Application Summary Table in Chapter 2.

D. QUASI-JUDICIAL APPEAL TO COURTS

Sets out the process for a person with standing to challenge a quasi-judicial decision of the Board of Adjustment with the Superior Court for Craven County. The section differentiates the process and timelines for filing an appeal.

E. RULES OF PROCEDURE**1. TERMS**

Sets out member terms (reduces from five to three years per NCGS§160D-302), leadership, and provisions for termination.

2. RULES

References the BOA's adopted rules of procedure, where they may be obtained, and which City staff member is responsible for maintaining them.

3. QUORUM

Clarifies quorum requirements (at least five members).

4. VOTING

Sets out the voting requirements in accordance with State statute. The conflict-of-interest provisions are relocated to the General Requirements for All Review Authorities section.

109.5 HISTORIC PRESERVATION COMMISSION⁸**A. AUTHORITY**

Sets out the statutory authority for the establishment of a Historic Preservation Commission (NCGS§160D-303 and 160D-941).

B. COMPOSITION

The Statutes permit the City to determine the size of the Commission, but it must include at least three people. The City may or may not wish to consider inclusion of at least one resident from the extraterritorial jurisdiction. The standards will also clarify that a majority of the members of the Commission shall have a demonstrated special interest, experience, or education in history, architecture, archeology, or a related field.

C. POWERS AND DUTIES

Carries forward the general powers from Section 15-421 of the Code of Ordinances of the Historic Preservation Commission and cross references the Application Summary Table in Chapter 2.

D. RULES OF PROCEDURE**1. TERMS**

Sets of member terms, leadership, and includes provision for termination.

⁸ This replaces section 15-419 and 15-421 of the Code of Ordinances.

2. RULES

References the Historic Preservation Commission's adopted rules of procedure, where they may be obtained, and which City staff member is responsible for maintaining them.

3. QUORUM⁹

Clarifies the quorum requirements.

4. VOTING

Sets out the voting requirements.

109.6 PLANNING AND ZONING BOARD

This section carries forward and builds on Article III, Part II of the Land Use Ordinance establishing composition, powers and duties as well as rules of procedure.

A. AUTHORITY

Sets out the statutory authority for the establishment of a Planning and Zoning Board (NCGS§160D-361).

B. COMPOSITION

This section sets out the composition of the Board, which is seven members, including one member who resides in the extraterritorial jurisdiction.

C. POWERS AND DUTIES

Sets out the powers and duties of the Planning and Zoning Board under the Land Use Ordinance via cross reference to the Application Summary Table in Chapter 2.

D. RULES OF PROCEDURE**1. TERMS**

Sets out member terms, leadership, and provisions for termination.

2. RULES

References the Planning and Zoning Board's adopted rules of procedure, where they may be obtained, and which City staff member is responsible for maintaining them.

3. QUORUM

Clarifies quorum requirements (at least five members).

4. VOTING

Sets out the voting requirements.

109.7 TECHNICAL REVIEW COMMITTEE¹⁰

This is a new section, though the City already operates a similar committee (DRC).

A. COMPOSITION

This section describes the composition of the Technical Review Committee ("TRC") and clarifies that the Development Services Director chairs the committee.

B. POWERS AND DUTIES

Sets out the powers and duties of the Technical Review Committee under the Land Use Ordinance via cross reference to the Application Summary Table in Chapter 2. The TRC also conducts pre-application conferences.

C. RULES OF PROCEDURE

Clarifies the rules of procedure for the TRC, including the ability of the public to attend their meetings. The Statutes do not require the City to permit the public's attendance at a TRC meeting, though allowing it is a best practice. TRC meetings shall be conducted on an as-needed basis, as determined by the committee Chair.

109.8 CITY STAFF**A. CHIEF BUILDING INSPECTOR**

⁹ NOTE TO STAFF: Please clarify how quorum is determined since could not locate the Code of Ordinances.

¹⁰ This replaces the DRC and will address February 2024 stakeholder concerns related to the committee's role in reviewing development permit applications. The Application Summary Table in Chapter 2 will further address stakeholder concerns.

I. POWERS AND DUTIES

Establishes the powers and duties of the Chief Building Inspector under the Land Use Ordinance.

B. DEVELOPMENT SERVICES DIRECTOR¹¹**I. POWERS AND DUTIES**

Establishes the powers and duties of the Development Services Director, including Land Use Ordinance enforcement, maintaining the Official Zoning Map, maintaining public records, and providing technical assistance to other review authorities. Sets out the powers and duties of the Development Services Director under the Land Use Ordinance via cross reference to the Application Summary Table in Chapter 2.

C. DIRECTOR OF PUBLIC WORKS**I. POWERS AND DUTIES**

Establishes the powers and duties of the Director of Public Works under the Land Use Ordinance.

D. HISTORIC PRESERVATION COMMISSION ADMINISTRATOR**I. POWERS AND DUTIES**

Establishes the powers and duties of the Historic Preservation Commission Administrator under the Land Use Ordinance.

E. STORMWATER SUPERINTENDENT¹²**I. POWERS AND DUTIES**

Establishes the powers and duties of the Stormwater Superintendent under the Land Use Ordinance.

§110 SEVERABILITY

Carries forward Section 15-513. Severability of the Land Use Ordinance. This Section clarifies that in the event one more sections of the Land Use Ordinance is repealed by a court of competent jurisdiction, the balance of the Land Use Ordinance is severed and shall remain in effect.

§111 TRANSITIONAL PROVISIONS

This is a new section that clarifies how applications, approvals, nonconformities, and similar aspects in place at the time of adoption of the new Land Use Ordinance are addressed.

111.1 APPLICATIONS**A. PRIOR APPROVAL**

Describes how applications approved prior to adoption of the Land Use Ordinance are handled in accordance with permit choice provisions in NCGS§160D-108. Clarifies that applicants seeking to proceed under the Land Use Ordinance must file a written notice of intent to do so with the City.

B. PENDING APPROVAL**1. COMPLETE**

Clarifies that these kinds of applications are treated the same as approved applications.

2. FILED, BUT NOT COMPLETE

These applications are not treated as complete applications and are not eligible for permit choice provisions extended to approved or complete applications.

111.2 EXISTING NONCONFORMITIES

Clarifies that existing nonconformities remain nonconformities under the Land Use Ordinance (unless the situation is no longer nonconforming due to language in the Land Use Ordinance).

111.3 EXISTING PLANNED UNIT DEVELOPMENTS

¹¹ Replaces Article III, Part I of the Land Use Ordinance.

¹² Replaces 15-511 of the Land Use Ordinance.

Lawfully-established existing planned units developments approved prior to (*insert the effective date of this Ordinance*) may continue in accordance with their development approvals without need of rezoning to a new conditional zoning district. Lands not depicted on the original planned unit development master plan shall only be developed in accordance with the standards of this Ordinance or in accordance with Section <>, Conditional Rezoning. In no instance may land area be added to a pre-existing planned unit development approval.

111.4 EXISTING USES NOW REQUIRING A SPECIAL USE PERMIT

Clarifies that use types that were formerly permitted by right but that now require approval of a special use permit under the Land Use Ordinance shall be considered as having special use permit approval, but that any changes to the existing use after the effective date of the Land Use Ordinance shall require approval of a special use permit.

111.5 EXISTING USES NOW REQUIRING CONDITIONAL ZONING

Clarifies that use types that were formerly permitted by right or by special use permit, but that now require approval of a conditional rezoning under the Land Use Ordinance shall be considered as lawful nonconformities, but that any changes to the existing use, lot, or structure containing the use after the effective date of the Land Use Ordinance shall require prior approval of a conditional rezoning district.

111.6 VIOLATIONS

Prior violations shall continue to be violations (unless the rules have changed in ways that render violation lawful).

§112 VESTED RIGHTS

This section replaces Sections 15.15.(142), 15-67, 15-68, 15-69, 15-70, and 15-506(pp) and February 2024 stakeholder feedback. Additionally, this addresses the concept of vested rights, how they are established, and their duration in accordance with NCGS§160D-108.

112.1 GENERALLY

Describes the role and purpose of vested rights, and how they are established, and how an applicant may utilize the determination procedure in Chapter 2 to claim vested rights. Clarifies that some statutory vested rights accrue automatically upon application approval. Clarifies that vested rights allow an applicant to proceed with development in accordance with the original approval, but that any changes to the proposed development are not protected under vested rights, and will be subject to changes in the Land Use Ordinance that have taken place after the original approval. Clarifies that vested rights remain in place only while the permit or development approval is valid, and actions invalidating a permit or approval also strips vested rights.

112.2 COMMON LAW VESTING

Recognizes how common law vested rights are established and provides guidance regarding vesting term for applications with common law vested rights.

112.3 BUILDING PERMITS

Describes the six-month vesting term associated with approval of a building permit and how vesting status can be extinguished. Also describes the relationship between a building permit's vesting status and the on-going vested status associated with a site-specific vesting plan of which the building permit is a part).

112.4 MULTI-PHASE DEVELOPMENT

Clarifies the seven-year vesting term for multi-phase development.

112.5 SITE-SPECIFIC VESTING PLAN

Identifies which forms of development approval constitute a site-specific vesting plan, and how vested rights are attached to a site-specific vesting plan. The section specifies the vesting duration of two years and clarifies that vested rights for a site-specific vesting plan may only be established following a public hearing, and that development approvals that did not require a public hearing must obtain a vested rights certificate in order to establish a two-year vesting term. The vested rights certificate process can also be used to extend the vesting term from two years up to five years.

112.6 VESTED RIGHTS CERTIFICATE

References the vested rights certificate process in Chapter 2 of the Land Use Ordinance.

112.7 EXTINGUISHMENT OF VESTED RIGHTS

Describes the ways in which or reasons for the City or for State law to extinguish vested rights.

CHAPTER 2.

APPLICATIONS

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KEY CHANGES FROM CURRENT LUO

[placeholder]

§201 CHAPTER INTRODUCTION

This new section outlines how the Applications Chapter is organized into a summary table, a set of 34 different application types, and a set of basic or standardized review procedures the City will follow when processing applications. It also explains the uniform structure of each application section and provides a key to the symbols and colors in each application's procedural flow chart.

201.I CHAPTER ORGANIZATION

Sets forth the organization of the chapter

§202 APPLICATION SUMMARY TABLE

202.I DEVELOPMENT APPLICATIONS

The Application Summary Table identifies the type of development applications, review authorities for each application type, which addresses comments from the interviews held in February 2024, a cross-reference to the relevant Land Use Ordinance section, and whether a pre-application conference is required or optional. This table clarifies who hears appeals of certain decisions and indicates which decisions follow the legislative or evidentiary hearing process.

TABLE <>: APPLICATION SUMMARY TABLE

TYPE OF ACTION: C = COMMENT; R = RECOMMENDATION; D = DECISION; A = APPEAL; • = NOT APPLICABLE

PRE-APPLICATION CONFERENCE: M = MANDATORY; O = OPTIONAL; N/A = NOT APPLICABLE

TYPE OF PUBLIC HEARING: () = LEGISLATIVE; | | = EVIDENTIARY

[#] = TABLE NOTES (INCLUDED AT BOTTOM OF TABLE)

APPLICATION TYPE	LUO SECTION	PRE-APP. CONFERENCE	REVIEW AUTHORITIES [1]										SUPERIOR COURT
			TECH. REVIEW COMMITTEE	CHIEF BUILDING INSPECTOR	STORMWATER SUPERINTENDENT	HPC ADMINISTRATOR	DIRECTOR OF PUBLIC WORKS	DIR. OF DEV. SERVICES	PLANNING BOARD	HISTORIC PRES. COMMISSION	BOARD OF ALDERMEN	BOARD OF ADJUSTMENT	
Administrative Adjustment	<>	O	•	D [2]	D [3]	•	D [4]	D [5]	•	•	•	A	•
Annexation ¹³	<>	O	C	•	•	•	•	R	•	•	(D)	•	A
Appeal	<>	O	•	•	•	•	•	•	•	•	•	D	A
Building Permit	<>	O	•	D	•	C [6]	•	•	•	•	•	[7]	•
Certificate of Occupancy [8]	<>	O	•	D	•	•	•	•	•	•	•	[7]	•
Conditional Rezoning [9]	<>	M	R	•	•	•	•	•	R	•	(D)	•	A
Conservation Subdivision [10]	<>	M	C	•	•	•	•	D	•	•	•	A	•
Construction Drawings	<>	O	R	•	•	•	D	•	•	•	•	A	•
Conventional Rezoning	<>	O	•	•	•	•	•	C	R	•	(D)	•	A

¹³ NOTE TO STAFF: Please advise if this application type will or will not be included in the table. See Steering Committee Meeting #2 meeting notes.

TABLE <>: APPLICATION SUMMARY TABLE

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Determination	<>	O	•	•	D [11]	•	D [12]	D [13]	•	•	•	A	•
Development Agreement	<>	M	C	•	•	•	•	R	R	•	(D)	•	A
Driveway Permit	<>	N/A	•	•	•	•	D [14]	•	•	•	•	A	•
Exempt Subdivision	<>	O	•	•	•	•	•	D	•	•	•	A	•
Fee-in-Lieu [15]	<>	N/A	C	•	•	•	•	D	•	•	•	A	•
Final Plat	<>	N/A	C	•	•	•	•	D	•	•	•	A	•
Floodplain Permit	<>	O	•	D	•	•	•	•	•	•	•	A	•
Land Disturbance Permit	<>	M	•	•	•	•	D	•	•	•	•	A	•
Limited Subdivision	<>	O	•	•	•	•	•	D	•	•	•	A	•
Major Certificate of Appropriateness ¹⁴	<>	M	C	•	•	R	•	•	•	D	•	•	A
Minor Certificate of Appropriateness	<>	O	•	•	•	D	•	•	•	•	•	A	•
Performance Guarantee [16]	<>	N/A	•	•	D	•	D	D	•	•	•	A	•
Preliminary Plat	<>	M	R	•	•	•	•	D	•	•	•	A	•
Sign Permit	<>	O	•	•	•	•	•	D	•	•	•	A	•
Site Plan	<>	M	R	•	•	•	•	D	•	•	•	A	•
Special Use Permit [18]	<>	M	C	•	•	•	•	•	•	•	D	•	A
Stormwater Permit ¹⁵	<>	O	•	•	D	•	•	•	•	•	•	A	•
Street Closure	<>	O	•	•	•	•	C	R	•	•	(D)	•	A

¹⁴ Replaces Section 15-32 by moving appeals to the Superior Court for Craven County.¹⁵ NOTE TO STAFF: Unclear if the City is issuing these or if this is a State function.

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Street Renaming	<>	O	•	•	•	•	•	R	•	•	D	A	•
Temporary Use Permit	<>	O	•	•	•	•	•	D	•	•	•	A	•
Text Amendment	<>	N/A	•	•	•	•	•	C	R	•	(D)	•	A
Transportation Impact Analysis	<>	M	C	•	•	•	•	D	•	•	•	A	•
Variance [19] ¹⁶	<>	O	•	•	•	•	•	•	•	•	•	D	A
Vested Rights Certificate	<>	O	•	•	•	•	•	C	•	•	D	A	•
Zoning Compliance Permit ¹⁷	<>	O	•	•	•	•	•	D	•	•	•	A	•

NOTES:

[1] Decision-making authority may be delegated in accordance with Section <>, Delegation of Authority.

[2] The Chief Building Inspector decides administrative adjustment requests related to flood damage prevention.

[3] The Stormwater Administrator decides administrative adjustment requests related to stormwater.

[4] The Director of Public Works decides administrative adjustment requests related to infrastructure and erosion control.

[5] The Director of Development Services decides all administrative adjustment requests not decided by another review authority.

[6] The HPC Administrator reviews building permits in the Historic District.

[7] Appeals of decisions on non-residential, mixed-use, and multi-family development are filed with the North Carolina Commissioner of Insurance; appeals of decisions on residential development are made to the Residential Building Code Council.

[8] Includes temporary certificates of occupancy.

[9] In cases where a conditional rezoning application includes a concept plan, the TRC shall review the plan prior to consideration by the Planning and Zoning Board. In cases where a concept plan is approved by Board of Aldermen, the applicant shall still be required to submit a site plan application to be reviewed by the TRC.

[10] Approval of a conservation subdivision requires subsequent approval of preliminary and final plat applications.

[11] The Director of Public Works shall make determinations on matters pertaining to erosion control and infrastructure requirements.

[12] The Stormwater Superintendent shall make determinations on matters pertaining to stormwater.

[13] The Director of Development Services shall make determinations on all matters except stormwater, erosion control, and infrastructure.

[14] NCDOT decides driveway permits for driveways accessing State-owned or maintained roadways.

¹⁶ NOTE TO STAFF: This will include flood damage prevention ordinance variances. Stormwater may or may not be included based on feedback from stormwater staff.

¹⁷ NOTE: This permit will be issued for all applications, even as a part of a site plan. Changes of use permits will now be issued as a Zoning Compliance Permit.

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[15] In cases where a fee-in-lieu request is associated with another development application, the review authority responsible for making the decision on the associated development application shall also be responsible for making the decision on a fee-in-lieu request.

[16] The Director of Public Works shall decide all public infrastructure performance guarantee requests. The Stormwater Superintendent shall decide all stormwater performance guarantee requests. The Director of Development Services shall decide all other performance guarantee requests.

[17] Appeals of decisions on a riparian buffer permit are filed with the Director of the North Carolina Division of Water Resources.

[18] The TRC shall review a concept plan prior to consideration by the Board of Aldermen. In cases where a concept plan is approved by Board of Aldermen, the applicant shall still be required to submit a site plan application to be reviewed by the TRC.

[19] The Board of Adjustment decides minor variance applications from the watersupply watershed regulations. The Environmental Management Commission decides major variances from the water supply watershed regulations.

§203 APPLICATION TYPES

This section of the Land Use Ordinance includes each of the 34 application types included in the Ordinance, and is proposed to replace numerous sections in the Zoning Ordinance and Subdivision Regulations. Each application has a standardized structure with specified review criteria. The Administrative Adjustment procedure sets out the proposed structure for discussion. While there is discussion of each of the other 33 procedures included here, completion of the other application subsections will take place during the code drafting effort.

203.1 ADMINISTRATIVE ADJUSTMENT¹⁸

A. PURPOSE AND INTENT

The purpose for this section is to establish a clear procedure and measurable review criteria for the administrative consideration of requests for minor deviations to certain numeric standards in this Ordinance (like zoning district dimensional standards, but not density). The intent of the procedure is to provide relief from practical difficulties in complying with the standards of this Ordinance. Administrative Adjustments shall only be granted when the proposed development complies with all applicable requirements, including advancement of the purposes of this Ordinance as described in [Section <>](#), Purpose and Intent of Ordinance.

B. APPLICABILITY

1. Except where otherwise prohibited, an Administrative Adjustment may be requested for a modification or deviation to any of the following:
 - 01 A zoning district dimensional standard in [Chapter 3, Districts](#);
 - 02 A numeric use-specific standard in [Chapter 4, Land Uses](#); and
 - 03 A numeric requirement in [Chapter 6, Standards](#).
2. In no instance shall an Administrative Adjustment application seek to reduce any of the following:
 - 01 The maximum allowable residential density on a lot;
 - 02 The minimum required separation distance between two use types;
 - 03 The requirements specified in a transportation impact analysis;
 - 04 Reductions to the standards pertaining to flood damage prevention, water supply watershed protection, or riparian buffer protection; or
 - 05 Reductions to required infrastructure standards, including streets, potable water, or wastewater system requirements.
3. Applications seeking a Variance shall not also be subject to a simultaneous Administrative Adjustment application.

C. AMOUNT OF ADJUSTMENT

An Administrative Adjustment may allow a deviation from a numeric standard in this Ordinance in accordance with the amount specified in [Table <>](#), Maximum Adjustment Amount.

Figure <>: Administrative Adjustment Procedure

Step	Action
1	Pre-Application Conference (optional)
2	File Application (may be filed alone or with another application)
3	Completeness Determination (optional)
4	Staff Review
5	Decision by Review Authority (if submitted with another application, decision on than administrative adjust is rendered first)
6	Written Notice of Decision
7	Review of Associated Applications (if applicable)

TABLE <>: MAXIMUM ADJUSTMENT AMOUNT

Location of Type of Development	Maximum Permitted Amount of Administrative Adjustment
New development or redevelopment within a historic zoning district	15%
Redevelopment within all zoning districts except a historic zoning district	15%

¹⁸ This replaces 15-366 and 15-343. This sub-section provides the full text of the proposed procedure as it would look in the Land Use Ordinance to enable reviewers to better understand the proposed uniform structure of each application procedure.

TABLE <>: MAXIMUM ADJUSTMENT AMOUNT

Location of Type of Development	Maximum Permitted Amount of Administrative Adjustment
New development within all zoning districts except a historic zoning district	10%

D. APPLICATION

See Section <>, Application Filing.

E. PROCEDURE

The review procedure for an Administrative Adjustment shall be in accordance with Section <>, Application Summary Table, Figure <>, Administrative Adjustment Procedure, and Section <>, Review Criteria.

F. REVIEW CRITERIA

An Administrative Adjustment shall be approved by the appropriate review authority if the applicant demonstrates all of the following:

1. The Administrative Adjustment is consistent with the type and maximum thresholds for an Administrative Adjustment established in this section;
2. The Administrative Adjustment:
 - 01 Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general; or
 - 02 Is necessary to allow for proper functioning of public or private infrastructure; or
 - 03 Saves healthy existing trees; or
 - 04 Helps limit the need for site grading or revision to existing drainage patterns;
3. Approval of the Administrative Adjustment is not expected to pose a danger to the public health or safety;
4. The Administrative Adjustment will not negatively impact the function or performance of on-site wastewater or stormwater management devices;
5. Adverse impacts resulting from the Administrative Adjustment will be fully mitigated; and
6. The development requirement being adjusted is not the subject of a previously approved Administrative Adjustment, condition of approval, or variance on the same site.

G. EFFECTIVE DATE

The Administrative Adjustment is effective the date the adjustment is granted.

H. SEQUENCE

1. An Administrative Adjustment may be requested either as a stand-alone application, or in combination with another application for development review.
2. In cases when submitted with another application, the Administrative Adjustment application shall be decided prior to the other associated application(s).
3. Applications for rezonings (conditional and conventional) or variances shall not include requests for Administrative Adjustments.

I. EFFECT

Approval of an Administrative Adjustment allows the approved form of modification, deviation, reduction, or adjustment; the approval of which shall not be considered to be in conflict with the applicable provisions of this Ordinance.

J. AMENDMENT

Amendment of an Administrative Adjustment approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

K. EXPIRATION

1. If an Administrative Adjustment is submitted with another development application, the expiration of the Administrative Adjustment shall be the same as the associated development application.
2. See Section <>, Expiration, in cases where an Administrative Adjustment is submitted as a standalone application.

L. VESTING

1. If an Administrative Adjustment is submitted with another development application, the vesting term of the Administrative Adjustment shall be the same as the associated development application.
2. In cases where an Administrative Adjustment is submitted as a stand-alone application, see Section <>, Statutory Vested Rights.

M. APPEAL

In accordance with NCGS§160D-405 and Section <>, Appeal.

203.2 ANNEXATION

This is a new procedure that sets out the process and criteria for consideration of a voluntary annexation petition submitted by a landowner. It clarifies that a rezoning or other application may be filed concurrently with an annexation application, but the annexation petition must be considered and approved prior to any other application.

203.3 APPEAL

This section relocates and reorganizes Land Use Ordinance Sections 15-32 (portion), 15-91, 15-96 (portion), 15-105, and 15-111 to this subsection, in addition to replacing Section 15-94 of the Land Use Ordinance. It clarifies that some administrative decisions are heard by the BOA while others are heard by the courts (like decisions related to subdivisions – see NCGS §1403) or other bodies (like the North Carolina Environmental Management Commission or the North Carolina Residential Building Code Council). The section clarifies that decisions by the BOA are appealed to the Superior Court for Craven County. Original civil actions may also be taken directly to Superior Court. The procedure also identifies review criteria for appeals.

203.4 BUILDING PERMIT

This is a newly codified procedure that carries forward portion of Section 15-77 and identifies the kinds of development subject to building permit requirements (as well as the kinds of development that are exempted from building permit review). The procedure identifies the review criteria for permit issuance and explains application sequencing, expiration, vesting-related, and appeals provisions. This will carry forward the sequencing requirement in Section 15-236 of the Land Use Ordinance to require annexation as a condition of receiving public utilities.

203.5 CERTIFICATE OF OCCUPANCY

This is a newly codified procedure that identifies the kinds of development subject to the requirements to obtain a Certificate of Occupancy (“CO”) (development exempted from a building permit is also exempted from the certificate of occupancy provisions). The procedure describes sequencing issues, how temporary COs are processed, and the effect of CO issuance.

203.6 CONDITIONAL REZONING¹⁹

This replaces the Section 15-86 related to PUDs in the Land Use Ordinance. Additionally, this will carry forward exceptions for planned unit development and clarify a similar allowance is available for approved Conditional Rezonings found in a portion of Section 15-188 of the Land Use Ordinance. A notable change about this section is the creation of the following two conditional districts:

A. LIMITED REZONINGS

Conditional rezonings that seek only to limit the range of allowable uses to a certain number of use types (such as one or two). No other reductions or deviations may be permitted and no concept plan may be submitted.

B. UNLIMITED REZONINGS

Conditional rezonings that seek to limit the range of uses and/or seek a deviation from an otherwise applicable district, use, or development standard. In no instance shall a limited standard application seek to remove or reduce an applicable standard; only conditions that place a stronger or more restrictive standard are permitted as part of a limited standards rezoning application. A concept plan may be submitted as part of a limited standard rezoning, at the applicant’s discretion.

203.7 CONSERVATION SUBDIVISION

This is a new procedure that replaces 15-190 of the Land Use Ordinance to allow for the configuration of single-family residential subdivisions (served by public or private sewer) as conservation subdivisions. A conservation subdivision is one where lot size and other dimensional standards are reduced to allow dwelling units to be clustered on portions of the site outside sensitive environmental or highly-visible areas. The process requires at least 50% of the subdivision to be configured as permanently protected open space or agricultural land, and that all dwelling units are fully screened and not visible from adjacent roadways and neighborhoods outside the development. The conservation subdivision procedure is an iterative process where an applicant works with City staff to prepare a conservation and development areas map. The map is then used to guide the review of the proposed development through the preliminary and final plat for major subdivision process.

203.8 CONSTRUCTION DRAWINGS

¹⁹ The updated procedures will also help clarify key components

This is a newly codified procedure that sets out the process and requirements for construction of public and private infrastructure (like streets, water, sewer, drainage, sidewalks, etc.) associated with a new preliminary plat or site plans, which addresses comments provided during February 2024 stakeholder interviews related to the current disjointed process. It clarifies that an application for a final plat or CO may not be filed until the construction drawing process is complete, the infrastructure is installed, and the City has inspected it, or a performance guarantee has been submitted and accepted by the City.

203.9 CONVENTIONAL REZONING

This section replaces Article XX of the Land Use Ordinance and is used for the establishment of a conventional zoning district. The section clarifies that only the City or a current landowner may initiate an application and that 3rd party downzonings are prohibited. Additionally, it clarifies that an applicant may not modify an application for a conventional rezoning to a conditional rezoning though the Board of Aldermen may approve a less-intensive district.

203.10 DETERMINATION

This is a new procedure replaces determination language found throughout the LDO (examples include Section 15-91(d), 15-96(a)), and 15-127(f)) that sets out the process used by the City when an applicant requests that City staff explain a particular development regulation, condition of approval, how land is zoned, or other similar question. The determination procedure includes questions pertaining to five different aspects:

- A.** Determinations of how to classify unlisted uses;
- B.** Definitions of undefined terms;
- C.** Interpretation of LDO text provisions, development approvals, or conditions of approval;
- D.** Official Zoning Map boundary determination, or the designation of a particular property; and
- E.** Vested rights status.

The procedure also recognizes two different types of determination: advisory (non-binding) and formal (written and appealable). The procedure will also include review criteria for each type of determination.

203.11 DEVELOPMENT AGREEMENT

This is a new procedure that describes the process for an applicant to enter into a development agreement with the City (in accordance with NCGS Art. 10 of Chapter 160D). The procedure follows the standardized language found in the other procedures in this new Chapter.

203.12 DRIVEWAY PERMIT

This section includes a newly codified driveway permit procedure required when an individual lot seeks to gain access to a City-maintained or NCDOT-maintained street. The procedure clarifies timing and sequence-related provisions relating to other kinds of applications.

203.13 EXEMPT SUBDIVISION

This is a new procedure that includes a review by City staff of a proposed subdivision that is exempted from City-review by NCGS§160D-802. The procedure identifies the types of exempt subdivisions and provides details on the review criteria and certification process.

203.14 FEE-IN-LIEU

This is a new procedure that sets out the process for payment of a fee in-lieu of provision of one or more required site features (land dedication, infrastructure, landscaping, etc.). Payment of a fee in-lieu is typically at the request of the applicant, and the procedure sets down the features that may be the subject of a fee payment, such as land dedication, some forms of public infrastructure, and some types of private site features (like parking, landscaping, or open space set-aside). The procedure sets down a series of review criteria based on the type of fee in-lieu being requested. The review authority deciding the application also decides whether to accept a fee in-lieu as well as if the proposed amount is consistent with the standards. The standards also include details regarding the process for determination of the fee amount.

203.15 FINAL PLAT

This replaces Sections 15-28, 15-77, 15-79, and relocates Section 15.22 of the Land Use Ordinance. Final plats are required for development subject to a preliminary plat and construction drawings processes. In addition to clarity regarding the approval criteria for a final plat, the procedure includes sections for recordation, the acceptance of public infrastructure, expiration, and clarifies final plats are approved administratively.

203.16 FLOODPLAIN PERMIT

This is a permit procedure carried over from Article XVI. Flood Damage Prevention. The floodplain permit is used as an initial review process (prior to a building permit) for any land located within the Flood Damage Prevention Protection Overlay district. The procedure also includes the standards for issuance of elevation/floodproofing certificates as part of the construction process.

203.17 LAND DISTURBANCE PERMIT

This is a new permit that requires a permit for land-disturbing activities greater than one acre as well as activities less than one acre that are subject to Erosion and Sedimentation Control standards. In addition to the standard application, review criteria, sequence, amendment, expiration, and appeal criteria, this permit will provide an option for early grading and cross-reference performance guarantee requirements.

203.18 LIMITED SUBDIVISION

This section replaces Section 15-78 of the Land Use Ordinance and is in accordance with NCGS§160D-802(c). This kind of subdivision differs from a preliminary plat in terms of allowances for access to lots and the City's ability to require aspects like dedication of land.

203.19 MAJOR CERTIFICATE OF APPROPRIATENESS

This section carries forward the portions of the Certificate of Appropriateness (COA) found in Section 15-422 that require approval by the Historic Preservation Commission. The portions of Section 15-422 related to administrative approvals are carried forward in the Minor Certificate of Appropriateness Section below. The procedure identifies the timing, applicability, application requirements, and the review criteria for Major COA issuance. It also sets out the standards pertaining to delay of demolition of development located within the Local Historic Overlay District, and explains the COA application sequencing, expiration, vesting-related, and appeals provisions.

203.20 MINOR CERTIFICATE OF APPROPRIATENESS

This section carries forward the portions of the Certificate of Appropriateness (COA) found in Section 15-422 that require administrative approval. The procedure identifies the timing, applicability, application requirements, and the review criteria for Minor COA issuance, and explains the COA application sequencing, expiration, vesting-related, and appeals provisions.

203.21 PERFORMANCE GUARANTEE

This section carries forward provision pertaining to bonds in guarantees in Section 15-33, replaces Section 15-82, and provides clear standards to comply with NCGS which was a comment provided as part of the stakeholder interviews held in February 2024. The procedure identifies site features that are or are not eligible for performance guarantees. The procedure provides more detail the range of possible forms of performance guarantee (the applicant may choose which), as well as the review criteria to be used in determining if a performance guarantee should be granted (approval of a performance guarantee rests solely with the City and there is no requirement to approve such requests). The review body deciding the type of application establishing the development shall also decide the performance guarantee request. There are also additional provisions for term, amount, administration, extension, release, and forfeiture.

203.22 PRELIMINARY PLAT

This section replaces Sections 15-76, 15-84, and 15-85 in the Land Use Ordinance. Preliminary Plat applications are appropriate for subdivisions of land that propose extension of public infrastructure, and do not comply with the Exempt or Limited Subdivision Standards. This procedure clarifies that preliminary plats are decided administratively. The process also includes discussion of the review and approval of construction drawings for subdivisions that include public infrastructure. In addition to details on the review criteria, the process sets out details on the sequencing of other related permits and activities, erosion control permits, stormwater permits, and performance guarantees. The standards establish maximum timeframes within which an applicant must apply for a major subdivision or risk having the approval lapse.

203.23 SIGN PERMIT

Replaces Section 15-322, and relocates Sections of 15-52, 15-61 | 15-62 related to signs into this new permit procedure. The procedure clarifies that sign permits are decided administratively. The standards also include review criteria for uniform sign plans required for multi-building developments on one or more parcels.

203.24 SITE PLAN

The section replaces Section 15-71, 15-72, and 15-73, and relocates provisions in Section 15-63 of the Land Use Ordinance relating to Site Plans. The procedure provides clarity regarding development activity subject to a site plan as well as development activity exempt from site plan review. In addition to detail on review criteria, the procedure goes into detail regarding sequencing with other procedures like fee in-lieu, performance guarantees, and stormwater requirements. The procedure also provides additional detail on which forms of development require submittal of as-built plans prior to final approval. The site plan procedure also includes the ability to address major and minor amendments to an approved site plan.

203.25 SPECIAL USE PERMIT

The section clarifies and replaces various special use permit-related provisions found throughout the Land Use Ordinance. Special use permits are the review procedure used for some uses that are generally permitted within a zoning district but which require additional scrutiny to ensure any negative impacts from the proposed development can be adequately mitigated. One key change in the Land Use Ordinance is a delegation of special use permit review authority to the Board of Aldermen. In addition, the procedure calls for the option to submit a concept plan with a special use permit application (instead of a full-blown site plan, which can be expensive). Review criteria are supplemented with additional factors to address compatibility and harmony with surroundings and there is a detailed section on conditions of approval which may be attached to the decision. Generally speaking, the Land Use Ordinance also seeks to reduce the range of uses requiring special use permits through inclusion of more use-specific standards and removes the requirement to obtain a Special Use Permit for a residential bonus in Sections 15-182 and 183).

203.26 STORMWATER PERMIT

This section relocates Sections 15-512 to 15-515 and replaces Section 15-508 and 15-509 of the Land Use Ordinance. The permit process includes requirements for the preparation of a stormwater management plan. The procedure also includes details regarding final approval, recordation, certification, and requirements for the preparation of as-built plans. There is also guidance with respect to collection and release of performance guarantees and maintenance warranties.

203.27 STREET CLOSURE

This is a new procedure used for closing or vacating platted streets. The process includes the resolution of intent, public notice requirements, the review criteria, and effective date requirements.

203.28 STREET RENAMING

This is a new procedure that includes public notice requirements, the review criteria, and effective date requirements.

203.29 TEMPORARY USE PERMIT

This new section establishes the review and permitting of temporary uses and structures (including temporary signs). The procedure relies on duration limits set down in the temporary use portion of Chapter 4, Land Uses.

203.30 TEXT AMENDMENT

This is a new section with standards are structured to permit City staff or the Board of Aldermen to sponsor an amendment to the Land Use Ordinance. Amendments that impact the Local Historic Overlay district or the historic district provisions are reviewed by the Historic Preservation Commission prior to consideration by the Planning and Zoning Board. The process reflects the need for a written statement of consistency by the Planning and Zoning Board and the Board of Aldermen.

203.31 TRANSPORTATION IMPACT ANALYSIS

This is a new procedure that outlines the process to follow when proposed development is anticipated to generate more than a particular number of vehicular trips per day or over the peak hour period of a day and addresses comments provided during stakeholder interviews related to the lack of parameters, which addresses the lack of parameters stakeholder concern. The transportation impact analysis ("TIA") procedure includes the preparation of a study of a proposed development's impacts on the surrounding street network, and includes recommendations for changes to the transportation system, whether adjacent to the development or in its general vicinity. It includes provisions that the City may still require a TIA to be prepared in cases where anticipated development is likely to have significant impacts on existing traffic congestion (in the sole opinion of the Director of Public Works) but is not expected to generate the minimum number of trips necessary to require a TIA to be prepared. The process also includes the option for the City to require 3rd party independent peer review of a submitted TIA by a licensed traffic engineer at the applicant's expense.

203.32 VARIANCE

Carries forward Sections 15-92, 15-95, portion of 15-96, 15-287, 15-512, 15-517. Strikes portion of Section 15-126 requiring a variance. The procedure is used for typical variance applications from zoning and subdivision requirements as well as for applications for reasonable accommodation (under the federal Fair Housing Act), variances from the flood damage prevention standards and the riparian buffer standards.

203.33 VESTED RIGHTS CERTIFICATE

This is a new procedure that does two things: it helps development proposals that constitute site-specific vesting plans to establish vested rights in cases when such plans are decided without the benefit of a publicly noticed hearing and decision by the elected officials. The procedure also allows applicants with approved site-specific vesting plans to request vesting terms of up to five years.

203.34 ZONING COMPLIANCE PERMIT

This section carries forward and modifies Section 15-32 of the Land Use Ordinance. This section expands the provisions to include all uses. It is most often used in cases when proposed development does not require a site plan (like when a new business moves into an existing building) or a building permit. It is a means for the City to ensure proposed development complies with all applicable requirements. This procedure includes details on review criteria, vesting, and expiration.

§204 APPLICATION REVIEW PROCEDURES

This section includes the basic steps that the City will use to process all application types under the Land Use Ordinance and consolidates procedures found throughout the Land Use Ordinance and Stormwater Ordinance.²⁰

204.1 OVERVIEW

This section explains the sequencing of sub-sections which more closely follows the sequence of events associated with an application review rather than alphabetic order.

204.2 PURPOSE AND INTENT

This section explains the rationale for the application review procedures section, which is to provide clarity about how applications are processed without repeating the same information in each of the 34 different application types.

204.3 PRE-APPLICATION CONFERENCE²¹

This section sets out the standards for conducting pre-application conferences, including when mandatory or voluntary. It clarifies that discussions are non-binding though it calls for the preparation of meeting notes. Additional discussion is required regarding whether or not to schedule pre-application conferences during standing TRC meeting times. The procedure clarifies that applications may not be submitted until a pre-application conference is conducted if one is required.

204.4 NEIGHBORHOOD INFORMATION MEETING

This section sets out the requirements for how neighborhood meetings are to be conducted in cases where an applicant decides to conduct one or when directed to do so by the Board of Aldermen, which addresses comments received during the interviews held in February 2024. Neighborhood meetings are mandatory prior to the filing of a Conditional Rezoning or Conventional Zoning application. The standards clarify the required notice, timing, content, and disposition elements.

204.5 APPLICATION FILING

This section establishes parties that have the authority to file applications²², the required application content²³ and fees. Additionally, this section clarifies that the application has the burden of presenting a complete application and the Director of Development Services is required to determine application completeness²⁴ prior to accepting an applicant and prior to sending to the appropriate board to review and take action.

204.6 PERMIT CHOICE

This section clarifies the permit choice process in Section 15-49 of the Land Use Ordinance, and sets out the rules to follow in cases where the text of the Land Use Ordinance or another City requirement changes after an application has been submitted (deemed complete) but before a decision has been made in accordance with NCGS§143-755.

204.7 STAFF REVIEW AND ACTION²⁵

This section describes the steps taken by City staff after an application has been deemed complete. It includes distribution of application materials to appropriate personnel, initial staff review and notification to the applicant of deficiencies, preparation of a staff report if the application is to be heard by another review authority (though a staff report may be prepared for applications decided by City staff, at the discretion of the City), provision of a recommendation (as appropriate), clarification of why a proposed application may not comply with the Land Use Ordinance and the changes that would help it comply, and distribution of the staff report and application materials to the applicant and all other appropriate persons. In cases where the application is one decided by City staff, the decision shall be made to approve the application, disapprove the application, or remand the application to the applicant for further revision.

204.8 PUBLIC NOTICE²⁶

²⁰ NOTE TO STAFF: Stormwater Ordinance reference will be stricken if not folded into the Land Use Ordinance.

²¹ Replaces the pre-application requirements in Section 15-30 of the Land Use Ordinance and Application Summary Table states if the pre-application conference is mandatory or optional.

²² Replaces Section 15-48 and 15-397 of the Land Use Ordinance.

²³ As part of the stakeholder interviews, requirements for some applications (e.g., conditional and conventional rezonings) unnecessary information is required which creates unnecessary additional costs and time for the application. This proposed change will help address this comment.

²⁴ Carries forward and streamlines Section 15-49 of the Land Use Ordinance.

²⁵ Replaces Section 15-51 in the Land Use Ordinance.

²⁶ NOTE: The Land Use Ordinance limits the range of notice provided solely to those parties identified in the General Statutes. The City may choose to provide greater notice,

This section sets out the basic rules for the provision of required public notice with respect to a legislative or evidentiary public hearing (whether published, mailed, or posted) in accordance with NCGS§160D-406, 160D-601, 160D-602, and 160D-1005. It includes a summary table of the types of applications requiring notice and the types of notice to be provided. It also includes details on required notice content and that minor defects in provided notice shall not impair the notice or invalidate the proceedings.

204.9 PUBLIC HEARINGS AND MEETINGS

This section explains the distinctions between legislative hearings and evidentiary (quasi-judicial) hearings. It covers the rules of procedure, voting, application revision, and remand with to legislative hearings. It also covers the rules of evidence, ex-parte communication, voting, and application revision associated with evidentiary hearings. The section also describes the process followed during public meetings (which do not require notice under NCGS Chapter 160D).

204.10 CONDITIONS OF APPROVAL

This section clarifies the instances when conditions of approval may be applied (conditional zoning and quasi-judicial applications). It sets out the range of things a condition of approval may not incorporate (such as ownership status based on race or religion, minimum size of a dwelling unit, minimum value of buildings, exclusions based on race or income, etc.), and clarifies that conditions must be in writing and agreed to in writing by the applicant to be binding. Conditions must also be commensurate or proportional to the anticipated impacts of the proposed development they are applied to.

204.11 WRITTEN NOTICE OF DECISION

This section clarifies that a notice of any decision on an application under the Land Use Ordinance shall be provided to the applicant in writing, along with the basic contents of the approval, its timing, and how copies may be obtained.

204.12 SIMULTANEOUS PROCESSING

This section outlines the types of applications that can be submitted simultaneously or as a prerequisite to another application type. It also clarifies that approval of one development application type does not guarantee approval of any additional required development application types.

204.13 EFFECT OF DEVELOPMENT APPROVAL²⁷

This section addresses assignment of a development application approval, clarifies that an approval is limited in scope to only the particular use, plan, or activity approved in the notice of decision, and that all prerequisite permits must be obtained before development may take place.

204.14 PHASED DEVELOPMENT

This section sets forth the standards for development application that are proposed to be developed in phases. It clarifies that the City can required public utilities, performance guarantees, or other necessary site features to be installed outside of the boundaries of an active phase in order for the development to function as required (e.g. water and sewer utilities, Fire Code, etc.)

204.15 CONTINUANCE OR WITHDRAWAL

This section clarifies the rules pertaining to applicant requests for application continuance or withdrawal, including how application fees are handled.

204.16 RECONSIDERATION²⁸

This section sets out the time limits associated with reconsideration of a legislative or quasi-judicial application that is denied, and how required time limits for reconsideration may be reduced.

204.17 AMENDMENT²⁹

This section clarifies that any application may only be amended in accordance with the procedure used for its establishment.

204.18 EXPIRATION³⁰

²⁷ This replaces and expands Section 15-62 of the Land Use Ordinance to apply to all development application types.

²⁸ This replaces Section 15-64 of the Land Use Ordinance.

²⁹ This replaces and expands Section 15-63 of the Land Use Ordinance to apply to all development application types.

³⁰ This replaces and expands Section 15-61 of the Land Use Ordinance to apply to all development application types.

This section sets down the general rules for expiration of a development approval, including expiration within one³¹ year for failure of an applicant to achieve substantial commencement of work identified in the permit or maintain substantial progress towards completion of the work allowed under the permit. The section also clarifies that the maximum time period between approval and expiration is halted during appeals of the approval or litigation associated with the approval.

³¹ NOTE TO STAFF: Section 15-67 sets the expiration period to one year, and it is recommended to update to two years. Please advise if one or two years is desired.

CHAPTER 3.

DISTRICTS

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KEY CHANGES FROM CURRENT LUO	
[placeholder]	

§301 CHAPTER INTRODUCTION

301.1 CHAPTER ORGANIZATION

This section sets out the sequence of sections and sub-sections in the Chapter and explains how each works with the others. It explains how the information in the conventional and conditional zoning district sub-sections is organized.

301.2 DISTRICTS DISTINGUISHED

This section describes the relationships and differences between conventional districts, conditional districts (including the different types) and overlay districts. It also clarifies that all land within the City's planning jurisdiction is assigned at least one zoning district.

301.3 DISTRICTS ESTABLISHED

- A.** This section replaces Article IX, Part I Zoning Districts, and establishes the zoning districts with several notable changes, including 1) consolidations; 2) new names and abbreviations; 3) deletion of districts; 4) creation of a mixed-use district; 5) conversion of overlay to base zoning districts; and 6) an overall reduction of overlay districts to address numerous comments received as part of the stakeholder outreach regarding the complexity and counter productivity of currently overlay districts.
- B.** Specifically, Table <>, Zoning District Translation Table sets out the conventional, conditional, and overlay zoning districts established by this Ordinance in alphabetical order. This section also establishes that land zoned with a zoning district classification from the previous Land Use Ordinance is translated or reclassified to one of the zoning districts set forth in this Ordinance, and the Zoning District Translation Table summarizes this translation. For example, the table shows that all lands classified as A-5F Agriculture Forestry in the previous Land Use Ordinance under the column named "Former Zoning Districts" are now classified AGR, Agriculture, in this Ordinance as shown under the column titled "Current Zoning District."

TABLE <>: ZONING DISTRICT TRANSLATION TABLE

FORMER ZONING DISTRICT (FROM PRIOR LUO)		CURRENT ZONING DISTRICT	
CONVENTIONAL ZONING DISTRICTS (IN ALPHABETICAL ORDER)			
A-5	Agriculture	AGR	Agriculture
A-5F	Agriculture Forestry		
C-2	Commercial Waterfront	(DELETE) [1]	
C-3	Commercial	CHI	Commercial, High Intensity
C-3H	Commercial Height		
C-4	Neighborhood Business	CLI	Commercial, Low Intensity
C-1	Central Business District	HSTR	Historic Residential [2]
		HSTN	Historic Nonresidential [2]
I-2	Industrial	INH	Industrial, Heavy
I-1	Industrial	INL	Industrial, Light
(NEW)		MXD	Mixed-Use [3]
C-5	Office & Institutional	OFI	Office & Institutional
C-5A	Office & Institutional (historic) ³²		
C-6	Professional Office		
(NEW)		RDV	Redevelopment [4]
R-10A	Residential	RHD	Residential, High Density
R-8	Residential		
R-6	Residential		

³² NOTE TO STAFF: Should this district be aggregated with the C-1 district?

TABLE <>: ZONING DISTRICT TRANSLATION TABLE

FORMER ZONING DISTRICT (FROM PRIOR LUO)		CURRENT ZONING DISTRICT	
R-15	Residential	RLD	Residential, Low Density
R-10	Residential	RMD	Residential, Medium Density
R-10S	Residential		
R-20	Rural Residential	RUR	Residential, Rural
CONDITIONAL ZONING DISTRICTS (IN ALPHABETICAL ORDER)			
(NEW)		CZDL	Conditional Zoning District, Limited
(NEW)		CZDU	Conditional Zoning District, Unlimited
OVERLAY ZONING DISTRICTS (IN ALPHABETICAL ORDER)			
	Commercial Entranceway Corridor	(DELETE) [5]	
(NEW)		FDPO	Flood Damage Prevention Overlay
	Freeway Sign Corridor Overlay	(DELETE) [6]	
	Greater Five Points Redevelopment Overlay	(DELETE) [4]	
	Local Historic District	(CONVERT TO NEW BASE DISTRICT) [2]	
	Neighborhood Conservation Overlays	NOCO	Neighborhood Conservation Overlay [7]
	New Bern Waterfront Overlay	(DELETE) [2]	
	Recreational/Sport Hunting Overlay	(DELETE)	
	Riverstation Mixed-Use Overlay	(DELETE) [3]	

NOTES:

- [1] The C-2 district and the New Bern Waterfront overlay district are translated to a series of height and setback standards applied to residential and nonresidential uses adjacent to waterways.
- [2] The C-1 district is proposed for consolidation with the Local Historic District (an overlay) and conversion into a new base zoning district.
- [3] MXD is a new by-right mixed-use conventional base district based upon the Riverstation Mixed-Use Overlay District standards.
- [4] RDV is a new conventional base zoning district based upon the 5 Points Redevelopment Overlay District standards.
- [5] The Commercial Entranceway Corridor Overlay standards are converted to citywide design standards for residential or nonresidential development, as appropriate.
- [6] The Freeway Sign Corridor Overlay provisions will be included in the generally applicable standards for signage.
- [7] Consolidates the three different conservation overlay districts (Lawson Creek, Dryborough-Riverstation, and Ghent) into a new single consolidated overlay district.

§302 CONVENTIONAL ZONING DISTRICTS

The following pages set out the tabular format for the conventional zoning districts as translated in the above table. Each district has its own table which identifies the purpose for the district, provides one or more photographic examples of the preferred forms of development and its configuration within the district, the dimensional and maximum residential density standards applied in the zoning district, and schematics of how the dimensional standards are applied by use type. The dimensional standards are relocated from Article XII, Sections 15-180 and 15-181 and reorganized into each individual district table (rather than a single summary table). Some districts can also include district-specific standards such as the historic districts. In these cases, the district standards are also included with the district table. An example of the tabular districts layout from another code is provided on the next page.

EXAMPLE OF ZONING DISTRICT TABLE LAYOUT

Chapter 3 Districts | Section 3.2 Conventional Zoning Districts





Sub-section 3.2.8 (MXD) Mixed-Use

3.2.8 (MXD) MIXED-USE

A. MIXED-USE (MXD) DISTRICT PURPOSE STATEMENT

The Mixed-Use (MXD) District accommodates residential, institutional, and commercial land uses on lands well-served by public utilities. MXD areas are generally located adjacent to major streets and along primary transportation corridors. The district is intended to foster functional neighborhoods where Town residents and visitors can live, work, shop, and enjoy recreation without travelling large distances between differing uses. Buildings are built close to the sidewalk and close to one another or within pedestrian-oriented campuses without suburban-style setbacks and heavy landscaping areas between them. Developments incorporate public gathering areas that create places for people to congregate and interact. Off-street parking and service areas are located to the sides and rear of buildings to help ensure a continuity of building facades along street edges and to avoid areas that are unsafe or undesirable for pedestrians. Buildings range in height from one to three stories. The district encourages a fine-grained network of streets and pedestrian ways that allow a wide freedom of movement and choices in transportation mode. Live/work dwellings, upper-story residential units, and a variety of other residential developments are allowed, but the district does not permit single-family detached dwellings. The district accommodates a wide variety of commercial and institutional use types, as well as low-impact industrial uses like maker space. Ground floor non-residential is encouraged but not required provided the ground floor is configured in accordance with non-residential building code requirements, and horizontally mixed uses (a blend of different use types in adjacent detached structures) is allowable but may be subject to maximum timeframes for establishment of use mixing by the Town.

B. MIXED-USE (MXD) DISTRICT PREFERRED DEVELOPMENT FORMS

Chapter 3 Districts | Section 3.2 Conventional Zoning Districts

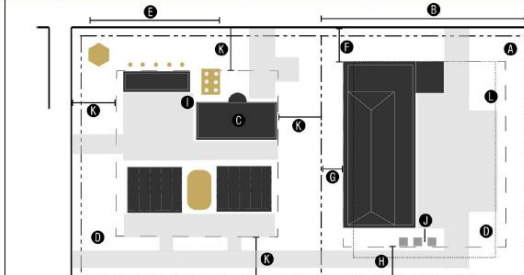
Sub-section 3.2.8 (MXD) Mixed-Use

C. MIXED-USE (MXD) DISTRICT DIMENSIONAL STANDARDS

Max. Residential Density (du/ac)	12.0	Min. Street Setback (ft) [10][11]	20
Min. Lot Area (sf) [1]	4,000	Max. Street Setback (ft)	None
Min. Lot Width (ft) [2][3][4]	40	Side Setback (ft) [12][13][14]	15
Max. Lot Coverage (% of lot area)	70	Rear Setback (ft) [12][13][14]	25
Max. Building Size (sf) [5]	10,000	Min. Spacing Between Buildings (ft) [12]	
Min. Open Space Set Aside (% of lot area) [6]	10	Between Principal Buildings	10
Min. Building Height (stories) [7]	2	Between Secondary and any other Building	5
Max. Building Height (ft)	42	Min. Perimeter Setback for Multi-Building and Unified Developments (ft) [15]	30
Min. Building Frontage (% of lot width) [8]	60	Min. Off-Street Parking Setback (ft) [16]	20

NOTES:

- [1] Plus an additional 500 sf per residential unit for developments in excess of two units.
- [2] Applied to the entire development site when buildings on individual lots have shared or party walls.
- [3] Measured at the interior building setback line (not the "pole" portion of a flag lot).
- [4] New blocks of lots with lot widths of less than 50 feet require the provisions of alleys.
- [5] Applied to the non-residential portion of a building. Buildings on lots over five acres in area are exempt.
- [6] See Section 4.7, Open Space Set Aside and Parkland, for the type of open space required.
- [7] Only applied to buildings comprised of a single use type.
- [8] Measured at inner edge of the street setback adjacent to the primary building facade. Only applied to the lot edge adjacent to the primary building facade on corner or dual frontage lots.
- [9] Gathering areas abutting the street right of way are credited towards building frontage requirements.
- [10] Applied from the edge of public street right-of-way (excluding alleys). Setbacks from private streets shall be at least five feet from the edge of the pavement or the edge of the sidewalk if one is provided.
- [11] Reduced by 50% for bungalow court and pocket neighborhood uses.
- [12] Applicable Fire Code or Building Code requirements shall control with respect to minimum distance.
- [13] Not applied to lots lines adjacent to shared or party building walls.
- [14] Not applied to multi-building and unified developments.
- [15] Unified and multi-building developments meeting the definitions in this Ordinance are exempted from side and rear setbacks along internal lot lines. Perimeter setbacks shall apply along all public street rights-of-way.
- [16] Applied to off-street parking areas including two or more rows of parking spaces.



■ Building (Principal)

■ Building (Secondary)

■ Vehicular Use Area

--- Lot Line

--- Setback Edge

■ Gathering Space

--- Off-Street Parking Setback

200 Town of Clayton | Last Update
Unified Development Ordinance | 11.20.23

201 Town of Clayton | Last Update
Unified Development Ordinance | 11.20.23

302.1 AGRICULTURAL (AGR)

This section sets out the new summary table for the former A-5 and A-5F agricultural zoning districts. The district table will include a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. This district includes agricultural uses that typically rely on well and septic. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that minimize the creation of nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

302.2 COMMERCIAL, HIGH INTENSITY (CHI)

This section sets out the new summary table for the former C-3 and C-3H commercial zoning districts. This is the City's most intense commercial and generally located along the City's high-volume traffic roadways. The district table will include a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that minimize the creation of nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

302.3 COMMERCIAL, LOW INTENSITY (CLI)

This section sets out the new summary table for the former C-4 commercial zoning district. This district will include uses that provide goods and services to nearby residential neighborhoods. The district table will include a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that minimize the creation of nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

302.4 HISTORIC RESIDENTIAL (HSTR)

This section sets out the new summary table for the residential portion of the former C-1 zoning district and includes elements of New Bern Historic District since historical heritage is one of the City's most important assets. This district will include residential uses that preserve the character of New Bern's local historic districts. The district table will include a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that minimize the creation of nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

302.5 HISTORIC NONRESIDENTIAL (HSTN)

This section sets out the new summary table for the nonresidential portion of the former C-1 zoning district and includes elements of New Bern Historic District since historical heritage is one of the City's most important assets. This district will include primarily nonresidential uses that preserve the character of New Bern's historic districts. The district table will include a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that minimize the creation of nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

302.6 INDUSTRIAL, HEAVY (INH)

This section sets out the new summary table for the former I-2 industrial district. This district will include the most intense heavy industrial uses that generate noise and other noxious impacts. The district table will include a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that minimize the creation of nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

302.7 INDUSTRIAL, LIGHT (INL)

This section sets out the new summary table for the former I-1 industrial district. This district will include industrial uses that operate in a relatively quiet and clean manner. The district table will include a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that minimize the creation of nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

302.8 MIXED-USE (MXD)

This is a new district that allows a variety of residential and nonresidential uses. The district table will include a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that minimize the creation of nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

302.9 OFFICE & INSTITUTIONAL (OFI)

This section sets out the new summary table for the former C-5, C-5A, and C-6 office districts. This district will include a rate of uses such as restaurants, hotels, and offices. The district table will include a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that minimize the creation of nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

302.10 REDEVELOPMENT (RDV)

This is a new district that supports the redevelopment of the Greater Five Points area a historically African-American community located directly west of historic downtown New Bern that encompasses the neighborhoods of Greater Duffyfield, Dryborough, Walt Bellamy, Trent Court, and Craven Terrace. This district will not include land located in new base historic districts (HSTR and HSTN). The district table will include a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that minimize the creation of nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

302.11 RESIDENTIAL, HIGH DENSITY (RHD)

This section sets out the new summary table for the former R-10A, R-8, and R-6 residential zoning districts. The district table will include a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. The district permits a wider range of residential use types and supporting non-residential activities than are permitted in the other residential districts. Emphasis is placed on open space, pedestrian circulation, and connection to nearby shopping, employment, and recreational uses. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that minimize the creation of nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

302.12 RESIDENTIAL, LOW DENSITY (RLD)

This section sets out the new summary table for the former R-15 residential zoning district. The district table will include a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. This district includes residential suburban neighborhoods found in the City that focus primarily on accommodating single-family detached residential structures on modest-sized lots. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that minimize the creation of nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

302.13 RESIDENTIAL, MEDIUM DENSITY (RMD)

This section sets out the new summary table for the former R-10 and R-10S residential zoning districts. The district table will include a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. This district includes suburban residential neighborhoods found in City that focus primarily on accommodating single-family detached residential structures on modest-sized lots. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that minimize the creation of nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

302.14 RESIDENTIAL, RURAL (RHR)

This section sets out the new summary table for the former R-20 residential zoning district. The district table will include a detailed purpose statement for the district and a set of dimensional standards organized by the type of permitted development. This district includes agricultural uses and residential uses on larger lots that typically rely on well and septic. Dimensional standards are maintained as close as possible to the current standards, and if changed, revised in ways that minimize the creation of nonconformities. The dimensional standards are supplemented with a series of illustrative diagrams (in plan view) and a precedent image of preferred development types.

§303 CONDITIONAL ZONING DISTRICTS

These districts are established as “stand-alone” zoning districts, each with an emphasis on the type of development they accommodate (rather than as a set of parallel conditional districts matching up to corresponding conventional districts). The conditional districts offer ways to accommodate use types that require additional consideration or provide a “safety valve” to landowners looking to accommodate a specific type of use not generally permitted in a corresponding conventional zoning district but still appropriate for the residential, commercial, or industrial nature of the area. Each conditional district sets out a unique range of dimensional standards which may be used under the limited use or unlimited standard conditional rezoning options.

303.1 CONDITIONAL ZONING DISTRICT, LIMITED (CZDL)

Conditional rezonings that seek only to limit the range of allowable uses to a certain number of use types (such as one or two). No other reductions or deviations may be permitted and no concept plan may be submitted.

303.2 CONDITIONAL ZONING DISTRICT, UNLIMITED (CZDU)

Conditional rezonings that seek to limit the range of uses and/or seek a deviation from an otherwise applicable district, use, or development standard. In no instance shall a limited standard application seek to remove or reduce an applicable standard; only conditions that place a stronger or more restrictive standard are permitted as part of a limited standards rezoning application. A concept plan may be submitted as part of a limited standard rezoning, at the applicant’s discretion.

§304 OVERLAY ZONING DISTRICTS

304.1 FLOOD DAMAGE PREVENTION ORDINANCE (FDPO)

This section relocates Article XVI from the Land Use Ordinance and treats special flood hazard areas as an overlay district. The current flood damage prevention material is integrated into the balance of the LDO with its own procedures, definitions, and administrative sections. This material will be updated for consistency with the State's newest model language for flood damage prevention, where appropriate.

304.2 NEIGHBORHOOD CONSERVATION OVERLAY (NOCO)

This section carries forward Article XXV of the Land Use Ordinance to protect and enhance the general quality and character of the city's older, established neighborhoods.

§305 GENERAL DIMENSIONAL STANDARDS

This section sets out the range of generally applicable dimensional standards and “rules of thumb” with respect to aspects such as maximum number of buildings per lot, lot sizes, lots widths³³, and special purpose lots (for utility features, not habitable uses), setbacks and required yards (including options for contextual setbacks and the operational requirements for zero lot line development).

§306 INCENTIVES AND ALTERNATIVES³⁴

306.1 PURPOSE AND INTENT

This section describes the reasons for inclusion of incentives and flexibility in the LUO, including:

- A.** Protection of the public's health, safety, or welfare;
- B.** Promotion of preferred uses or forms of development as identified by the Board of Aldermen or City Administration;
- C.** Creating necessary flexibility to permit the beneficial development of land in accordance with reasonable investment-backed expectations;
- D.** Protecting the environment or sensitive environmental resources on a lot or site;
- E.** Allowing for development or redevelopment that is consistent with the City's adopted policy guidance; or
- F.** Permitting development that is consistent with applicable State or federal law.

306.2 APPLICABILITY

306.3 RELATIONSHIP TO NONCONFORMITIES

Clarifies that development subject to a City-approved incentive or alternative in accordance with the provisions of this Ordinance shall not be considered nonconforming.

306.4 PROCEDURAL FLEXIBILITY

This section describes and includes cross references to the procedural flexibility mechanisms in the LUO.

A. ADMINISTRATIVE ADJUSTMENT

B. CONDITIONAL REZONING

C. DEVELOPMENT AGREEMENT

D. FEE-IN-LIEU

³³ Carries forward and updates Sections 15-186, 15-187, 15-189 in the Land Use Ordinance.

³⁴ NOTE TO STAFF: Have the density bonus standards in Section 15-184 been successfully implemented in an affordable housing application?

E. PERFORMANCE GUARANTEES**F. VARIANCE****306.5 DIMENSIONAL FLEXIBILITY**

This section identifies the provisions in the LUO that permit flexibility in terms of allowable densities or dimensional requirements.

A. ALLOWABLE ENCROACHMENTS INTO REQUIRED SETBACKS

Includes a cross reference to Table <>, Table of Allowable Encroachments.

B. CONSERVATION SUBDIVISIONS

Clarifies that single-family detached developments configured in accordance with Section <>, Conservation Subdivision, are permitted to maintain lot sizes, setbacks, and maximum residential densities in accordance with the allowable standards for the zoning district where located.

C. PROVISION OF ATTAINABLE HOUSING

Clarifies that dwelling units that are subject to mandatory deed restrictions limiting the sales prices to those affordable for persons of low income and located in a residential development that also includes market-rate housing units are not counted towards maximum density limitations for the zoning district where located. Maximum sales process for low income units must be priced in accordance with the low income mortgage payment affordable to a household earning the US Department of HUD's determination of low income for New Bern.

D. HEIGHT LIMIT EXEMPTIONS

Includes a cross reference with the provisions for determination of height in Section <>, Rules of Measurement.

306.6 ALTERNATIVE EQUIVALENT COMPLIANCE**A. ALTERNATIVE PARKING PLAN**

Allows applicants to provide more parking than is permitted or fewer parking spaces than are required based on a parking study or other site features. Also allows for alternative forms of parking lot surfacing.

B. ALTERNATIVE LANDSCAPING PLAN

Allows applicants to deviate from required landscaping stocking or placement requirements based on site conditions, subject to some form of mitigation.

C. ALTERNATIVE LIGHTING PLAN

Allows applicants to deviate from maximum lighting heights or maximum illumination values at lot lines based on site conditions or mitigation.

D. STORMWATER CONTROL MEASURES AS SITE AMENITIES

Allows certain stormwater control measures to be credited towards mandatory open space set-aside requirements in cases where such measures are configured as site amenities instead of as simply utility features.

E. RETENTION OF EXISTING TREES

Includes standards that provide accelerated credit towards required landscaping material stocking provisions in cases where existing trees are retained during and after construction.

F. MURALS AS WALL SIGNAGE

Encourages the use of murals as allowable forms of wall signs by permitting a mural to convey a commercial message provided it is included within the context of public art, as determined by the Board of Aldermen.

G. PROVISION OF GATHERING SPACE

Allows certain forms of gathering space, like roof gardens, rooftop seating, sidewalk dining or seating areas, atriums open to the public, public art, and similar features to be credited towards open space set-aside requirements.

306.7 SUSTAINABLE DEVELOPMENT INCENTIVES

This is a voluntary approach to incorporating more sustainable development approaches such as low impact development configurations where not already required, avoidance of mass grading, inclusion of elevators serving multi-family structures, and similar approaches by incorporating incentives (like density bonuses and dimensional reductions for doing so). The section includes a summary table of allowable incentives and the associated minimum number of sustainable development features that must be integrated into the development in order to take advantage of allowable incentives. Sustainable development features are organized into a series of two different schedules, based on type of feature and approximate cost, and include details on how the City will determine compliance with required provision. While voluntary, failure to provide sustainable development features after having taken advantage of allowable incentives shall be a violation of this Ordinance.

§307 ZONING MAP

This section carries forward and supplements the basic provisions related to the Official Zoning map in Part II. Zoning Map of the Land Use Ordinance.

CHAPTER 4. LAND USES

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KEY CHANGES FROM CURRENT LUO

[placeholder]

§401 CHAPTER INTRODUCTION

401.1 CHAPTER ORGANIZATION

This section identifies the six main sections of the chapter and how they related to one another.

401.2 LAND USES DISTINGUISHED

This section explains the distinctions between principal, secondary, and temporary uses.

§402 PRINCIPAL USES³⁵

402.1 APPLICABILITY

This section explains what constitutes a principal use of a lot.

402.2 ESTABLISHMENT OF A PRINCIPAL USE

This section explains the process to follow in establishing a principal use.

402.3 CHANGE OF A PRINCIPAL USE³⁶

This section explains what constitutes a change in use type (as many of the Land Use Ordinance standards are applied at the time of a change in use).

402.4 COMBINATION PRINCIPAL USES³⁷

This section describes how lots with more than one different principal uses or combination principal uses are addressed.

402.5 LISTING OF COMMON PRINCIPAL USES

This section introduces and explains the listing of common principal uses and the organizational approach to distinguishing between different uses.

402.6 GENERALLY

Table <>, Listing of Common Principal Uses, lists use classifications, use categories, principal use types, and indicates whether the principal use type is permitted by-right, by a special use permit, or is prohibited in a particular zoning district. It also includes a reference to any applicable use standards that apply to a particular principal use (the right-most column will include a cross reference to any applicable use standards in the Land Use Ordinance).

A. USE CLASSIFICATIONS

1. Individual principal uses in the principal use listing are organized into one of the following five different use classifications, based upon their characteristics: Agricultural; Commercial; Industrial; Institutional; and Residential.
2. Use classifications are more generally described in Section <>, Unlisted Uses.

B. USE CATEGORIES

1. Each of the five use classifications includes a series of use categories. Use categories are groupings of similar use types that are grouped based on similar purposes or functional characteristics.
2. Individual use types listed in the table of principal use types are listed in alphabetical order by use category.
3. Use categories are more generally described in Section <>, Unlisted Uses.

C. USE TYPES

³⁵ This section replaces Article X. Permissible Uses with several significant changes, including use of the new zoning district structure and names, utilization of a five-part use classification organization structure consolidation of current uses where possible (including the removal of use numbering system), relocation of accessory uses to different sections, inclusion of new modern use types, and a reduction in the number of uses requiring special use permit approval. The table is supplemented with yellow rows showing the current use types and where they are permitted (this information is provided for the sake of comparison and will not be carried forward in the adopted Land Use Ordinance).

³⁶ Replaces Section 15-152. Change in use.

³⁷ Replaces Section 15-154. Combination uses.

1. Use types are the individual principal use types.
2. Each individual use type is defined in Section <>, Definitions.

D. USE PERMITTED BY RIGHT

1. A “P” in a cell of the principal use table indicates that the specific use type is permitted by-right in the corresponding zoning district, subject to compliance with any referenced use standards and any other applicable standards in this Ordinance.
2. By-right uses require issuance of a zoning compliance permit or building permit prior to establishment and may also require approval of a site plan (see Section <>, Site Plan).

E. USE PERMITTED BY SPECIAL USE PERMIT

An “S” in a cell of the principal use table indicates that the specific use type is permitted in the corresponding zoning district only upon approval of a special use permit in accordance with Section <>, Special Use Permit. Special uses must also comply with any referenced use standards and any other applicable standards in this Ordinance.

F. USE PERMITTED IN CONDITIONAL ZONING DISTRICT

1. A “C” in a cell of the principal use table indicates that the specific use type is allowable in a conditional zoning district, subject to any referenced use standards.
2. Establishment of a conditional use requires approval of a conditional rezoning (see Section <>, Conditional Rezoning).

G. USE PROHIBITED

An “•” symbol in a cell of the summary use table indicates that the specific use type is not permitted in the corresponding zoning district.

H. USE STANDARD APPLIES

The right-most column of the table includes a reference to any applicable use standards associated with a particular use type. Unless otherwise stated in the standards, a use standard applies to a particular use regardless of the zoning district where it is located.

TABLE <>: LISTING OF COMMON PRINCIPAL USES ³⁸

P = Permitted, subject to a Zoning Permit & applicable use standards

S = Permitted, subject to a Special Use Permit & applicable use standards

C = Permitted within a conditional zoning district, subject to applicable use standards

“•” = Prohibited

[#] = Table note (see end of table)

USE CLASSIFICATION			RESIDENTIAL							MIXED-USE			NON-RESIDENTIAL									USE STDS.		
USE TYPE	AGR		RUR	RLD	RMD	RHD		HSTR	HSTN	MXU	RDV	OFI		CLI	CHI	INL	INH	CZDL	CZDU					
Current Districts & Uses (in yellow rows)	A-5	A-5F	R-20	R-15	R-10	R-10S	R-10A	R-8	R-6	New	C-1	New	New	C-5	C-5A	C-6	C-4	C-3	C-3H	I-1	I-2	New	New	
AGRICULTURAL USE CLASSIFICATION																								
AGRICULTURAL PRODUCTION																								
Agricultural Packaging & Processing	P		•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	C	↔
Agricultural Storage & Distribution	P		•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	C	↔
Agriculture ³⁹	P		•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	C	↔
Agricultural operations, farming (excluding livestock)	Z	Z																						
Agricultural operations, farming (excluding livestock)	Z		S																					
Aquiculture ⁴⁰	P		•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	C	↔
Horticulture	P		P	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	C	↔
Plant Nursery (retail or wholesale)	P		P	•	•	•		•	•	•	•	•	•	P	P	•	•	•	•	•	•	C	C	↔
Commercial greenhouse – no on-premise sales	Z	Z												S	Z	Z	Z	Z						
Commercial greenhouse – on premise sales	Z	Z												S	Z	Z	Z	Z						

³⁸ NOTE TO STAFF: The current and proposed zoning districts are based on the Zoning District Translation Table reviewed and revised based by City staff comments in July 2024. The R-6S and R-8S zoning district are not included as current districts based on that feedback.

³⁹ NOTE TO STAFF: Forestry activities not included since exempt if part of bona fide farm approved in accordance with NCGS§160D-921.

⁴⁰ NOTE TO STAFF: The permitted zoning districts may be modified once draft zoning map is created since this use is typically adjacent to bodies of water.

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Current Districts & Uses (in yellow rows)	A-5	A-5F	R-20	R-15	R-10	R-10S	R-10A	R-8	R-6	New	C-1	New	New	C-5	C-5A	C-6	C-4	C-3	C-3H	I-1	I-2	New	New	
Viticulture (including a winery or vineyard, but excluding event venues)	P		•	•	•		•		•	•	•	•	•	•			•	•		•	•	C	C	↔
LIVESTOCK RELATED																								
Animal Husbandry	P		•	•	•		•		•	•	•	•	•	•			•	•		•	•	C	C	↔
Including livestock (involving at least 20 animals but no more than 200 animals)	S																							
Equestrian Facility	P		•	•	•		•		•	•	•	•	•	•			•	•		•	•	C	C	↔
Horseback riding stables (not constructed pursuant to permit authorizing residential development)	Z	Z																						
COMMERCIAL USE CLASSIFICATION																								
ANIMAL RELATED																								
Animal Shelter	P		P	•	•		•		•	•	•	•	•	•			•	•		P	•	C	C	↔
Boarding, Indoor and Outdoor	P		P	•	•		•		•	•	•	•	•	•			•	•		P	•	•	•	↔
Kennel (outside completely enclosed)	S	S									S			Z	S	Z		Z	Z	Z	Z			
Boarding, Indoor Only	P		P	•	•		•		•	•	P	P	P	P			P	P	P	P	•	C	C	↔
Kennel (totally enclosed)	S	S																						
Grooming	P		P	•	•		•		•	•	P	P	P	P			P	P	P	P	•	C	C	↔
Veterinary Services	P		P	•	•		•		•	•	P	P	P	P			P	P	P	P	•	C	C	↔

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Current Districts & Uses (in yellow rows)	A-5	A-5F	R-20	R-15	R-10	R-10S		R-10A	R-8	R-6	New	C-1	New	New	C-5	C-5A		C-6	C-4	C-3	C-3H		I-1	I-2	New	New	
Veterinarian, all activities totally within enclosed building	Z	Z																									
EATING AND DRINKING																											
Bar, Cocktail Lounge, Private Club ⁴¹		•	•	•	•	P		•	P	P	P	P	P	P	P	P	P	P	•	C	C						↔
Bottle Shop		•	•	•	•	P		•	P	P	P	P	P	P	P	P	P	P	•	C	C						↔
Catering Establishment		•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	P	P	C	C						↔
Coffee Shop or Bakery		•	•	•	P	P		P	P	P	P	P	P	P	P	P	P	P	•	C	C						↔
Micro-Brewery, Micro-Distillery, or Micro-Winery		•	•	•	•	P		•	P	P	P	P	P	P	P	P	P	P	•	C	C						↔
Mobile Restaurant Courts ⁴²		•	•	•	•	•		•	•	P	P	P	P	P	P	P	P	P	•	•	C	C					↔
Restaurant		P	•	•	•	P		•	P	P	P	P	P	P	P	P	P	P	•	C	C						↔
No substantial carry-out service, no drive-in service, no service or consumption outside fully enclosed structure allowed												Z						Z	Z	Z	Z						
No substantial carry-out service, no drive-in service; service or consumption outside fully enclosed structure allowed												Z			S	Z		S	Z	Z	Z						
Carry-out service, consumption outside fully enclosed structure allowed; no drive-in service												Z			S	Z		S	Z	Z	Z	Z					

⁴¹ See “Restaurant” for existing⁴² NOTE TO STAFF: Mobile food vendors not included in principal use table since secondary use.

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Carry-out service, drive-in service or consumption outside fully enclosed structure allowed																			Z		Z					
Soup Kitchens																			S	S	S	S				
EQUIPMENT RELATED																										
Heavy Equipment Sales, Rental, & Repair		•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	P	P	C	C					↔
Light Equipment Sales, Rental, & Repair		•	•	•	•	•		•	•	•	•	•	•	•	•	•	P	P	P	C	C					↔
EVENT VENUE																										
Event Venue, Indoor Only		•	•	•	•	•		•	P	P	P	P	P	P	P	P	•	•	C	C						↔
Event Venue, Indoor and Outdoor		•	•	•	•	•		•	•	•	P	P	P	P	P	P	•	•	C	C						↔
FINANCIAL SERVICES																										
Bank or Credit Union		•	•	•	•	P		•	P	P	P	P	P	P	P	P	•	•	C	C						↔
Banks with drive-in windows											Z			Z	Z			Z	Z							
Check Cashing Service		•	•	•	•	•		•	•	•	•	•	•	•	P	•	•	C	C							↔
Financial Services		•	•	•	•	P		•	P	P	P	P	P	P	P	P	•	•	C	C						↔
Pawn Shop		•	•	•	•	•		•	•	•	•	•	•	•	P	•	•	C	C							↔
LODGING																										
Bed and Breakfast		P	P	•	•	•		P	P	P	P	•	•	•	•	•	•	C	C							↔
Bed and breakfast (tourist) home											Z			Z	Z	Z	Z	Z	Z							

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Campground	P		P	•	•	•		•		•	•	•	•	•			•	•	•		•	•	C	C	↔
Hotel or Motel	•		•	•	•	•		•		•	P	P	P	P			P	P	•		•	•	C	C	↔
Hotels and motels											S							Z	Z						
Recreational Vehicle Park	P		P	•	•	•		•		•	•	•	•	•			•	•	•		•	•	C	C	↔
Short Term Rental	•		P	P	P	P		P		P	P	P	P	•			•	•	•		•	•	C	C	↔
Short-term rental, partial and whole house	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z			Z	Z	Z	Z	Z	Z	S	S				
OFFICE RELATED																									
Coworking	•		•	•	•	•		•		•	P	P	P	P			P	P	P	P	•	•	C	C	↔
Office, High Intensity	•		•	•	•	•		•		•	P	P	P	P			P	P	P	P	•	•	C	C	↔
Office, Low Intensity	•		•	•	•	P		•		•	P	P	P	P			P	P	P	P	•	•	C	C	↔
Office, clerical, research and services (inside building - Operations designed [to] attract and serve customers or clients on the premises, such as the offices of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.) – fully enclosed in a building											Z			Z	Z	Z	Z	Z	Z	Z	Z				
Government office buildings and supporting services contained within a fully enclosed building – fully enclosed in a building	S	S	S	S	S	S	S	S	S		Z			Z	Z	Z	Z	Z	Z	Z	Z				
Operations designed to attract little or no customer or client traffic other than employees of the											Z			Z	Z	Z	Z	Z	Z	Z	Z				

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Current Districts & Uses (in yellow rows)	A-5	A-5F	R-20	R-15	R-10	R-10S		R-10A	R-8	R-6	New	C-1	New	New	C-5	C-5A		C-6	C-4	C-3	C-3H	I-1	I-2	New	New	
entity operating the principal use – fully enclosed in a building																										
Offices or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area – fully enclosed in a building												Z			Z	Z	Z	Z	Z	Z	Z	Z	Z			
Operations designed to attract and serve customers or clients on the premises - Operations conducted within or outside fully enclosed building												S			S	S	S	S	S	S	S	Z	Z			
Operations designed to attract little or no customers or clients other than the employees of the entity operating the principal use - Operations conducted within or outside fully enclosed building												S			S	S	S	S	S	S	S	Z	Z			
PARKING RELATED																										
Parking Lot		•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	C	<>
Parking Structure		•	•	•	•	•		•	•	•	•	P	P	P	•			•	•	•	•	•	•	C	C	<>
Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related												S							S	S	Z	Z				
PERSONAL SERVICES																										
Barber, Hair, or Nail Salon		•	•	•	•	P		•	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	C	C	<>
Computer Related Services		•	•	•	•	P		•	•	P	P	P	P	P	P	P	P	P	P	•	•	•	•	C	C	<>

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Day Spa (medical or non-medical)	•		•	•	•		P		•	P	P	P	P			P	P	P	•	C	C		<>	
Fitness Center	•		•	•	•		P		•	P	P	P	P			P	P	P	•	C	C		<>	
Funeral Related Services	•		•	•	•		•		•	•	•	•	P			P	P	•	•	C	C		<>	
Funeral home	Z	Z												Z			Z	Z	Z					
Crematorium																S	Z	Z	Z					
Instructional Services	•		•	•	•		•		•	•	P	•	•			P	P	P	•	C	C		<>	
Laundry and Cleaning	•		•	•	•		P		•	•	P	•	•			P	P	P	•	C	C		<>	
Dry cleaner, laundromat											Z						S	Z	Z	Z	Z			
Packaging and Shipping	•		•	•	•		P		•	P	P	P	P			P	P	P	•	C	C		<>	
Repair Shop	•		•	•	•		P		•	•	P	•	•			P	P	P	•	C	C		<>	
Tanning Salon	•		•	•	•		P		•	P	P	P	P			P	P	P	•	C	C		<>	
Tattoo & Piercing Establishment	•		•	•	•		P		•	•	P	•	•			P	P	P	•	C	C		<>	
RECREATION RELATED																								
Indoor Commercial Recreation	•		•	•	•		P			P	P	P	P			P	P	P	•	C	C		<>	
Bowling alleys, skating rinks, indoor tennis courts and similar uses																	S	Z	Z	Z				
Billiards and pool halls											S						S	Z	Z	Z				
Indoor athletic and exercise facilities											S						S	Z	Z	Z				

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USE TYPE	AGR		RUR	RLD	RMD		RHD		HSTR	HSTN	MXU	RDV	OFI			CLI	CHI		INL	INH	CZDL	CZDU			
Current Districts & Uses (in yellow rows)	A-5	A-5F	R-20	R-15	R-10	R-10S	R-10A	R-8	R-6	New	C-1	New	New	C-5	C-5A	C-6	C-4	C-3	C-3H	I-1	I-2	New	New		
Marina, Private ⁴³	P		P	P	P		P		P	P	P	P	P	P	P	P	P	•	C	C			↔		
Marinas	S	S	S	S	S	S	S	S	S		Z			S	S	S	S	Z	Z	Z	Z				
Nightclub or Dance Hall	•		•	•	•		•		•	•	•	•	•	P	P	P	P	P	•	C	C			↔	
Outdoor Commercial Recreation	P		P	•	•		P		•	•	P	P	P	P	P	P	P	P	•	C	C			↔	
Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses	S	S															S	Z	Z						
Automobile and motorcycle racing tracks																		S	S	S					
Theater, Indoors	•		•	•	•		•		•	P	P	P	P	P	P	P	P	•	•	C	C			↔	
Movie theaters – max capacity 300										Z							S	Z	Z	Z	Z				
Movie theaters – unlimited capacity										Z								Z		Z	Z				
Theater, Outdoors	P		P	•	•		•		•	•	•	•	•	•	•	•	P	P	•	C	C			↔	
Drive-in movie theaters	S	S																Z	Z	S					
RETAIL SALES																									
Bulky Item Sales	P		•	•	•		•		•	•	•	•	•	•	•	•	P	P	P	P	C	C			↔
Convenience Store (with Gasoline Sales)	P		P	•	•		•		•	•	•	•	•	P	P	P	P	P	•	C	C			↔	
Farmers Market	P		P	•	•		•		•	P	•	•	•	•	•	•	•	•	•	•	C	C			↔
Flea Market	•		•	•	•		•		•	•	•	•	•	•	•	•	•	•	•	•	C	C			↔

⁴³ NOTE TO STAFF: The permitted zoning districts will be modified once draft zoning map is created since marinas cannot be located on parcels not abutting water.

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USE TYPE	AGR		RUR	RLD	RMD		RHD		HSTR	HSTN	MXU	RDV	OFI			CLI	CHI		INL	INH	CZDL	CZDU			
Current Districts & Uses (in yellow rows)	A-5	A-5F	R-20	R-15	R-10	R-10S	R-10A	R-8	R-6	New	C-1	New	New	C-5	C-5A	C-6	C-4	C-3	C-3H	I-1	I-2	New	New		
Open air markets (farm and craft markets, flea markets, produce markets)	Z	Z									S						S	S	S	Z	Z				
Gasoline Sales	P		P	•	•	•				•	•	•		P			P	P	P	P	P	C	C	<>	
Gas sales operations											S							Z	Z	Z	Z				
Grocery Store	•		•	•	•	P				•	•	P	P	•			P	P	•	•	•	•	C	C	<>
Pharmacy	•		•	•	•	P				•	P	P	P	P			P	P	•	•	•	•	C	C	<>
Retail, High Intensity	•		•	•	•	•				•	•	P	•	•			P	P	P	P	•	•	C	C	<>
Sales and rental of goods, merchandise and equipment (no storage outside fully enclosed building – high volume traffic)											S							Z	Z	Z	Z				
Sales and rental of goods, merchandise and equipment (storage of goods outside fully enclosed building – high volume traffic)											S						S	S	S	Z	Z				
Retail, Low Intensity	•		•	•	•	P				•	P	P	P	P			P	P	P	P	•	•	C	C	<>
Sales and rental of goods, merchandise and equipment (no storage outside fully enclosed building – low volume traffic)											Z						Z	Z	Z	Z					
Sales and rental of goods, merchandise and equipment (storage of goods outside fully enclosed building – low volume traffic)											S						S	S	S		Z				
Retail, Large Format	•		•	•	•	•				•	•	•	•	•			•	P	P	P	•	•	C	C	<>
Retail, Micro	•		•	•	•	P				P	P	P	P	P			P	P	P	P	•	•	C	C	<>

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Tobacco/Vape Shop	•		•	•	•		•			•	•	•	•	•	•		•	P		•	•	C	C	<>
Vape Shop																		Z	Z					
SEXUALLY ORIENTED BUSINESSES																								
All Use Types	•		•	•	•		•			•	•	•	•	•	•		•	•	•	S	•	•		<>
Adult establishments																		S	S					
STORAGE RELATED																								
Storage, Indoor Only	•		•	•	•		•			•	•	•	•	P		P	P	P	P	•	C	C		<>
All storage within completely enclosed structures																		Z	Z	Z	Z			
Storage inside existing structures not to exceed 25% of the total gross floor area where the only entrance to the storage area is from a tertiary area of least impact											S													
Storage, Indoor and Outdoor	•		•	•	•		•			•	•	•	•	•	•		P	P	P	P	C	C		<>
Storage inside or outside completely enclosed structures																	S	S	Z	Z				
Storage, Outdoor Only	•		•	•	•		•			•	•	•	•	•	•		•	•	P	P	C	C		<>
Storage of goods not related to sale or use of those goods on the same lot where they are stored																			Z	Z				
Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of lot, and (ii) parking or storage is more than																	S	S	Z	Z				

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a minor and incidental part of the overall use made of the lot																								
VEHICLE RELATED																								
Vehicle Painting/ Bodywork		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•		◁>		
Automobile repair shop or body shop																	Z	Z	Z	Z				
Vehicle Parts and Accessory Sales		•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	P	C	C		◁>			
Vehicle Repair and Service (No Painting/ Bodywork)		•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	P	C	C		◁>			
Automobile service stations										S							Z	Z	Z	Z				
Vehicle Sales and Rental		•	•	•	•	•	•	•	•	•	•	•	•	P	P	P	P	C	C		◁>			
Motor vehicles sales or rental or sales and service										S							Z	Z	Z	Z				
Vehicle Towing and Storage		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•		◁>			
Vehicle Washing or Detailing		•	•	•	•	P	•	•	P	P	P	P	P	P	P	P	C	C		◁>				
Carwash										S							S	S	Z	Z				
INDUSTRIAL USE CLASSIFICATION																								
ENERGY RELATED																								
Fuel Oil/Bottle Gas Distribution		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	•		◁>			

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Gas and Petroleum Distribution	•		•	•	•		•		•	•	•	•	•	•	•		•	•	•	P	•	•	•	•	↔
Level 2 Solar Energy Conversion	S		S	•	•		•		•	•	•	•	•	•	•		•	•	•	S	•	•	•	•	↔
Level 3 Solar Energy Conversion	S		S	•	•		•		•	•	•	•	•	•	•		•	•	•	S	•	•	•	•	↔
Wind Energy Conversion	S		S	•	•		•		•	•	•	•	•	•	•		•	•	•	S	•	•	•	•	↔
EXTRACTIVE INDUSTRY																									
All Use Types	S		•	•	•		•		•	•	•	•	•	•	•		•	•	•	S	•	•	•	•	↔
Mining or quarrying operations, including on-site sales of products																			S						
Reclamation landfill																			S	S					
Sanitary landfill	S																		S						
FLEX SPACE																									
Business Incubator	•		•	•	•		•		•	•	P	•	•	P	•	•	P	•	C	C	•	•	•	•	↔
Data Center and Cryptomining	•		•	•	•		•		•	•	•	•	•	•	•		•	P	•	C	C	•	•	•	↔
Maker Space	•		•	•	•		•		•	•	P	P	P	P	P		P	P	•	C	C	•	•	•	↔
Research and Development	•		•	•	•		•		•	•	•	•	•	P	•		•	P	P	C	C	•	•	•	↔
INDUSTRIAL SERVICES																									
Asphalt or Concrete Plant	•		•	•	•		•		•	•	•	•	•	•	•		•	•	P	•	•	•	•	•	↔

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Current Districts & Uses (in yellow rows)	A-5	A-5F	R-20	R-15	R-10	R-10S	R-10A	R-8	R-6	New	C-1	New	New	C-5	C-5A	C-6	C-4	C-3	C-3H	I-1	I-2	New	New	
Contractor Services Office/Yard ⁴⁴	•		•	•	•		•			•	•	•	•	•	•	•	•	•	P	P	•	•	↔	
Electrical, HVAC, or Plumbing Fabrication	•		•	•	•		•			•	•	•	•	•	•	•	•	•	P	P	•	•	↔	
Marine-Related Industrial Establishment	•		•	•	•		•			•	•	•	•	•	•	•	•	•	P	P	C	C	↔	
Metal Fabrication	•		•	•	•		•			•	•	•	•	•	•	•	•	•	P	P	•	•	↔	
MANUFACTURING																								
Heavy Manufacturing	•		•	•	•		•			•	•	•	•	•	•	•	•	•	P	P	•	•	↔	
Light Manufacturing	•		•	•	•		•			•	•	•	•	•	•	•	•	•	P	P	•	•	↔	
Manufacturing, processing, creating, repairing, renovating, cleaning, assembling of goods, merchandise and equipment – all operations conducted entirely within a fully enclosed building																		Z	Z	Z	Z			
Mechanical hi-tech shops and cabinet shops, no greater than 25 employees																		Z	Z	Z	Z			
Operations conducted within or outside fully enclosed building																		S	S	Z	Z			
Marine Facilities																		S	S	Z	Z			
UTILITY RELATED																								
Major Utility	S		S	•	•		•		•	•	•	•	•			•	•	P	P	C	C	↔		
Community or regional	S	S	S	S	S	S	S	S	S		S			S	S	S	S	S	S	S	S			

⁴⁴ NOTE TO STAFF: Temporary structures used during construction not included in principal use table since secondary use.

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Minor Utility	P		P	P	P		P		P	P	P	P	P	P	P	P	P	P	•	•			↔	
Neighborhood	S	S	S	S	S	S	S	S	S		S			S	S	S	S	S	S	Z	Z			
WAREHOUSE RELATED																								
Freight Terminal	•		•	•	•		•		•	•	•	•	•	•	•	•	P	P	C	C			↔	
Warehouse, Distribution	•		•	•	•		•		•	•	•	•	•	•	•	•	P	P	C	C			↔	
Warehouse, Storage Only	•		•	•	•		•		•	•	•	•	•	•	•	•	P	P	C	C			↔	
WASTE RELATED																								
Hazardous Waste Management Facility	•		•	•	•		•		•	•	•	•	•	•	•	•	•	S	•	•			↔	
Recycling Center	•		•	•	•		•		•	•	•	•	•	•	•	•	•	S	•	•			↔	
Salvage and Junkyard	•		•	•	•		•		•	•	•	•	•	•	•	•	•	S	•	•			↔	
Scrap materials salvage yards, junkyards, automobile graveyards																		S	S					
Transfer Station	•		•	•	•		•		•	•	•	•	•	•	•	•	•	S	•	•			↔	
WHOLESALE																								
Wholesale Sales, Indoor Only	•		•	•	•		•		•	•	•	•	•	•	•	P	P	P	C	C			↔	
Wholesale Sales, Indoor and Outdoor	•		•	•	•		•		•	•	•	•	•	•	•	•	P	P	C	C			↔	
Wholesale sales										S						S	S	S	Z	Z				
INSTITUTIONAL USE CLASSIFICATION																								
ASSEMBLY																								

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Current Districts & Uses (in yellow rows)	A-5	A-5F	R-20	R-15	R-10	R-10S	R-10A	R-8	R-6	New	C-1	New	New	C-5	C-5A	C-6	C-4	C-3	C-3H	I-1	I-2	New	New	
Auditorium, Coliseum, or Convention Center	•		•	•	•		•		•	•	P	•	•	•			•	P	P	•	C	C	<>	
Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people																	S	S	S					
Community Center	•		•	•	•		P		•	P	P	P	•	•			•	•	•	•	C	C	<>	
Fraternal Club or Lodge	P		•	•	•		•		•	P	•	•	•	P			P	P	•	•	•	•	<>	
Social, fraternal clubs and lodges, union halls, and similar uses	S	S									Z			Z	Z		Z	Z	Z					
Religious Institution, High Intensity	P		•	•	•		P		•	P	•	P	P	P			P	P	•	•	C	C	<>	
Religious Institution, Low Intensity	P		•	•	•		P		•	P	•	P	P	P			P	P	•	•	C	C	<>	
Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary schools or secondary school buildings)	Z	Z	Z	S	Z	Z	Z	Z	Z		S			S	S	S	S	S	S	S				
CULTURAL FACILITY																								
Library	P		P	P	P		P		•	P	P	P	P			P	•		•	•	C	C	<>	
Libraries, museums, art galleries, art centers and similar uses (including associated education and instructional activities) – in previous residence or not in excess of 3,500 sf					S		S	S	S		Z			Z	Z	S	Z	Z	Z					

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Libraries, museums, art galleries, art centers and similar uses (including associated education and instructional activities) - Located within any existing or new structure	S	S			S		S	S	S		Z			Z	Z	S	Z	Z	Z					
Museum	•		•	•	•		•		P	P	•	P		•		•	•	•	•	C	C			<>
DAY CARE																								
Adult Day Care	•		•	•	•		P		•	•	P	P		P		P	•	•	•	C	C			<>
Child Day Care ⁴⁵	•		•	•	•		P		•	•	P	P		P		P	•	•	•	C	C			<>
Nursery schools, day care centers	S	S	S	S	S	S	S	S	S		S			S	S	S	Z	Z	Z	Z				
EDUCATION RELATED																								
College or University	•		•	•	•		•		•	•	•	•		P		P	P	P	•	C	C			<>
Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)														S				S	S	S	S			
School, Elementary	P		•	•	•		P		•	P	•	P		P		P	P	•	•	C	C			<>
Elementary and secondary (including associated grounds and athletic and other facilities)	S	S	S	S	S	S	S	S	S					S			S	S	S					
School, Middle	P		•	•	•		P		•	P	•	P		P		P	P	•	•	C	C			<>
Elementary and secondary (including associated grounds and athletic and other facilities)	S	S	S	S	S	S	S	S	S					S			S	S	S					
School, High	P		•	•	•		P		•	P	•	P		P		P	P	•	•	C	C			<>

⁴⁵ NOTE TO STAFF: Child care home not included in principal use table since secondary use.

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Elementary and secondary (including associated grounds and athletic and other facilities)	S	S	S	S	S	S	S	S	S					S			S	S	S					
School, Vocational	•		•	•	•		P		•	•	•	•	P			P	P		P	•	C	C		<>
Trade or vocational schools														S				S	S	S	S			
GOVERNMENT RELATED																								
Correctional Institutions	•		•	•	•		•		•	•	•	•	•			•	•	S		S	•	•		<>
Penal and correctional facilities	S	S									S			S										
Fire/EMS/Police Station	P		P	P	P		P		•	P	P	P	P			P	P		P	P	C	C		<>
Police stations	Z	Z	S	S	S	S	S	S	S		Z			S	S	S	Z	Z	Z	Z	Z			
Fire stations	Z	Z	S	S	S	S	S	S	S		Z			S	S	S	Z	Z	Z	Z	Z			
Rescue squad, ambulance service	Z	Z	S	S	S	S	S	S	S		Z			S	S	Z	Z	Z	Z	Z	Z			
Government Office	P		P	P	P		P		P	P	P	P	P			P	P		P	P	C	C		<>
Governmental Maintenance or Operations	P		•	•	•		•		•	•	•	•	•			•	P		P	P	C	C		<>
Civil defense operation											Z			Z	Z		Z	Z	Z	Z				
Military reserve, National Guard centers																		S	S	Z	Z			
Post Office	•		•	•	•		•		•	•	•	•	P			•	•		•	•	C	C		<>
Post office											Z			S			Z	Z	Z					
HEALTH CARE																								
Hospital	•		•	•	•		•		•	•	•	•	P			P	P		•	•	C	C		<>

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USE TYPE	AGR		RUR	RLD	RMD		RHD		HSTR	HSTN	MXU	RDV	OFI			CLI	CHI		INL	INH	CZDL		CZDU		
Current Districts & Uses (in yellow rows)	A-5	A-5F	R-20	R-15	R-10	R-10S		R-10A	R-8	R-6	New	C-1	New	New	C-5	C-5A	C-6	C-4	C-3	C-3H	I-1	I-2	New	New	
Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area															S				Z	Z					
Outpatient Facility	•		•	•	•	•		•	•	•	•	•	•	•	P			P	P	•	•	C	C		<>
Psychiatric Services	•		•	•	•	•		•	•	•	•	•	•	•	P			P	P	•	•	C	C		<>
Institutions (other than halfway houses) where mentally ill persons are confined															S										
Residential Treatment Facility	•		•	•	•	•		•	•	•	•	•	•	•	P			P	P	•	•	C	C		<>
Urgent Care	•		•	•	•	P		•	•	•	•	•	P	•	P			P	P	•	•	C	C		<>
OPEN SPACE																									
Arboretum or Formal Garden	P		P	•	•	P		P	P	P	P	P	P	P	•			•	•	•	•	C	C		<>
Cemetery or Mausoleum	P		P	P	P		P		P	P	P	P	P	P	•			•	•	•	•	C	C		<>
Cemetery	S	S	S	S	S	S	S	S	S	S	S	S			S	S	S	S	S	S	S	S			
Community Garden	P		P	P	P		P		P	P	P	P	P	P	P			P	P	P	P	C	C		<>
RECREATION RELATED																									
Indoor Public Recreation	P		P	P	P		P		P	P	P	P	P	P	P			P	P	P	P	C	C		<>
Marina, Public ⁴⁶	P		P	P	P		P		P	P	P	P	P	P	P			P	P	P	P	C	C		<>
Marinas	S	S	S	S	S	S	S	S	S			Z			S	S	S	S	Z	Z	Z	Z			

⁴⁶ NOTE TO STAFF: The permitted zoning districts will be modified once draft zoning map is created since marinas cannot be located on parcels not abutting water.

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USE TYPE	AGR		RUR	RLD	RMD		RHD		HSTR	HSTN	MXU	RDV	OFI			CLI	CHI		INL	INH	CZDL		CZDU		
Current Districts & Uses (in yellow rows)	A-5	A-5F	R-20	R-15	R-10	R-10S		R-10A	R-8	R-6	New	C-1	New	New	C-5	C-5A	C-6	C-4	C-3	C-3H	I-1	I-2	New	New	
Outdoor Public Recreation	P		P	P	P	P		P	P	P	P	P	P	P	P			P	P	P	P	C	C	<>	
Outdoor Residential Recreation	P		P	P	P	P		P	P	P	P	P	P	P	•			•	•	•	•	C	C	<>	
Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school	S	S	S	S	S	S	S	S	S	S		S		S		S	S	S	Z	Z	S				
Special Events	Z	Z										Z			Z	Z	Z	Z	Z	Z					
TELECOMMUNICATIONS ⁴⁷																									
Broadcasting Studio	•		•	•	•	•		•	•	•	•	•	•	•	P	P	P	P	P	•	C	C	<>		
Broadcasting Tower	•		•	•	•	•		•	•	•	•	•	•	•	P	P	P	P	P	P	C	C	<>		
Small Wireless Facility	P		P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	<>		
Telecommunications Facility, Collocation	P		P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	<>		
Telecommunications tower antenna, located on existing structures	Z	Z	Z	Z	Z	Z	Z	Z	Z			Z			Z	Z	Z	Z	Z	Z	Z	Z			
Telecommunications Facility, Concealed	P		P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	<>		

⁴⁷ NOTE TO STAFF: Household antenna (amateur ham radio) not included in principal use table since secondary use.

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USE TYPE	AGR		RUR	RLD	RMD	RHD	HSTR	HSTN	MXU	RDV	OFI	CLI	CHI	INL	INH	CZDL	CZDU							
Current Districts & Uses (in yellow rows)	A-5	A-5F	R-20	R-15	R-10	R-10S	R-10A	R-8	R-6	New	C-1	New	New	C-5	C-5A	C-6	C-4	C-3	C-3H	I-1	I-2	New	New	
Telecommunications Facility, Major	S		•	•	•	•		•	•	•	•	•	•	•		•	•	S	S	C	S	C		↔
Telecommunications towers	S	S																S	S	S	S			
Telecommunications Facility, Minor	P		•	•	•	•		•	•	•	•	•	•	•		•	P	P	P	P	C	C		↔
TRANSPORTATION																								
Airport	•		•	•	•	•		•	•	•	•	•	•	•		•	•	S	S	C	C			↔
Airport																		S	S					
Bus Station	•		•	•	•	•		•	•	•	•	•	•	•		•	P	•	•	C	C			↔
Bus station											S						S	S	Z					
Heliport	P		P	•	•	•		•	•	•	•	•	•	P		P	P	•	•	C	C			↔
Heliport														S			S	S	S	S				
Park and Ride Facility	•		•	•	•	•		•	•	•	•	•	•	•		•	•	•	•	P	C	C		↔
Rail Related	•		•	•	•	•		•	•	•	•	•	•	•		•	•	•	•	P	C	C		↔
RESIDENTIAL USE CLASSIFICATION																								
ASSISTED LIVING																								
Congregate Care	•		•	•	•	P		•	•	•	•	•	•	•		•	•	•	•	C	C			↔
Nursing care homes, intermediate care homes	S	S	S				S	S	S					Z			S	Z	Z					
Nursing care institutions, intermediate care institutions, handicapped or infirm institutions, child care institutions	S	S	S				S	S	S					S			S	S						

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USE TYPE	AGR		RUR	RLD	RMD		RHD		HSTR	HSTN	MXU	RDV	OFI			CLI	CHI		INL	INH	CZDL		CZDU	
Current Districts & Uses (in yellow rows)	A-5	A-5F	R-20	R-15	R-10	R-10S	R-10A	R-8	R-6	New	C-1	New	New	C-5	C-5A	C-6	C-4	C-3	C-3H	I-1	I-2	New	New	
Continuing Care Retirement Community	•		•	•	•		P		•	•	•	•	•	•			•	•		•	•	C	C	↔
Elderly housing designed for independent living with separate housing units	S	S	S				S	S	S		S			S	S	S		S	S					
GROUP LIVING																								
Boarding House	•		•	•	•		•		•	•	•	•	•	•			•	•		•	•	C	C	↔
Boarding houses, rooming houses								S	S		S			S	S	S	S	S	S	S				
Family Care Home	P		P	P	P		P		P	•	•	•	•	•			•	•		•	•	•	•	↔
Group Home	•		•	•	•		•		•	•	•	•	•	•			•	•		•	•	C	C	↔
Homes for handicapped or infirm	Z	Z	Z	Z	Z	Z	Z	Z	Z		S			S	Z	Z	S	S	S	S				
Halfway House	•		•	•	•		•		•	•	•	•	•	•			•	•		•	•	C	C	↔
Halfway house											S			S				S	S					
Homeless Shelter	•		•	•	•		•		•	•	•	•	•	•			•	•		•	•	C	C	↔
Homeless shelter											S			S		S		S	S	S	S			
HOUSEHOLD LIVING ⁴⁸																								
Bungalow Court	•		•	P	P		•		P	•	•	•	•	•			•	•		•	•	C	C	↔
Conservation Subdivision	P		P	P	P		P		•	•	•	•	•	•			•	•		•	•	C	C	↔
Live/Work	•		•	•	•		P		•	P	P	P	•	•			•	•		•	•	C	C	↔
Manufactured Home, Class A	P		P	•	•		•		•	•	•	•	•	•			•	•		•	•	•	•	↔

⁴⁸ NOTE TO STAFF: Home occupation not included in principal use table since secondary use.

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USE TYPE	AGR		RUR	RLD	RMD		RHD		HSTR	HSTN	MXU	RDV	OFI			CLI	CHI		INL	INH	CZDL	CZDU			
Current Districts & Uses (in yellow rows)	A-5	A-5F	R-20	R-15	R-10	R-10S		R-10A	R-8	R-6	New	C-1	New	New	C-5	C-5A	C-6	C-4	C-3	C-3H	I-1	I-2	New	New	
Manufactured Home, Class B	P		P	•	•	•		•	•	•	•	•	•	•	•			•	•	•	•	•	•	•	◇
Manufactured Home, Class C	•		•	•	•	•		•	•	•	•	•	•	•	•			•	•	•	•	•	•	•	◇
On individual lots	Z		Z							Z															
Class A manufactured homes	Z		Z							Z															
Class B manufactured homes	Z		Z																						
Manufactured Home Park	P		P	•	•	•		•	•	•	•	•	•	•	•			•	•	•	•	•	•	•	◇
Mobile home parks	Z		Z																						
Class C manufactured homes ⁴⁹																									
Multi-Family Dwelling	•		•	•	•	P		P	•	P	P	•	•	P	•			•	•	•	•	C	C	•	◇
Multifamily residence	S	S					S		S			S			S	S		S	Z	Z	S				
Multi-Family Dwelling, Upper Story Only	•		•	•	•	P		P	P	P	P	•	•	P	•			•	•	•	•	C	C	•	◇
Pocket Neighborhood	P		P	P	P	•		•	•	•	•	•	•	•	•			•	•	•	•	C	C	•	◇
Quadplex	P		P	P	P	•		P	•	•	•	•	•	•	•			•	•	•	•	C	C	•	◇
Single-Family Attached Dwelling	P		P	P	P	•		•	•	•	•	•	•	•	•			•	•	•	•	C	C	•	◇
Single-family detached					Z	Z		Z	Z			Z			Z	Z	Z	Z	Z	Z	S	S			

⁴⁹ Permitted use in manufactured home parks only.

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USE TYPE	AGR		RUR	RLD	RMD		RHD		HSTR	HSTN	MXU	RDV	OFI			CLI	CHI		INL	INH	CZDL		CZDU	
Current Districts & Uses (in yellow rows)	A-5	A-5F	R-20	R-15	R-10	R-10S	R-10A	R-8	R-6	New	C-1	New	New	C-5	C-5A	C-6	C-4	C-3	C-3H	I-1	I-2	New	New	
Single-Family Detached Dwelling	P		P	P	P		•		P	•	•	•	•			•	•	•	•	•	C	C	↔	
Single-family detached	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z			Z	Z	Z	Z	Z	Z	S	S			
Tiny Home	P		P	P	P		•		•	•	•	•	•			•	•	•	•	•	C	C	↔	
Triplex	P		P	P	P		•		P	•	•	•	•			•	•	•	•	•	C	C	↔	
Two-Family Dwelling	P		P	P	P		•		P	•	•	•	•			•	•	•	•	•	C	C	↔	
Duplex	Z	Z			Z	Z		Z	Z		Z			Z	Z	Z	Z	Z	Z	S	S			
Notes:																								

402.7 STANDARDS FOR SPECIFIC PRINCIPAL USES

This section sets out the full range of use-specific standards for the common principal uses and updates Article XI. Supplementary Use Regulations in the Land Use Ordinance. Principal uses are listed in alphabetical order to ease navigation.

§403 PROHIBITED USES

This replaces Section 15-149 and sets out the list of use types that are prohibited everywhere within the City's planning jurisdiction (organized by use classification) as well as the list of use types that are prohibited based upon an overlay zoning district designation (like flood damage prevention). Some example uses anticipated to be prohibited include use of a recreational vehicle as a permanent residence, stockyards, combustible or explosive materials in violation of the fire prevention code adopted by reference in chapter 30 of the City Code, and internet sweepstakes cafes. This section is proposed in response to recent NC Court of Appeals cases that found that uses intended to be prohibited must be listed or otherwise identified in the Land Use Ordinance.

§404 SECONDARY USES⁵⁰

This section sets out the standards for secondary (or accessory) use types. These are use types that are incidental to a principal use on the same lot. It is proposed to replace Section 15-150 in the Land Use Ordinance and add several new sub-sections including a set of general standards applied to all secondary uses. The section includes a new summary table (similar to the one included for principal uses) for common secondary uses.

404.1 GENERALLY

This section authorizes the establishment of secondary uses and structures that are incidental and subordinate to principal uses. The purpose of this section is to allow a broad range of secondary uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

404.2 ESTABLISHMENT OF A SECONDARY USE

This section outlines the parameters or rules for establishing secondary use.

404.3 GENERAL STANDARDS FOR ALL SECONDARY USES

This section includes a series of new use-specific standards for secondary uses such as location, height, maximum quantity, compliance with design standards, etc.

404.4 LISTING OF COMMON SECONDARY USES

This new section provides a table of common secondary uses such as art installations, docks, outdoor dining, play equipment, sheds, etc.

404.5 STANDARDS FOR SPECIFIC SECONDARY USES

This section sets out the full range of use-specific standards for the common secondary uses.

§405 TEMPORARY USES

This is a new section that establishes the standards for temporary uses of land, temporary structures, and temporary activities, like special events.

405.1 GENERALLY

This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

405.2 ESTABLISHMENT OF A TEMPORARY USE

⁵⁰ NOTE: LUO not including secondary use standards for parking of heavy trucks, RVs, or recreational equipment, and the City will not regulate this activity. The LUO needs to include secondary use provisions for disaster housing (including an RV for up to 365 days with one additional extension).

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the City's planning jurisdiction. The activities listed in this section require the issuance of a Temporary Use Permit, unless specifically exempted.

405.3 GENERAL STANDARDS FOR ALL TEMPORARY USES

This section sets forth a range of standards for temporary uses.

405.4 LISTING OF COMMON TEMPORARY USES

This section provides a table of common temporary uses such as construction fencing and portable storage containers.

405.5 STANDARDS FOR SPECIFIC TEMPORARY USES

This section sets out the use-specific standards for each of the common secondary use types, including maximum number of occurrences per lot per year and maximum duration.

§406 UNLISTED USE

This is a new section that supplements the principal, secondary, temporary, and prohibited use sections with details on how the City will consider the process and requirements for unlisted use types. Unlisted uses may not be simply prohibited, and the Land Use Ordinance must include a standardized process for determination on how to classify them. The determination procedure (see Chapter 2) is used to clarify how unlisted uses will be treated.

406.1 PROCEDURE FOR DETERMINATION

Sets out the process to be used in classifying an unlisted use based on the standards in the determination procedure, definitions, and the use category descriptions.

406.2 USE CATEGORY DESCRIPTIONS

This section sets out a detailed description of each use category by use classification type, along with a short listing of example use types.

CHAPTER 5.

NONCONFORMITIES

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KEY CHANGES FROM CURRENT LUO	
[placeholder]	

§501 CHAPTER INTRODUCTION⁵¹

This chapter builds on and expands the City's nonconforming provisions in Article VIII of the Land Use Ordinance. It clarifies the intent of the chapter (to allow nonconformities to continue but gradually reach compliance). It clarifies that the burden of proving a lawfully established nonconformity is upon the applicant. It permits (even encourages) maintenance and allows for structural strengthening if needed to maintain public safety.

501.1 PURPOSE AND INTENT

501.2 DETERMINATION OF NONCONFORMING STATUS

501.3 MAINTENANCE, MINOR REPAIRS, AND CONTINUATION ALLOWED

501.4 TENANCY AND OWNERSHIP CHANGES

501.5 OVERLAY ZONING DISTRICTS⁵²

§502 NONCONFORMING LOTS OF RECORD⁵³

This section addresses established lots of record that were platted prior to the effective date of the Land Use Ordinance, but that do not meet the dimensional requirements of the district where they are located. It discusses the procedures for use of such lots of record when located in a residential district as well as redevelopment or reconstruction on such lots following a casualty (major damage). It removes requirements for variances to develop these lots (at least in cases of residential development). In addition, the standards specify that governmental acquisition of a portion of a lot in a residential district shall not render the lot nonconforming (even if it no longer meets the dimensional standards). The section will deal with changes to nonconforming lots such as boundary line adjustments or assembly of multiple lots. It also clarifies that special purpose lots are not required to meet the dimensional standards for the zoning district where located.

502.1 APPLICABILITY

502.2 NONCONFORMING LOT WIDTH OR SIZE

A. SINGLE LOT OF RECORD IN RESIDENTIAL DISTRICT

B. SINGLE LOT OF RECORD IN NONRESIDENTIAL DISTRICT

C. RECOMBINATION OF LOTS WITH CONTIGUOUS FRONTAGE IN ONE OWNERSHIP

D. ADDITION OF LAND ENCOURAGED

502.3 NONCONFORMITY AFFECTS SETBACKS

⁵¹ Replaces Sections 15-127 and 15-128 in the Land Use Ordinance.

⁵² NOTE TO STAFF: This is only necessary if needed to adequately address nonconformities in the Flood Damage Prevention Overlay.

⁵³ Replaces Section 15-123

502.4 FURTHER SUBDIVISION LIMITED**502.5 GOVERNMENTAL ACQUISITION OF LAND****502.6 SPECIAL PURPOSE LOTS****§503 NONCONFORMING SIGNS**

This section replaces Section 15-129 of the Land Use Ordinance and will address nonconforming signage that no longer meets the requirements of the Land Use Ordinance as well as signs advertising uses that are no longer in place. It allows continuation of nonconforming signage, but requires its removal if it becomes dilapidated or if the use it advertises ceases.

503.1 APPLICABILITY**503.2 PROHIBITED ACTIONS****503.3 MAINTENANCE OF NONCONFORMING SIGNAGE ALLOWED****503.4 REPLACEMENT OF NONCONFORMING SIGNAGE****503.5 REMOVAL OF NONCONFORMING SIGNAGE****§504 NONCONFORMING SITE FEATURES⁵⁴**

This is essentially a new section that adds provisions dealing with nonconformities in site elements, such as landscaping, lighting, parking, and screening of elements like outdoor storage. Currently, the development regulations either require full compliance or do not specify when such nonconforming site features must be brought into conformity. This new section requires that specified site elements be brought into conformance on a sliding scale when the structure is substantially remodeled, or when the floor area of a building is enlarged by threshold percentages, with an important “safety valve” provision that allows for a waiver of requirements in cases where the site has physical constraints that prevent upgrading certain elements.

504.1 APPLICABILITY**504.2 DETERMINATION OF COST AND ASSESSED VALUE****504.3 CHANGE OF USE⁵⁵****504.4 EXPANSION OF BUILDINGS OR STRUCTURES**

⁵⁴ This replaces Section 15-124 of the Land Use Ordinance.

⁵⁵ This replaces Section 15-126 of the Land Use Ordinance.

504.5 ADDITION OF OUTDOOR ACTIVITY**504.6 TWO OR FEWER ADDITIONAL PARKING SPACES****504.7 PHYSICALLY CONSTRAINED PROPERTIES****§505 NONCONFORMING STRUCTURES⁵⁶**

This section establishes the key standards governing nonconforming structures. The section will address enlargement, abandonment, relocation, and reconstruction after casualty damage.

505.1 APPLICABILITY**505.2 CONTINUATION AND REPLACEMENT****505.3 ALTERATION AND EXPANSION****505.4 COMPLIANCE WITH DESIGN STANDARDS****505.5 RECONSTRUCTION FOLLOWING DAMAGE OR DESTRUCTION****505.6 NONCONFORMING SECONDARY USES****§506 NONCONFORMING USES**

This section includes provisions dealing with existing uses that no longer conform with the zoning district provisions where they are located.

506.1 APPLICABILITY**506.2 DECLARED INCOMPATIBLE****506.3 CONTINUATION ALLOWED****506.4 INCREASING ELEVATION****506.5 USE SEPARATION REQUIREMENTS****506.6 EXTENSION OR EXPANSION****A. SINGLE-FAMILY DETACHED DWELLINGS**

⁵⁶ This replaces Section 15-125 of the Land Use Ordinance.

B. MANUFACTURED OR MOBILE HOMES

C. ALL OTHER USES

D. RENOVATION LIMITED

506.7 CONVERSION

506.8 RESTORATION FOLLOWING CASUALTY DAMAGE

A. SIGNIFICANT DAMAGE

B. INSIGNIFICANT DAMAGE

506.9 CESSATION

CHAPTER 6.

STANDARDS

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KEY CHANGES FROM CURRENT LUO	
[placeholder]	

§601 CHAPTER INTRODUCTION

This chapter includes standards and guidelines for developing property or establishing new uses of property to ensure the protection of the health, welfare, safety, and quality of life for local citizens, visitors, and business owners. These provisions address the physical relationship between development and adjacent properties, public streets, public water bodies, neighborhoods, and the natural environment.

§602 ACCESS AND CIRCULATION

This is a new, comprehensive section that deals with ingress, egress, and circulation within development sites. The standards address access to individual lots, whether via public street, private street, shared driveway, or private driveway. It establishes standards for minimum points of entry (via streets) into new developments and differing standards for driveways serving residential versus non-residential developments (including spacing, surfacing, width, and how parking is accommodated). The standards also address street continuation, public water access, street stubs onto abutting vacant lands, street connectivity, and parking lot connections between adjacent, compatible uses, including configuration and placement.

602.1 PURPOSE AND INTENT

602.2 APPLICABILITY

A. GENERALLY

B. REDEVELOPMENT

C. REVIEW REQUIRED

602.3 ACCESS TO LOTS⁵⁷

A. PURPOSE

B. ACCESS REQUIRED FOR ALL LOTS

C. DIRECT ACCESS TO THOROUGHFARES

D. AUTHORIZATION REQUIRED BEFORE CONSTRUCTION

E. ALTERNATIVE ACCESS

602.4 DRIVEWAYS

A. PURPOSE

B. PARKING LOTS DISTINGUISHED

C. GENERAL STANDARDS APPLIED TO ALL DRIVEWAYS

I. COMPLIANCE WITH CITY STANDARDS

⁵⁷ NOTE TO STAFF: Do you want to allow single family access on private roads or only allow on public roads?

2. COMPLIANCE WITH NCDOT STANDARDS**3. CONFIGURATION****4. DRIVEWAY SURFACING****5. MAINTENANCE****D. RESIDENTIAL DRIVEWAYS****1. DESIGN****2. DEPTH AND WIDTH****3. NUMBER OF ACCESS POINTS AND DRIVEWAYS****4. SPACING****5. ALTERNATIVE ACCESS****E. NONRESIDENTIAL DRIVEWAYS****1. DESIGN****2. MINIMUM PARKING LOT ACCESSWAY DEPTH****3. NUMBER OF ACCESS POINTS****4. SPACING****F. SHARED ACCESS****G. NONCONFORMING DRIVEWAYS****H. REVISION OF EXISTING ACCESS****602.5 ON-SITE PEDESTRIAN CIRCULATION****A. PURPOSE****B. GENERAL STANDARDS****602.6 PARKING LOT CONNECTIONS****A. PURPOSE****B. APPLICABILITY****C. EXEMPTIONS****D. CONFIGURATION**

E. IMPACT ON REQUIRED SITE FEATURES

F. EASEMENT REQUIRED

G. CONNECTION REQUIRED

602.7 SIGHT DISTANCE TRIANGLES**A. PURPOSE**

B. SIGHT DISTANCE TRIANGLES ESTABLISHED

C. MEASUREMENT OF A SIGHT DISTANCE TRIANGLE

D. LIMITATIONS ON OBSTRUCTIONS WITHIN REQUIRED SIGHT DISTANCE TRIANGLES

§603 HISTORIC DESIGN STANDARDS⁵⁸

Cross reference to outside standards document,

§604 EXTERIOR LIGHTING

This section replaces Section 15-25I and addresses exterior building lighting and exterior lighting from recreational facilities. It establishes a set of prohibited lighting forms, requirements for the preparation of a lighting plan for most forms of development, basic requirements for shielding the source of illumination and limits to glare (visibility of the illumination source from off-site areas), maximum mounting heights, maximum illumination values at lot lines, uniformity ratios within parking lots, and standards for nonconforming lighting.

604.1 PURPOSE AND INTENT**604.2 APPLICABILITY****A. GENERALLY****B. RESIDENTIAL DEVELOPMENT****C. EXPANSION OR REMODELING****D. NONCONFORMING LIGHTING****604.3 EXEMPTIONS****604.4 PROHIBITED LIGHTING****A. EXCESSIVE ILLUMINATION****B. FLASHING OR REVOLVING****C. HIGH INTENSITY LIGHTING****D. LUMINOUS TUBE LIGHTING****E. TRAFFIC CONTROL SIGNALS****604.5 LIGHTING PLAN****A. APPLICABILITY****B. LIGHTING PLAN NOT REQUIRED****C. CERTIFICATION REQUIRED****604.6 EXTERIOR LIGHTING STANDARDS**

⁵⁸ NOTE TO STAFF: This section is applicable in the historic zoning districts

A. APPEARANCE**B. ARCHITECTURAL LIGHTING****C. FIXTURE HEIGHT****D. LAMP TYPE****E. MAXIMUM ILLUMINATION LEVELS****F. MOUNTING LOCATION****G. SHIELDING****604.7 STANDARDS FOR SPECIFIC SITE FEATURES AND USES****A. BUILDING ENTRANCES AND GATHERING AREAS****B. OUTDOOR RECREATION AND PERFORMANCE USES****1. GLARE CONTROL PACKAGE****2. HOURS OF OPERATION****C. PARKING LOTS****1. LIGHTING REQUIRED****2. AMBIENT LIGHTING REQUIRED****3. PLACEMENT CONSISTENT WITH REQUIRED LANDSCAPING****D. STRING LIGHTS****604.8 STREET LIGHTS****604.9 MEASUREMENT****A. MEASURED AT THE LOT LINE****B. MEASURED AT FINISHED GRADE****C. MEASUREMENT DEVICE**

§605 INFRASTRUCTURE

This section replaces provisions found throughout the Land Development Ordinance but primarily Articles XIV and XV. This section establishes standards for the planning and installation of public infrastructure as part of development, whether as part of a subdivision, site plan, or expansion or addition of an existing site. Many of the current standards will be carried forward pending further discussion with City infrastructure providers.

605.1 PURPOSE AND INTENT

605.2 APPLICABILITY

605.3 GENERALLY

A. BEAR REASONABLE RELATIONSHIP

B. CONSISTENCY WITH ADJACENT DEVELOPMENT

C. INSTALLATION SEQUENCE

D. LOCATION

E. MAINTENANCE REQUIRED

F. PLANS (AS-BUILT) REQUIRED

G. UNDERGROUND UTILITIES REQUIRED

605.4 BRIDGES AND DAMS

A. BRIDGES

B. DAMS

605.5 CLUSTER MAILBOXES⁵⁹

A. ACCESS

B. CONSTRUCTION

C. LOCATION

D. LIGHTING

E. PARKING

605.6 DRAINAGE FACILITIES

⁵⁹ These standards will address stakeholder comments from February 2024 interviews. Specifically, the standards will comply USPS and ADA standards, and with the exception of the associated on-street parking will not be permitted in the public right-of-way.

A. APPLICABILITY**B. APPROVAL REQUIRED****C. CONFIGURATION****1. COMPLIANCE WITH STORMWATER SECTION****2. MUNICIPAL STORM DRAINAGE SYSTEM****3. PRIVATE DRAINAGE SYSTEM****D. MAINTENANCE RESPONSIBILITY****E. TIMING****605.7 EASEMENTS⁶⁰****A. GENERALLY****1. EASEMENTS DISTINGUISHED****2. ALLOWABLE FEATURES****3. AUTHORIZATION FOR REMOVAL OF FEATURES IN AN EASEMENT****B. ACCESS EASEMENTS****C. DRAINAGE EASEMENTS****D. MAINTENANCE EASEMENTS****E. PUBLIC UTILITY EASEMENTS****1. CONFIGURATION****2. GRADE****3. LOCATION****4. MAINTENANCE****F. ROADWAY SLOPE EASEMENTS****605.8 ELECTRICITY****A. SERVICE PROVIDER DETERMINATION****B. CONFIGURATION**

⁶⁰ This will clarify when public drainage easements are required and ensure location/width allow for adequate accessibility. As part of the stakeholder interviews in February 2024, it was continually reiterated that fences and vegetation are often installed on easements which impacts access and maintenance.

C. OWNERSHIP**605.9 FIRE PROTECTION****A. FIRE CODE****B. FIRE HYDRANTS****605.10 POTABLE WATER****A. POTABLE WATER SUPPLY SYSTEM REQUIRED****B. CONNECTION TO PUBLIC PORTABLE WATER SYSTEM****1. WITHIN THE CORPORATE LIMITS****2. OUTSIDE THE CORPORATE LIMITS****C. CONFIGURATION****D. DEDICATION AND ACCEPTANCE****E. CONNECTION FEES****F. OVERSIZING****G. ON-SITE POTABLE WATER SUPPLY SERVICE****605.11 REFUSE COLLECTION****605.12 STREETS****A. COMPLIANCE WITH ADOPTED POLICY GUIDANCE****B. STREETS DISTINGUISHED****C. DEDICATION REQUIRED****D. CONSTRUCTION AND IMPROVEMENT REQUIRED****E. MAINTENANCE REQUIRED****F. GENERAL REQUIREMENTS FOR ALL STREETS****1. STREET CLASSIFICATION****2. STREET CROSS SECTIONS**

3. STREET DESIGN**4. BLOCK LENGTH AND WIDTH****5. STREET CONTINUATION****6. STREET CONNECTIVITY****7. DEVELOPMENT ENTRY POINTS****G. PRIVATE STREETS****1. COMPLY WITH STANDARDS FOR PUBLIC STREETS****2. LIMITED TO LOCAL STREETS****3. MAINTENANCE****4. PRIVATE STREET DEED DISCLOSURE****5. COMPLIANCE WITH EASEMENTS****H. CURB AND GUTTER****I. STREET NAMES****J. STREET SIGNS****K. TRAFFIC CONTROL DEVICES****L. VEHICULAR GATES****605.13 WASTEWATER****A. WASTEWATER TREATMENT SYSTEM REQUIRED****B. CONNECTION TO PUBLIC WASTEWATER TREATMENT SYSTEM****1. WITHIN THE CORPORATE LIMITS****2. OUTSIDE THE CORPORATE LIMITS****C. CONFIGURATION****D. DEDICATION AND ACCEPTANCE****E. CONNECTION FEES****F. OVERSIZING**

G. ON-SITE WASTEWATER TREATMENT SERVICE

H. PRIVATE COMMUNITY-LEVEL WASTEWATER TREATMENT FACILITIES

§606 LANDSCAPING AND SCREENING

This is a new section that replaces Article XIX of the Land Use Ordinance. This section applies a set of landscaping standards to non-residential, multi-family, and mixed-use development. It includes a comprehensive set of applicability and exemption standards, requirements for landscape plans, a new set of plant material specifications with requirements for species diversity. There are generic provisions for landscaping placement along rights of way, in easements, stormwater measures, and the rules pertaining to utility easements. The standards clarify the kinds of features allowable in required landscaping areas, along with comprehensive maintenance and inspection standards. The landscaping standards are organized into parking lot landscaping (shade trees, islands, and perimeter screening), perimeter buffers with options for alternative configuration based on fencing, existing landscaping, and shading condition. The standards also include a comprehensive set of screening requirements applied based on the type of site feature being screened and the type of adjacent off-site area.

606.1 PURPOSE AND INTENT**606.2 APPLICABILITY****A. NEW PRINCIPAL BUILDINGS OR USES**

B. SUBDIVISIONS OF LAND

C. IMPROVEMENTS AND EXPANSIONS

D. MULTI-PHASE DEVELOPMENT

606.3 EXEMPTIONS**606.4 LANDSCAPING PLAN REQUIRED****A. PURPOSE**

B. LANDSCAPING IN A STORMWATER RETENTION POND

C. PHASED DEVELOPMENT

606.5 LANDSCAPING TIMING**A. PURPOSE**

B. GENERALLY

606.6 MAINTENANCE AND INSPECTION REQUIRED**A. PURPOSE****B. RESPONSIBILITY****C. MAINTENANCE****D. INSPECTION****1. POST CONSTRUCTION INSPECTION****2. FOLLOW-UP INSPECTION****3. PERIODIC INSPECTION****606.7 PLANT MATERIAL SPECIFICATIONS****A. PURPOSE****B. CANOPY TREE SIZE****C. UNDERSTORY TREE SIZE****D. SHRUB SIZE AND VARIETY****E. NATIVE OR LOCALLY ADOPTED SPECIES****F. SPECIES DIVERSITY****G. SOIL STABILIZATION****606.8 PLANT MEASUREMENT****A. PURPOSE****B. DETERMINING TREE SIZE AT TIME OF PLANTING****1. TREES UNDER FOUR INCHES IN CALIPER****2. TREES OVER FOUR, BUT LESS THAN TWELVE INCHES, IN CALIPER****3. TREES OF TWELVE INCHES, OR MORE, IN CALIPER****C. DETERMINING TREE SIZE OF EXISTING TREES****D. ROUNDING**

E. CALCULATION OF REQUIRED LANDSCAPING YARD OR AREA DISTANCES**606.9 PLANT PLACEMENT****A. PURPOSE****B. OUTSIDE PUBLIC STREET RIGHTS-OF-WAY****C. GROUPING OF PLANT MATERIAL****D. MULTIPLE-LOT UNIFIED DEVELOPMENT****E. EASEMENTS****F. CONFLICTS WITH SETBACKS, EASEMENTS, AND REQUIRED LANDSCAPING AREAS****G. FIRE PROTECTION SYSTEM****H. LANDSCAPING IN BIO-RETENTION CELLS****I. PERMITTED ENCROACHMENTS****J. PROHIBITED FEATURES****606.10 PLANTING FLEXIBILITY****A. PURPOSE****B. CREDIT FOR EXISTING VEGETATION****C. REVISIONS TO APPROVED LANDSCAPE PLANS****D. ALTERNATIVE LANDSCAPE PLANS****1. CONDITIONS JUSTIFYING ALTERNATIVE LANDSCAPE PLAN****2. INTENT****3. ALLOWABLE MODIFICATIONS****4. DOCUMENTATION****E. BERMS****F. FENCES AND WALLS**

G. PLANTERS**606.11 OFF-STREET PARKING LOT LANDSCAPING****A. PURPOSE****B. INTERIOR PLANTINGS**

1. AREA TO BE LANDSCAPED
2. LANDSCAPING ISLANDS AND STRIPS
3. PROTECTION OF LANDSCAPE ISLANDS
4. PROTECTION FROM PEDESTRIAN WALKWAYS
5. STORMWATER MANAGEMENT
6. STRUCTURAL SOIL REQUIRED

C. PERIMETER PLANTINGS

1. INTENT
2. LOCATION
3. PLANTING RATE
4. SIZE OF PLANT MATERIAL
5. CREDIT TOWARDS REQUIRED PERIMETER BUFFERS
6. ALTERNATIVES
7. EXEMPTIONS

D. SHADE TREES**606.12 PERIMETER BUFFERS****A. PURPOSE****B. APPLICABILITY****C. BUFFERS DISTINGUISHED****D. BUFFER DETERMINATION**

E. BUFFER LOCATION**F. MASS GRADING****G. BUFFER APPLICATION****H. EXEMPTIONS****606.13 SCREENING****A. PURPOSE****B. USING THESE STANDARDS****C. APPLICABILITY****1. GENERALLY****2. PRE-EXISTING DEVELOPMENT****3. EXPANSIONS OR REMODELING****D. EXEMPTIONS****E. GENERAL REQUIREMENTS****606.14 SITE LANDSCAPING****A. PURPOSE****B. SITE LANDSCAPING STANDARDS****606.15 STREET TREES****A. PURPOSE****B. WHERE REQUIRED****C. LOCATION****1. WITHIN TREE PITS****2. WITHIN PLANTING STRIPS****3. TREE PLACEMENT****4. TYPES OF TREES**

5. SPECIES

6. ON-CENTER SPACING

7. COMPLIANCE WITH NCDOT STANDARDS

606.16 STREETScape BUFFERS

A. PURPOSE

B. APPLICABILITY

C. EXEMPTION

D. REQUIRED PLANT MATERIAL

1. GENERALLY

2. REAR YARD STREETScape BUFFERS

E. PLACEMENT

F. PROHIBITED FEATURES

606.17 VIOLATION AND REPLACEMENT

A. PURPOSE

B. DAMAGE OR REMOVAL OF VEGETATION IS A VIOLATION

C. REPLACEMENT REQUIRED

D. REVEGETATION PLAN REQUIRED

E. LOCATION OF REPLACEMENT TREES AND VEGETATION

F. EXCESSIVE PRUNING

§607 OPEN SPACE SET-ASIDE AND PARKLAND

This section overhauls Article XIII of the Land Use Ordinance and establishes open space provisions that include a private common open space set-aside requirement applied to all uses and a parkland dedication (or fee-in-lieu) requirement for single-family residential development. The open spaces standards will be a percentage of the lot or development size (with exemptions for small residential developments), and there will be three forms of open space: active, passive (to include the proposed Forestland Protection Standards), and civic. The standards will clarify ownership and maintenance standards and will specify the range of use types and activities that may take place within or be credited towards the open space set-aside requirements.

607.1 PURPOSE AND INTENT

607.2 APPLICABILITY

607.3 OPEN SPACE SET-ASIDE

A. PURPOSE

B. APPLICABILITY

1. GENERALLY

2. CONSERVATION SUBDIVISIONS

3. EXEMPTIONS

C. HOW TO USE THESE STANDARDS

D. MINIMUM OPEN SPACE SET-ASIDE REQUIREMENTS

1. AMOUNT

2. TYPE

E. OPEN SPACE SET-ASIDE CONFIGURATION

1. PASSIVE OPEN SPACE SET-ASIDE

2. ACTIVE OPEN SPACE SET-ASIDE

3. GATHERING SPACES

4. FEATURES NOT CREDITED TOWARDS OPEN SPACE SET-ASIDE

F. MAINTENANCE OF OPEN SPACE SET-ASIDES

G. OWNERSHIP OF OPEN SPACE SET-ASIDES

1. HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATION

2. NONPROFIT ORGANIZATION

3. DEDICATED TO CITY OR OTHER PUBLIC AGENCY

607.4 PARKLAND DEDICATION

A. DEDICATION AMOUNT

B. DEDICATION OR PAYMENT OF FEE-IN-LIEU PROCEDURE

C. NATURE OF LAND TO BE DEDICATED

1. UNITY

2. USABILITY

3. SHAPE

4. LOCATION

5. ACCESS

6. GREENWAYS

§608 OWNERS' ASSOCIATIONS

This section replaces Section 15-200, which is part of the Article XIII, Open Space, and expands the standards to require developments with common lands or private infrastructure to form and maintain an owners' association in order to ensure proper maintenance of those facilities. The section sets out the responsibilities of the association, the procedure for establishment, documentation requirements, and membership requirements. The section also clarifies the process for transfer of maintenance responsibility from the developer to the HOA.

608.1 PURPOSE AND INTENT

608.2 APPLICABILITY

608.3 CREATION REQUIRED

608.4 MEMBERSHIP REQUIREMENTS

608.5 PROCEDURE FOR ESTABLISHMENT

608.6 RESPONSIBILITIES

608.7 REQUIRED DOCUMENTATION

608.8 TRANSFER OF MAINTENANCE RESPONSIBILITY

608.9 FAILURE TO MAINTAIN IS A VIOLATION

§609 PARKING AND LOADING⁶¹

This section carries forward the recently adopted downtown parking standards, and updates Article XVIII of the Land Use Ordinance. It includes a comprehensive applicability section that addresses how the standards are applied to changes in use, redevelopment areas, minor additions of parking spaces to existing parking lots, sites with multiple principal uses, and minor building additions. The new section provides a minimum parking space standard for each listed principal use (eliminates use number system in the current LUO), parking maximums for certain uses like large format retail, standards for secondary uses, along with bicycle parking standards. The current parking standards will be revised to be based on building square footage for consistency with national best practice. The standards also update parking lot configuration, surfacing, drive aisle and throat lane standards, as well as stacking or standing spaces. The standards include new parking lot flexibility options through an alternative parking plan provision.

609.1 PURPOSE AND INTENT

609.2 APPLICABILITY

⁶¹ As part of the stakeholder interviews that occurred in 2024, the new parking standards in the downtown were viewed as a positive change, yet the remainder of the City still has challenges, especially in some redevelopment areas as well as sites with multiple uses. This section will address those concerns.

A. GENERALLY**B. ADDITIONS AND EXPANSIONS****C. CHANGES IN USE****D. ADDITION OF NEW PARKING SPACES****E. PRE-EXISTING NONCONFORMING DEVELOPMENT****609.3 EXEMPTIONS****609.4 OFF-STREET PARKING REQUIREMENTS****A. PARKING PLAN REQUIRED****B. MINIMUM OFF-STREET PARKING SPACES REQUIRED****C. OFF-STREET PARKING SPACE MAXIMUM****D. USE TYPE NOT LISTED****E. DEVELOPMENTS WITH MULTIPLE USE TYPES OR LOTS****F. USE OF REQUIRED OFF-STREET PARKING SPACES****G. DRIVEWAYS USED TO MEET PARKING REQUIREMENTS****H. GARAGES USED TO MEET PARKING REQUIREMENTS****1. SINGLE-FAMILY DETACHED DWELLINGS****2. SINGLE-FAMILY ATTACHED, TWO-FAMILY DWELLING, TRIPLEX, AND QUADPLEX DWELLINGS****3. STRUCTURED PARKING****I. ON-STREET PARKING SERVING REAR-LOADED LOTS****J. MINIMUM OFF-STREET PARKING REQUIREMENTS TABLE****609.5 BICYCLE SPACES****A. APPLICABILITY****B. RATE OF PROVISION**

C. CONFIGURATION

D. SHARED PARKING SPACES

609.6 STACKING SPACES

A. GENERALLY

609.7 PARKING LOT CONFIGURATION

A. GENERALLY

B. CURBS AND WHEEL STOPS

C. DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

D. EXTERIOR LIGHTING

E. GRADING AND DRAINAGE

F. LANDSCAPING

G. MAINTENANCE

H. MARKINGS

I. MINIMUM PARKING LOT STEM LENGTH

J. PARKING SPACE ACCESS

K. PEDESTRIAN WALKWAYS

L. SEPARATION FROM FIRE PROTECTION FACILITIES

M. SURFACE MATERIALS

N. VEHICLE BACKING

609.8 PARKING FLEXIBILITY

A. GENERALLY

B. ALTERNATIVE SURFACING

C. DEVIATION FROM REQUIRED MINIMUM

D. OFF-SITE PARKING

E. ON-STREET PARKING

F. PROVISION OVER THE MAXIMUM ALLOWED

G. SHARED PARKING

H. VALET PARKING

609.9 OFF-STREET LOADING

A. LOADING FACILITIES REQUIRED

B. MINIMUM OFF-STREET LOADING SPACE REQUIREMENTS

C. LOCATION

D. DIMENSIONAL STANDARDS FOR LOADING SPACES

609.10 MEASUREMENT

A. ROUNDING

B. MULTIPLE AND MIXED USES

C. SEAT BASED STANDARDS

D. EMPLOYEE BASED STANDARDS

E. FLOOR-AREA BASED STANDARDS

F. PARKING SPACE AND ACCESS AISLE DIMENSIONS

§610 PEDESTRIAN FACILITIES

This is a new section that establishes a consolidated set of pedestrian facility requirements based on policy guidance pertaining to sidewalks and greenways. The standards clarify that pedestrian facilities are required in most parts of the City as identified in adopted policy guidance. The standards set out requirements for dedication and construction of these required features (with the ability to propose fee-in-lieu) in instances where existing facilities are sufficient to maintain pedestrian connection or construction is impracticable. The standards set out sidewalk and greenway configuration, allowable setback reductions from greenways, and how pedestrian facilities are credited towards parkland and open space set-aside requirements.

610.1 PURPOSE AND INTENT

610.2 APPLICABILITY

610.3 GREENWAYS AND TRAILS

A. GREENWAYS AND TRAILS DISTINGUISHED

1. GREENWAYS

2. TRAILS

B. GREENWAY RESERVATION AND CONSTRUCTION REQUIRED

C. GREENWAY CONFIGURATION

1. MINIMUM GREENWAY WIDTH

2. EASEMENT REQUIRED

3. GREENWAY ACCESS

4. GREENWAY SURFACE

5. MAXIMUM GRADE

6. SLOPE

7. ASSOCIATED FEATURES

8. LOCATION WITHIN BUILDABLE LOTS

9. LOCATION WITH RIPARIAN AREAS

D. GREENWAY FEE-IN-LIEU

E. GREENWAY CREDITS

F. OPEN SPACE SET-ASIDE CREDITS

G. MAINTENANCE REQUIREMENTS**610.4 SIDEWALKS AND MULTI-USE PATHS****A. APPLICABILITY****B. SIDEWALKS AND MULTI-USE PATHS DISTINGUISHED****1. SIDEWALKS****2. MULTI-USE PATHS****C. SIDEWALK AND MULTI-USE PATH DEDICATION AND CONSTRUCTION REQUIRED****D. SIDEWALK AND MULTI-USE PATH LOCATION****1. BOTH SIDES OF THE STREET****2. ONE SIDE OF THE STREET****3. NO SIDEWALKS OR MULTI-USE PATHS REQUIRED****E. SIDEWALK AND MULTI-USE PATH CONFIGURATION****F. TIMING OF INSTALLATION****G. FEE-IN-LIEU****H. MAINTENANCE REQUIREMENTS****§611 SIGNAGE**

This section replaces the sign standards in Article XVII of the Land Use Ordinance. It enhances the purpose and intent standards to identify content neutrality and protection of 1st amendment rights while also removing the remaining content-based sign standards (standards where City staff must read the sign in order to determine what regulations should apply to the sign, or standards related corporate logos, religious symbols, for profit, etc.). Establishment of basic exemptions for several kinds of signage including governmental and parking-related signs. More clarity regarding the range of prohibited signs like moving, off-premise, and outdoor advertising signs. Establishment of a series of tabular-based provisions for each of the 13 generic sign types anticipated by the Land Use Ordinance. It also includes provisions for uniform sign plans applied to multi-building developments.

611.1 PURPOSE AND INTENT**611.2 APPLICABILITY****611.3 EXEMPTIONS**

611.4 NONCONFORMING SIGNAGE**611.5 PROHIBITED SIGNAGE****611.6 PROHIBITED SIGN LOCATIONS****611.7 PROVISIONS APPLICABLE TO ALL SIGNS****A. SIGN PERMIT REQUIRED****B. SIGNS NOT SUBJECT TO SIGN PERMIT****C. SIGNS IN PUBLIC STREETS RIGHTS-OF-WAY****1. GENERALLY****2. SIGNS ALLOWED IN THE RIGHT-OF-WAY****3. REMOVAL OF ILLEGAL SIGNS IN RIGHT-OF-WAY AND ON PUBLIC PROPERTIES****D. CHANGEABLE COPY****E. ILLUMINATION****1. GENERALLY****2. INTERNAL ILLUMINATION****3. INDIRECT OR EXTERNAL ILLUMINATION****4. FLASHING OR INTERMITTENT LIGHTS PROHIBITED****F. STRUCTURAL CONFIGURATION****G. MAINTENANCE REQUIRED****H. REMOVAL OF DILAPIDATED OR OBSOLETE SIGNS****1. DILAPIDATED SIGNS****2. OBSOLETE SIGNS****3. FAILURE TO REMOVE SIGNAGE****4. INSPECTION**

I. PUBLIC ART AS SIGNAGE

611.8 SIGN MEASUREMENT

A. SIGN FACE AREA DETERMINATION

B. SIGN HEIGHT DETERMINATION

C. WALL AREA (FOR THE PURPOSED OF SIGN AREA MEASUREMENT)

611.9 SIGN STANDARDS BY SIGN TYPE

A. AWNING SIGN

B. BANNER SIGN

C. ELECTION SIGNS

D. ELECTRONIC MESSAGE BOARDS

E. FLAGS

F. GROUND SIGNS

G. INCIDENTAL SIGNS

H. PROJECTING SIGNS

I. SIDEWALK SIGNS

J. SUBDIVISION SIGNS

K. SUSPENDED SIGNS

L. TEMPORARY SIGNS

M. WALL SIGNS

N. WINDOW SIGNS

§612 SOIL EROSION & SEDIMENTATION CONTROL

This section will be updated accordingly if the Stormwater Ordinance is folded into the Land Use Ordinance.

612.1 PURPOSE AND INTENT

612.2 APPLICABILITY

612.3 SCOPE AND EXCLUSIONS

A. GEOGRAPHICAL SCOPE OF REGULATED LAND-DISTURBING ACTIVITY

B. EXCLUSIONS FROM REGULATED LAND-DISTURBING ACTIVITY

C. PLAN APPROVAL REQUIREMENT FOR LAND-DISTURBING ACTIVITY

D. PROTECTION OF PROPERTY

612.4 MANDATORY STANDARDS FOR LAND-DISTURBING ACTIVITY

A. BUFFER ZONE; STANDARD BUFFER

B. GRADED SLOPES AND FILLS

C. FILL MATERIAL

D. GROUND COVER

E. PRIOR PLAN APPROVAL

F. DE-WATERING

G. PLAN APPROVAL REQUIRED

612.5 EFFECTIVE DATE

612.6 VIOLATIONS

612.7 EROSION AND SEDIMENTATION CONTROL PLANS

A. PLAN SUBMISSIONS

B. FINANCIAL RESPONSIBILITY AND OWNERSHIP

C. UTILITIES

D. PERFORMANCE GUARANTEE

E. ENVIRONMENTAL POLICY ACT DOCUMENT

F. CONTENT

G. TIMELINE FOR DECISIONS ON PLANS

H. APPROVAL

I. DISAPPROVAL FOR CONTENT

J. OTHER DISAPPROVALS

K. PLAN APPEALS

L. TRANSFERS

M. NOTICE OF ACTIVITY INITIATION

N. PRE-CONSTRUCTION CONFERENCE

O. DISPLAY OF PLAN APPROVAL

P. REQUIRED REVISIONS

Q. AMENDMENT TO A PLAN

R. FAILURE TO FILE A PLAN

612.8 INSPECTIONS**A. SELF INSPECTIONS**

B. OTHER INSPECTIONS AND INVESTIGATIONS

1. INSPECTION

2. WILLFUL RESISTANCE, DELAY OR OBSTRUCTION

3. NOTICE OF VIOLATION

4. INVESTIGATION

5. STATEMENTS AND REPORTS**612.9 BASIC CONTROL OBJECTIVES****A. OBJECTIVES**

- 1. IDENTIFY CRITICAL AREAS**
- 2. LIMIT TIME OF EXPOSURE**
- 3. LIMIT EXPOSED AREAS**
- 4. CONTROL SURFACE WATER**
- 5. CONTROL SEDIMENTATION**
- 6. MANAGE STORMWATER RUNOFF**

612.10 DESIGN AND PERFORMANCE STANDARDS**612.11 STORMWATER OUTLET PROTECTION****A. INTENT****B. PERFORMANCE STANDARD****C. ACCEPTABLE MANAGEMENT MEASURES****D. EXCEPTIONS****612.12 OTHER DISTURBED AREAS****A. BORROW AND WASTE AREAS****B. ACCESS AND HAUL ROADS****612.13 NATURAL FEATURES****A. OPERATIONS IN LAKES AND NATURAL WATERCOURSES****612.14 MAINTENANCE****A. RESPONSIBILITY FOR MAINTENANCE****B. ADDITIONAL MEASURES**

§613 STORMWATER

This section will be updated accordingly if the Stormwater Ordinance is folded into the Land Use Ordinance.

613.1 PURPOSE AND INTENT

613.2 APPLICABILITY

§614 SUBDIVISION DESIGN

The current subdivision standards are found throughout the Land Use Ordinance and in Part II of Article IV. This section consolidates and expands those provisions into a new section that addresses subdivision names, monuments, and basic subdivision layout. The plat submittal requirements and certifications are relocated to the new Article 10, Appendices. The subdivision review procedures are found in new Article 2, Applications.

614.1 PURPOSE AND INTENT

614.2 APPLICABILITY

614.3 EXEMPTIONS

614.4 APPROVAL AND RECORDATION OF PLAT REQUIRED

614.5 EASEMENTS

614.6 LANDSCAPING

614.7 LOT CONFIGURATION

614.8 MONUMENTS

614.9 REASONABLE RELATIONSHIP

614.10 SCHOOL SITE RESERVATIONS⁶²

614.11 SUBDIVISION NAME

⁶² NOTE TO STAFF: Is this section New Bern desires to have added to the LUO?

§615 SUSTAINABLE DEVELOPMENT INCENTIVES

This is a voluntary approach to incorporating more sustainable development (like low impact development, avoidance of mass grading, tree save, and similar approaches) by incorporating incentives like density bonuses and dimensional reductions in return for provision of sustainable development features. The section sets out a range of potential incentives that are available for an applicant to request. The section also identifies the range of sustainable development practices that must be provided by the applicant in order to utilize one or more of the requested incentives. The section includes a summary table of development practices that the applicant may choose from. Each practice has a rough “value”, and the standards require provision of at least two development practices in order to take advantage of an available incentive. Review for consistency with the requirements is undertaken during plan or permit review stage, and a failure to provide approved sustainable development practices is a violation of the LUO.

615.1 PURPOSE AND INTENT

615.2 APPLICABILITY

615.3 HOW TO USE INCENTIVES

615.4 TYPE OF INCENTIVES

615.5 PROCEDURE

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CHAPTER 7.

VIOLATIONS

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KEY CHANGES FROM CURRENT LUO

[placeholder]

§701 PURPOSE AND INTENT

This Chapter is an overhaul of Article VII of the Land Use Ordinance. The purpose for this Chapter is to clarify that the City seeks to encourage and assist with voluntary compliance with the application of penalties when necessary.

§702 COMPLIANCE REQUIRED

This section clarifies that compliance is required by all persons owning, developing, managing, using, or occupying land or structures.

§703 DESCRIPTION OF VIOLATIONS

This section enumerates and describes the most common classes of violation of the LDO. Examples include continuation/repeating a prior violation, development or subdivision of land without authorization, removal of trees in one of the historic zoning districts, and violations of environmental regulations.

703.1 CONTINUING OR REPEATING A PRIOR VIOLATION

703.2 DAMAGE OR REMOVAL OF REQUIRED LANDSCAPING

703.3 DEVELOPMENT INCONSISTENT WITH AUTHORIZATION

703.4 DEVELOPMENT WITHOUT AUTHORIZATION

703.5 REMOVAL OF TREES SUBJECT TO PROTECTION

703.6 SUBDIVISION OF LAND IN VIOLATION

703.7 USE IN VIOLATION

703.8 VIOLATION BY ACT OR OMISSION

703.9 VIOLATION OF ENVIRONMENTAL REGULATIONS

§704 ENTITY RESPONSIBLE

Designates City staff (Director of Development Services and the Stormwater Superintendent) responsible for enforcement and the range of potential responsible parties such as the landowner tenant.

704.1 PARTY RESPONSIBLE FOR ENFORCEMENT

704.2 PARTY RESPONSIBLE FOR VIOLATION⁶³

⁶³ This carries forward Section 15-113 of the Land Use Ordinance.

704.3 FAILURE BY CITY DOES NOT RELIEVE ENTITY**§705 PROCEDURES FOR ENFORCEMENT**

This section describes the basic steps the City follows with respect to determination if a violation exists and how it is to be corrected (as well as what happens if it is not).

705.1 COMPLAINTS⁶⁴**705.2 INSPECTIONS AND INVESTIGATION⁶⁵****705.3 WRITTEN NOTICE OF VIOLATION⁶⁶****705.4 REMEDY UPON NOTICE****705.5 FAILURE TO COMPLY WITH ORDER****705.6 CITATION****705.7 EACH DAY A SEPARATE VIOLATION****§706 REMEDIES⁶⁷**

This section identifies the range of remedies available to the City to induce compliance with the Land Use Ordinance. Remedies are continuous and cumulative. The section describes how each of the remedies are applied.

706.1 CIVIL PENALTIES**706.2 CONDITIONED PERMIT OR AUTHORIZATION****706.3 CRIMINAL PENALTIES****706.4 DENIAL OF PERMIT OR AUTHORIZATION****706.5 EQUITABLE REMEDY**

⁶⁴ Expands and rephrases Section 15-112 of the Land Use Ordinance.

⁶⁵ This replaces Section 15-118 of the Land Use Ordinance.

⁶⁶ This expands Section 15-115 of the Land Use Ordinance.

⁶⁷ This replaces Sections 15-114, 15-116, 15-117, 15-119, and 15-120 of the Land Use Ordinance.

706.6 INJUNCTIVE RELIEF**706.7 ORDER OF ABATEMENT****706.8 REVOCATION OF PERMITS****706.9 STOP WORK ORDERS****§707 STATUTE OF LIMITATIONS**

This section clarifies that the enforcement procedure may only be conducted in accordance with NCGS §§ 1-49(3) and 1-51(5) pertaining to the length of time that an enforcement action may be pursued by the City.

§708 VIOLATION OF FLOOD PROTECTION CONTROLS

This section carries forward and reorganizes the enforcement provisions in Article XVI of the Land Use Ordinance such as Sections 15-278 and 15-286.

708.1 VIOLATIONS TO BE CORRECTED**708.2 ACTIONS IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION****708.3 ORDER TO TAKE CORRECTIVE ACTION****708.4 APPEAL****708.5 FAILURE TO COMPLY WITH ORDER****708.6 PENALTIES****§709 VIOLATION OF SOIL AND EROSION AND SEDIMENTATION**

This section will outline the enforcement provisions for violating the Soil Erosion and Sedimentation Control standards in Chapter 7.

709.1 CIVIL PENALTIES**709.2 CRIMINAL PENALTIES****709.3 RESTORATION AFTER NONCOMPLIANCE**

§710 VIOLATION OF STORMWATER CONTROLS⁶⁸

This will fold in the appropriate sections of Article XXVI of the Code of Ordinances if desired by the City.

710.1 GENERALLY**710.2 ENFORCEMENT PROCEDURES****710.3 REMEDIES AND PENALTIES**

⁶⁸ NOTE TO STAFF: This section is required if the Stormwater Ordinance is repealed from the Code of Ordinances and added to the Land Use Ordinance.

CHAPTER 8. WORD USAGE

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KEY CHANGES FROM CURRENT LUO

[placeholder]

§801 ABBREVIATIONS

This section includes a glossary of the abbreviations used in the Ordinance.

§802 LANGUAGE CONSTRUCTION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

802.1 MEANINGS AND INTENT**802.2 LISTS AND EXAMPLES****802.3 COMPUTATION OF TIME****802.4 TIME-RELATED LANGUAGE****802.5 REFERENCES TO THIS ORDINANCE****802.6 REFERENCES TO OTHER ORDINANCES OR PUBLICATIONS****802.7 REFERENCES TO NORTH CAROLINA GENERAL STATUTES****802.8 DELEGATION OF AUTHORITY****802.9 JOINT AUTHORITY****802.10 TECHNICAL AND NON-TECHNICAL TERMS****802.11 PUBLIC OFFICIALS AND AGENCIES****802.12 MANDATORY AND DISCRETIONARY TERMS****802.13 CONJUNCTIONS****802.14 TENSES, PLURAL, AND GENDER****802.15 OATH****802.16 TERM NOT DEFINED**

§803 RULES OF MEASUREMENT

This section includes material explaining the different types of lots, lot lines, setbacks, and required yards. It identifies how various dimensional standards (like building height or use separations) are measured, and it sets out the allowable forms of deviation (such as exceptions to building heights, encroachments into setbacks, etc.). It also includes the basic rules for measurement such as rounding, determination of impervious surface, slope, and other basic measurement rules. Each set of standards will include illustrations demonstrating how the standards operate.

803.1 BASIC MEASUREMENT

A. ABUTTING VERSUS ADJACENT

B. DISTANCE

C. IRREGULAR SHAPES

D. LINEAR VERSUS SQUARE FEET

E. ROUNDING

Carries forward the fractional provisions and sets out the rules for when fractions are rounded up (like density, or rounded down, like parking provisions.

F. SEPARATION

803.2 DENSITY AND YIELD CALCULATIONS

This section describes how to calculate maximum allowable residential density versus calculation of the maximum number of individual lots (based on minimum lot size requirements by use type). It also address density equivalence issues like those related to accessory dwelling units or congregate care uses.

A. GENERALLY

B. CALCULATION OF DENSITY

C. CALCULATION OF MAXIMUM NUMBER OF LOTS

D. CALCULATION OF YIELD

E. DENSITY EQUIVALENCE OR EXEMPTION

803.3 FLOOR AREA

A. INCLUDED IN FLOOR AREA

B. EXCLUDED FROM FLOOR AREA

803.4 HEIGHT

A. MEASUREMENT

B. MAXIMUM

C. STORY

D. EXCEPTIONS

803.5 LOTS**A. LOT MEASUREMENTS**

B. LOT LINES

C. LOT TYPES

803.6 LOT COVERAGE**803.7 SETBACKS****A. PERIMETER SETBACK**

B. REAR SETBACK

C. SETBACKS FROM RAILROADS

D. SIDE SETBACK

E. STREET SETBACK

F. USE-BASED SETBACKS

803.8 SETBACK ENCROACHMENTS**803.9 SLOPE AND ELEVATION****A. SLOPE**

B. BASE FLOOD ELEVATION

C. FINISHED GRADE

D. NATURAL GRADE**E. REGULATORY FLOOD PROTECTION ELEVATION****803.10 MEASUREMENT OF STANDARDS****A. BUILDING WALL CALCULATION****B. EXTERIOR LIGHTING CALCULATION****C. FENCE AND WALL CALCULATION****D. LANDSCAPING CALCULATIONS****E. OFF-STREET PARKING CALCULATION****F. SIGNAGE CALCULATION****803.11 ZONING MAP BOUNDARIES****§804 TERMS DEFINED**

This section sets out the definitions of terms used in the Land Use Ordinance, including all use types, all procedures, all review authorities, and terms common to development standards and use standards. The section will include notes that some definitions, like those associated with signs, lot dimensions, or flood protection standards are located elsewhere in the Ordinance.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
A	
ADULT DAY CARE	A program operated in a structure other than a single-family dwelling that provides group care and supervision on a less than 24-hour basis, and in a place other than their usual place of residence, to adults 18 years or older who may be physically or mentally disabled, and which is certified or approved to operate by the State of North Carolina.
AIRPORT	Any area of land or water designated and set aside for the landing or taking-off of aircraft, the discharge or receiving of cargoes and/or passengers, or the repair, fueling or storage of aircraft
AGRICULTURAL PACKAGING AND PROCESSING	A commercial establishment engaged in the preparation, processing, and packaging of agricultural products.

⁶⁹ NOTE TO STAFF: Definitions for the land uses are included to assist in the review of the document. This table only includes the terms for the proposed uses the Listing of Common Principal Uses Table. No other terms are included.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
AGRICULTURAL STORAGE AND DISTRIBUTION	Commercial establishments devoted to the assembly, storage, and shipment of produce and agricultural products. Such uses do not include farms or places of production.
AGRICULTURE	A commercial establishment engaged in farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products for trade or re-sale.
ANIMAL HUSBANDRY	The commercial and non-commercial propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals and livestock. Examples include, but are not limited to, the raising and production of cattle (beef and dairy), pigs, mules, ducks, horses, goats, poultry, sheep, fish, and similar livestock or domesticated animals, and equestrian facilities. Concentrated animal feeding operations (CAFOs) are industrial uses. Breeding and rearing of animals typically thought of as household pets (e.g., dogs, cats, small rodents, etc.) is not animal husbandry.
ANIMAL SHELTER	A facility used to house and care for stray, homeless, abandoned, or neglected animals and that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.
AQUICULTURAL	A commercial establishment engaged in the controlled cultivation of aquatic animals or plants for food. Examples include, but are not limited to, finfish, crustaceans, shellfish, plants, algae, and bacteria.
ARBORETUM OR FORMAL GARDEN	A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.
ASPHALT OR CONCRETE PLANT	An industrial establishment engaged in the production of asphalt, macadam, blacktop, concrete, or mortar for use in the construction and repair of buildings, roadways, and vehicular use areas. The use involves the stockpiling of sand, binder and filler, as well as a heater to mix the ingredients, and trucks to deliver products to the site of installation.
AUDITORIUM, COLISEUM, OR CONVENTION CENTER	Auditorium, Coliseum, or Convention Center
B	
BANK OR CREDIT UNION	An establishment that provides retail banking services, mortgage lending, or similar services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities but shall not include bail bond brokers. Banks or credit unions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only, as well as drive-through facilities. A financial establishment that does not retain or provide cash or currency services to customers on-site is a financial services use.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
BAR, COCKTAIL LOUNGE, OR PRIVATE CLUB	An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities.
BARBER, HAIR, OR NAIL SALON	A commercial establishment engaged in the provision of services pertaining to hair care, hair, cutting, hair styling, nail care, and similar treatments to the general public. Such uses may include secondary retail sale of personal products for patrons.
BED AND BREAKFAST	A private residence, generally a single-family residence, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and businesspeople, where provision of meals is limited to breakfast for guests only. A bed and breakfast with more than six rooms available for rent is considered a hotel or motel.
BOARDING, INDOOR AND OUTDOOR	A commercial establishment providing socialization, training, or housing, in the absence of the owner, during the daytime or overnight for domesticated pets owned by the general public for which a fee is charged. Such uses may include any outdoor activity areas, runs, enclosures, or storage.
BOARDING, INDOOR ONLY	A commercial establishment providing socialization, training, or housing, in the absence of the owner, during the daytime or overnight for domesticated pets owned by the general public for which a fee is charged. Such uses do not include any outdoor activity areas, runs, enclosures, or storage.
BOARDING HOUSE	A residential dwelling that offers five or fewer sleeping rooms for rent by lodgers staying one or more nights. The dwelling contains a single common kitchen and may include other common areas for dining, laundry, and congregating. Boarding houses are not intended as group homes or halfway houses.
BOTTLE SHOP	A commercial establishment engaged in the retail sale of beer or wine offered for sale to an individual. Beverages may be sold for off-site (sealed container) or on-site consumption only in accordance with all applicable State laws and permits. Incidental sale of food or associated merchandise may also take place. Bottle shops that do not permit on-site consumption are considered general retail, high intensity.
BROADCASTING STUDIO	Uses including buildings, studios, and transmission facilities for the production and distribution of radio and television signals.
BROADCASTING TOWER	Vertical projections and any associated buildings devoted solely to the electronic transmission and distribution of radio and television or other communication signals
BULKY ITEM SALES	A commercial establishment engaged in the retail sale of large or bulky items that are not commonly constructed or maintained indoors, such as truck camper tops, bed liners, prefabricated outdoor buildings, manufactured homes, modular homes, play equipment, portable storage containers, or hot tubs. Such uses may include on-site assembly or fabrication of such items for sale.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
BUNGALOW COURT	A series of single-family detached homes configured as a cohesive development that incorporates smaller lot sizes, reduced setbacks, shared accessways, a shared driveway, perimeter landscape buffering, and where each home complies with residential design guidelines in this Ordinance or conditions of approval.
BUS STATION	Any premise for the transient housing or parking of buses and the loading and unloading of passengers.
BUSINESS INCUBATOR	A commercial establishment that provides support and encouragement to new business startups and ventures in the form of affordable floor area to rent, shared office space, shared marketing resources, and may also provide management training services and access to financing. Business incubators contain a wide array of use types, including retail, office, personal service, and light manufacturing uses. Some use types are specifically prohibited within a business incubator use, as specified in this Ordinance.
C	
CAMPGROUND	A commercial establishment containing two or more campsites or cabins available for overnight camping use whether by rental fee or short-term lease. Campgrounds may include recreational facilities, a store for the sale of food or camping supplies while on the premises, and facilities for the assembly of campers and guests. Campground does not include a summer camp, migrant labor camp, manufactured or mobile home park, or recreational vehicle park.
CATERING ESTABLISHMENT	A commercial establishment that prepares, delivers, and may or may not serve food and/or beverages to clients in a pre-arranged on-site or off-site location at a pre-arranged time. Catering operations associated with a restaurant are considered eating establishments, and catering associated with a hotel, motel, or conference venue is considered a secondary use.
CEMETERY OR MAUSOLEUM	Uses intended for the burial of the dead and dedicated for cemetery purposes. This use type may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns) but does not include a crematory.
CHECK CASHING SERVICE	An entity engaged in the business of cashing checks, drafts, or money orders for a fee, service charge, or other consideration.
CHILD DAY CARE	A commercial or non-profit use licensed by the State where, at any one time, three or more unrelated children under the age of 13 receive child care from an unrelated person in a building other than a private residence on a regular basis of at least one occurrence per week for more than four hours per occurrence. Such uses may also involve the provision of educational services in preparation for elementary school. This definition does not include incidental child care, cooperative arrangements among parents, or drop-in or short-term child care provided while parents work part-time or participate in other activities on the premises (e.g., churches, shopping malls, hotels, health spas).
COASTAL RESERVES OR SANCTUARIES	A protected area of importance for flora, fauna, or features of geological or other special interest, which is reserved and managed for purposes of conservation

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
COFFEE SHOP OR BAKERY	A commercial establishment engaged in the retail sale of coffee, tea, related beverages, as well as bread, baked goods, and confections for on-site and off-site consumption. Coffee shops or bakeries may also offer a limited range of food available for on-site or off-site consumption as well as merchandise associated with home consumption of coffee or tea. A coffee shop may also include, as a secondary use, equipment and facilities to prepare coffee beans for consumption. Uses engaged solely in coffee bean, flour, sugar, fruit, or other food staple processing for off-site consumption are manufacturing uses. Uses that derive the majority of their income from sales of food are restaurant uses.
COLLEGE OR UNIVERSITY	A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions.
CONSERVATION SUBDIVISION	The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as private common open space for conservation and/or recreation purposes. Dwelling units and related secondary uses are configured to be obscured from view from off-site areas within a conservation subdivision.
COMMUNITY CENTER	A building and grounds, open to members of the general public to be used as a place of meeting, recreation, or social activity and not operated for profit. Community centers are operated by governmental agencies, not-for-profit entities, or other private institutions.
COMMUNITY GARDEN	An exterior area for the small-scale production of vegetables and flowering plants for personal or small commercial use. This definition includes community and private gardens. This definition does not include crop production and nurseries.
COMPUTER RELATED SERVICES	A commercial establishment engaged in diagnosis and repair of personal computers and associated peripherals, including printers, network equipment, monitors, and related equipment. Such uses may also procure replacement parts and construct computer components or systems for clients. Limited sale of new or reconstructed computers and computer equipment is a secondary use. Manufacture or assembly of computer systems on an industrial scale or for resale to members of the general public is a light manufacturing use.
CONGREGATE CARE	A residential facility with support and supervisory personnel for the elderly or infirm that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational and social activities, financial services, transportation, laundry, and other services appropriate for the residents and designed to provide a relatively independent lifestyle.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
CONTINUING CARE RETIREMENT COMMUNITY (CCRC)	A retirement community configured as a single unified campus that includes independent living dwellings, assisted living facilities, and skilled nursing facilities that are owned and operated by a private company that provides a continuum of care to residents of the community. It may include on-site dining, medical care, and recreation and social facilities in addition to guest lodging and employee housing.
CONTRACTOR SERVICES OFFICE/YARD	Offices for building, heating, plumbing, electrical, or similar contractors, along with related indoor and outdoor storage facilities. Such uses may include minor assembly of parts but do not include fabrication of finished products from raw materials.
CONVENIENCE STORE (WITH GASOLINE SALES)	A retail establishment which offers for sale, primarily, the following types of articles: gasoline, vehicle-related products, pre-packaged, canned, and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, and general hardware articles. Site-prepared food products may also be offered for sale but only as a secondary activity of a convenience store and subject to the standards of this Ordinance. If vehicular maintenance and service are provided, the establishment is not classified as a convenience store.
CORRECTIONAL INSTITUTIONS	Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense. Such uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, agricultural facilities, and facilities for the production of goods or materials produced for sale.
COWORKING	A land use that serves as a shared workspace for employees of different organizations. Coworking spaces consist of private, self-contained offices as well as shared or common office workspaces available for rent by more than one individual. Coworking spaces may include shared administrative staff, document production, presentation equipment, storage, kitchens, or private meeting rooms.
D	
DATA CENTER AND CRYPTOMINING	An industrial-scale facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, climate control, back-up power generation, and other associated components related to digital data storage and transfer operations. Such uses may include secondary office or storage facilities located within enclosed structures.
DAY SPA (MEDICAL OR NON-MEDICAL)	A commercial or institutional use engaged in the provision of health, relaxation, exercise, diet, or lifestyle training or related services to members of the general public during regular business hours. Day spas do not offer overnight lodging or accommodations.
E	
EQUESTRIAN FACILITY	A commercial establishment engaged in the provision of boarding, training, and basic health care for horses and mules. Such uses may provide educational instruction. Secondary uses include showing areas, pastures, exercise facilities, and may also include facilities for conducting horse shows and hunts.
ELECTRICAL, HVAC, OR PLUMBING FABRICATION	An industrial establishment operated by a contractor, supplier, or distributor engaged in the fabrication and assembly of plumbing fixtures, electrical fixtures, HVAC ducting and equipment, fireplaces, or similar household or commercial features for off-site installation.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
EVENT VENUE, INDOOR	A commercial establishment engaged in the hosting and production of pre-planned events like weddings, corporate parties, or reunions entirely indoors. Typical secondary uses include kitchens or meal preparation space, limited overnight accommodations, photography studios, facilities to accommodate live or recorded music, and on- and off-site parking.
EVENT VENUE, INDOOR & OUTDOOR	A commercial establishment and associated grounds engaged in the hosting and production of pre-planned events like weddings, corporate parties, or reunions. Typical secondary uses include kitchens or meal preparation space, limited overnight accommodations, photography studios, facilities to accommodate live or recorded music, and on- and off-site parking.
EXTRACTIVE INDUSTRY	A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, hydraulic fracturing, and similar activities. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide farm.
F	
FAMILY CARE HOME	A North Carolina licensed facility 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. A mental health facility licensed by the State of North Carolina for up to six people shall also be considered a family care home. A disabled person is a person with a temporary or permanent physical, emotional, or mental disability including but not limited to an intellectual disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NCGS§122C-3(11)b.
FARMERS MARKET	A principal use that includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agriculture products.
FINANCIAL SERVICES	A commercial establishment that provides financial advice, information, or retail financial services to customers and businesses. Financial institutions include those establishments that receive cash or checks for the purposes of payments or investments as well as bail bond brokers. Establishments where patrons compete against others for cash or other prizes in games where the outcome is based on skill are electronic gaming operations.
FIRE/EMS/POLICE STATION	A facility that serves as the base of operations for a fire company, police precinct, sheriff's office, or emergency medical technician operation. Such facilities may also include living quarters for personnel, equipment storage, and vehicular maintenance areas.
FITNESS CENTER	A facility where members or nonmembers use equipment or space for the purpose of physical exercise. Such uses may include indoor swimming pools, athletic courts, tracks, or other similar features. Retail sales of hand-held fitness equipment, clothing, or health foods may occur as a secondary use.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
FLEA MARKET	A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. A farmer's market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items.
FRATERNAL CLUB OR LODGE	A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.
FREIGHT TERMINAL	A use where trucks, trailers, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed. A commercial use engaged solely in short- or long-term storage is a warehouse use.
FUEL OIL/BOTTLED GAS DISTRIBUTION	An establishment that stores and distributes fuel oil or bottled gases such as propane, oxygen, or liquid petroleum in bulk quantities for wholesale sale or distribution to retail outlets or end consumers at the point of use. A use engaged in sale of automobile fuel is a retail use.
FUNERAL RELATED SERVICES	A commercial establishment engaged in the provision of services related to funeral services for humans or pets. Such uses may provide embalming, cremation, and memorial services. Chapels and storage areas are secondary uses. Uses for the internment of human or animal remains are cemeteries.
G	
GAS AND PETROLEUM DISTRIBUTION	An establishment, consisting of its individual units, equipment, or components which in aggregate engages primarily in the storing and off-loading of gas and petroleum products via rail, truck, or pipeline.
GASOLINE SALES	A commercial establishment engaged in the retail sale of gasoline for use by consumers in private vehicles. Gasoline sales uses may also offer minor vehicle repairs and similar services as well as the secondary sale of food or beverages for off-site consumption. Gasoline sales uses are not engaged in the sale of oil products unrelated to the operation of private vehicles.
GOVERNMENT OFFICE	An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.
GOVERNMENTAL TRAINING FACILITY	A governmental operation, including structures, open areas, and other facilities intended for training use by governmental emergency service providers and personnel. Governmental training facilities are not open to members of the general public.
GROCERY STORE	An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public.
GROCERY STORE, MICRO	An establishment 10,000 sf or less engaged in retail sale of food, foodstuffs, sundries, or other common household items to members of the public.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
GROOMING	Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged.
H	
HALFWAY HOUSE	A licensed home for juveniles or adult persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently.
HAZARDOUS WASTE	By-products, derivatives, or residuals taking the form of a solid, liquid, or gas that has a degree rating in health, flammability, or reactivity of Class 3 or 4 as ranked by the National Fire Protection Association's Document 704 and that is used directly in research, laboratory, or production processes that have as their end product materials that are not hazardous, as defined in the North Carolina Building Code, Volume V – Fire Prevention.
HAZARDOUS WASTE MANAGEMENT FACILITY	A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste. For the purposes of the Floodplain Protection Overlay (FPO) district standards, complies with NCGS§130A, Article 9.
HEAVY EQUIPMENT SALES, RENTAL, & REPAIR	Premises on which new or used heavy equipment (tractors, loaders, excavators, backhoes, cranes, lifts, rollers and similar devices) are displayed for sale, lease, or rental. On-site repair and service to heavy equipment is also provided.
HEAVY MANUFACTURING	Uses that tend to require large amounts of bulk or unrefined materials which are typically processed and stored outdoors on the site. These uses require a significant amount of energy for the processing of raw materials, and are likely to generate significant noise, vibration, dust, glare, heat, odor, smoke, truck traffic, in the immediate vicinity of the use. Heavy manufacturing uses include, but are not limited to, manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants.
HELIPORT	An area, either on ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters. May include auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.
HOMELESS SHELTER	A facility or structure established by a governmental, institutional, or non-profit agency intended to provide shelter from the elements, food, and other services to community members who lack individual homes or who are in danger of losing their home.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
HOSPITAL	An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by State law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.
HOTEL OR MOTEL	A building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Hotels or motels may include an associated eating establishment, conference facilities, and on-site recreational amenities. Hotels or motels regularly offering extended duration stay facilities to patrons are extended stay facilities. Hotel, motel, resorts, lodges, and similar overnight lodging uses are to be considered synonymous uses.
I	
INDOOR COMMERCIAL RECREATION	A commercial establishment located entirely indoors that provides recreational, amusement, and entertainment opportunities for patrons, including activities such as billiards, bingo, bowling, video games, escape rooms, fortune tellers, skating rinks, laser tag, trampolines, and climbing walls.
INDOOR PUBLIC RECREATION	An institutional or public use that provides generalized or specialized recreational services or opportunities to members of the general public for free or for a fee. Recreation services could include swimming, court-based sports, fitness activities, or other forms of community-based recreation.
INSTRUCTIONAL SERVICES	A commercial establishment that offers instruction in arts, sports, crafts, skilled trades, or recreational activities to members of the general public for a fee.
J	
<>	<>
K	
<>	<>
L	
LAUNDRY AND CLEANING	A commercial establishment engaged in the cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents. Such uses may provide cleaning and laundering services on-site or in off-site locations.
LIBRARY	A public facility for the use, but not sale, of literary, historical, scientific, musical, artistic, or other reference materials.
LIGHT EQUIPMENT SALES, RENTAL, & REPAIR	A commercial established engaged in the retail sale, rental, or service of hand tools, small electrical or gasoline-powered tools, or similar devices typically used by home or business owners for non-professional purposes. Such uses may also provide for the rental of furniture, household goods, or appliances on a non-continuous short-term basis.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
LIGHT MANUFACTURING	Uses that involve indoor processing or assembly of finished or partially finished goods and do not require large stockpiles of raw material. Processing and storage activities take place solely within enclosed buildings, which helps limit (but does not completely prevent) the creation of noise, vibration, dust, glare, heat, odor, and smoke. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.
LIVE/WORK	A structure or portion of a structure combining a dwelling unit with an integrated non-residential work space typically used by one or more of the residents. The non-residential work space is found on the building's ground floor.
LEVEL 2 SOLAR ENERGY CONVERSION	A system consisting of solar panels, modules, and related equipment that collects solar radiation and converts it into electricity for use on site and in other sites. Level 2 solar energy conversion uses are industrial-scale principal uses devoted to collecting solar energy scale for conversion to electricity, and subsequent use in another location, and is located on lots or sites of less than 10 acres in area.
LEVEL 3 SOLAR ENERGY CONVERSION	A system consisting of solar panels, modules, and related equipment that collects solar radiation and converts it into electricity for use on site and in other sites located on lots or sites of 10 acres or more in area.
M	
MAJOR UTILITY	Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, natural gas facility, and solid waste facilities. Facilities generating energy from solar radiation are solar energy conversion uses. Facilities generating energy from the wind are wind energy conversion uses.
MAKER SPACE	A collaborative workspace that includes shared tools, workspaces, technology, and knowledge in order to assist participants working alone or with collaborators to create and produce ideas, products, and services. Makerspaces can be formed for the purpose of instruction, creation of material for sale, or a combination of the two.
MANUFACTURED HOME, CLASS A	A manufactured home that is commonly referred to as a "double-wide" home, or one that is brought to its site in two or more separate parts of at least 10 feet in width and assembled on a single foundation.
MANUFACTURED HOME, CLASS B	A manufactured home that is commonly referred to as a "single-wide" home that is comprised of a single structure approximately 12 feet in width or less and placed on a single foundation.
MANUFACTURED HOME, CLASS C	Any manufactured hoe that does meet the definition of a Class A or Class B manufactured home.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
MANUFACTURED HOME PARK	<p>The location of two or more manufactured homes on a parcel of land shall constitute a manufactured home park.</p> <p>For the purposes of the Floodplain Protection Overlay (FPO) district standards, a manufactured home park or subdivision is a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.</p>
MARINA, PRIVATE	A privately owned facility for storage, servicing, fueling, berthing, or securing of boats. The Use does not include marine-related industrial activities.
MARINA, PUBLIC	A publicly owned facility for storage, servicing, fueling, berthing, or securing of boats. The Use does not include marine-related industrial activities.
MARINE-RELATED INDUSTRIAL ESTABLISHMENT	A facility conducting activities associated with the construction, repair, and operation, storage, loading and unloading of boats, and other activities the primary purpose of which is to facilitate the maritime industry. All work on vessels which exceed eight (8) feet in width; all vessel paint and body work; and major engine work or overhaul, shall all be considered marine-related industrial activity including but not limited to shipping, boatyards, marinas commercial fishing, container yards, and tug boat basins.
METAL FABRICATION	A commercial establishment engaged in the alteration or modification of metal goods, building supplies, tools, or other products comprised primarily of metal. Such uses may include welding, folding, shaping, assembly, coating, or other activity associated with raw forms of metal, but metal fabrication uses are not involved in the creation of metal products from raw materials.
MICRO-BREWERY, MICRO-DISTILLERY, OR MICRO-WINERY	An establishment engaged in the production and packaging of malt beverages, wine, or spirits for distribution, retail, or wholesale both on and off-premises. A micro-brewery is a facility that produces less than 15,000 barrels of beer per year and sells the majority of the beer it produces for off-site resale and consumption. A micro distillery produces less than 15,000 gallons of alcoholic spirits per year. A micro winery produces less than 100,000 gallons of wine per year. Secondary uses may include a taproom, seating areas, ancillary sales of related merchandise, event space, and warehouse space for stored product.
MINOR UTILITY	Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, electrical substations, and surface transportation stops such as park-and-ride facilities.
MOBILE RESTAURANT COURTS	A parcel of land specifically designed for the operation of three or more mobile restaurants at one time with dedicated seating, restroom facilities, and off-street parking.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
MULTI-FAMILY DWELLING	A structure containing two or more dwelling units that are not located on individual lots. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Multi-family dwellings include what are commonly called apartments, or condominium units, but not dwellings on their own individual lots. Structures containing two dwelling units on one lot are two-family dwellings. Structures containing three dwelling units on one lot are triplexes. Structures containing four dwelling units on one lot are quadplexes. Single-family attached units are two or more dwellings sharing at least one party wall with each unit on its own lot.
MULTI-FAMILY DWELLING, UPPER STORY ONLY	A multi-family residential dwelling unit located on the second or higher floors of a building with some form of non-residential use on the first or ground floor. Dwelling units may be configured as apartments or condominiums. Buildings devoted entirely to residential apartments or condominiums are multi-family dwellings.
MUSEUM	A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products such as prepared food to the public.
N	
NIGHTCLUB OR DANCE HALL	Nightclub or Dance Hall
O	
OFFICE, HIGH INTENSITY	A use, typically involving two or more persons who are engaged in the provision of business, medical, professional, or other related services to customers or clients who come to the office to receive care or services. High intensity office uses typically serve two or more customers at once. Such uses may include a shared kitchen, lobby area, meeting rooms, and document production areas.
OFFICE, LOW INTENSITY	A use where one or more persons are engaged in the operation of a business or the provision of professional, clerical, administrative, research, or sales activities. Low intensity offices provide services and information only to a limited number of customers on the premises (seldom more than one at a time) and are engaged primarily in activities that do not require significant amounts of face-to-face interaction or significant amounts of in-person interactions with clients, suppliers, or the public. Such uses may include a shared kitchen, lobby area, meeting rooms, and document production areas.
OUTDOOR COMMERCIAL RECREATION	A commercial establishment located entirely primarily outdoors that provides recreational, amusement, and entertainment opportunities for patrons, including activities such as: water parks, miniature golf, go cart racing, obstacle or ropes courses, zip lines, paintball, mechanical rides, and similar attractions. Outdoor commercial recreation uses may include buildings or structures that also provide indoor recreational activities

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
OUTDOOR PUBLIC RECREATION	An institutional or public establishment located outdoors and engaged in the provision of land and facilities for the purposes of recreation and leisure for the members of the general public. Outdoor public recreation uses include numerous performance space, athletic fields, courts, or similar features that draw or host large groups of visitors or spectators. These uses are generally more intense than park uses. Such uses may include secondary structures offering concessions, providing storage, restroom facilities, or other related purposes. This use does not include athletic fields or courts.
OUTDOOR RESIDENTIAL RECREATION	A recreational facility located primarily outdoors that provides recreational opportunities solely to the residents and guests of a particular residential development. Typical recreation amenities include pools, tennis courts, pickle ball courts, basketball courts, and other similar amenities.
OUTPATIENT FACILITY	A small-scale facility where patients are admitted for examination and treatment by one or more physicians, dentists, or psychologists on a short-term basis. Patients may or may not receive care or lodging overnight, but the facility is not intended for long-term overnight care. Such facilities may include sleeping rooms for care workers and members of patient's families.
P	
PACKAGING AND SHIPPING	A commercial establishment providing printing, faxing, copying, document binding, photographic processing, packing, mailbox, mailing, and related services. Printing, document production, and processing services may be provided either on- or off-site. Such uses may also provide computer terminals, copiers, and similar equipment for self-service use by customers.
PARK AND RIDE FACILITY	Parking facilities close to or connected with public transport facilities that allow commuters and other transit users to leave their private vehicles and transfer to a bus, rail, ferry, or carpool for the remainder of the journey.
PARKING LOT	The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.
PARKING STRUCTURE	A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.
PAWN SHOP	A commercial establishment operated by a pawnbroker, who provides short-term loans to customers who leave collateral items with the pawnbroker to secure the loan for the agreed-upon holding period. Collateral from unpaid loans is made available for purchase at retail to customers following the end of the holding period. Such uses may include indoor storage areas.
PHARMACY	A commercial establishment engaged in the storage, preparation, and sale of drugs and other medications to customers at retail. Pharmacy uses may also offer a wide variety of food, household goods, or other personal products for sale. A pharmacy may also incorporate a medical technician who provides on-site medical assistance and counselling to patrons. Pharmacies that exceed the floor area thresholds for large format retail uses shall be considered as a large format retail use.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
PLANT NURSERY (RETAIL OR WHOLESALE)	The cultivation and production of orchard, garden, or nursery crops on a small or large scale, for retail or wholesale sales to members of the public. Such uses may also include secondary sales of ground cover, soil, compost, and planting materials, along with tools, pots, and equipment needed for plant propagation. Such uses may also include a sales or display area, greenhouses, outdoor storage, secondary structures, and offices where consultation or training may take place as a secondary use.
POCKET NEIGHBORHOOD	A master-planned development of small single-family detached dwellings, each on their own lot, located around a common open space and served by either on-street, on-site, or shared off-street parking. Each home fronts a shared common open space which can be configured as an open green, community garden, or recreation area.
POST OFFICE	An office or station of a government postal system at which mail is received and sorted, from which it is dispatched and distributed, and at which stamps are sold or other services rendered.
PSYCHIATRIC SERVICES	Inpatient facility which provides care for persons with psychiatric problems and which may include outpatient follow-up care to the facility's patients. Such uses may include overnight stays for patrons. Facilities for the involuntary commitment of persons are not psychiatric service uses.
Q	
QUADPLEX	A single residential structure on one fee simple lot that contains four dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. A residential structure containing two or more units with one or more party walls, each on its own fee simple lot, is single-family attached.
R	
RAIL RELATED	A commercial or industrial use engaged is the transportation, storage, and distribution of raw materials and products via railroad. Such uses may include storage of locomotives, rail cars, and loading facilities.
RECREATIONAL VEHICLE PARK	A commercial establishment offering individual spaces or "sites" for short-term rental to owners or operators of recreational vehicles. Such uses typically have shared or common restroom, showering, and laundry facilities, and may also include recreational features and incidental sale of food, travel supplies, and recreational vehicle equipment. Rental of an individual site for a period of more than three continuous months or uses that allow vehicles to be modified in ways that result in permanent, non-mobile structures are considered mobile home parks.
REPAIR SHOP	An establishment primarily engaged in the provision of repair services for electronics, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment; including tailor; locksmith; and upholsterer. Repair establishments do not include outdoor storage of goods, materials, or equipment. Repair of cars, trucks, or similar heavy equipment is a vehicle-related establishment.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
RELIGIOUS INSTITUTION, HIGH INTENSITY	Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and secondary uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores. High intensity religious institutions conduct two or more different worship services in any given 24-hour period, are configured with a seating capacity of 300 or more in any single sanctuary, or that include any customary related uses listed in this definition.
RELIGIOUS INSTITUTION, LOW INTENSITY	Any facility such as a church, temple, monastery, synagogue, or mosque used for worship by a non-profit organization. Low intensity religious institutions conduct no more than one or more worship services in any given 24-hour period, are configured with a total seating capacity of less than 300 people in the sanctuary, and do not include related uses identified in the definition of high intensity religious institutions.
RESEARCH AND DEVELOPMENT	A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of prototypical devices as well as the creation and testing of drugs and compounds, vehicles, equipment, and industrial processes.
RESIDENTIAL TREATMENT FACILITY	Inpatient facility which provides care for persons with drug and/or alcohol dependency problems and which may include outpatient follow-up care to the facility's patients.
RESTAURANT	An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises. Seating for patrons consuming products on site are located either indoors or outdoors, and the use does not provide drive-through service. Such uses may include a bar or cocktail lounge as a secondary use.
RECYCLING CENTER	A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials.
RETAIL, GENERAL HIGH INTENSITY	Commercial establishments of 10,000 square or more feet in size (including indoor and outdoor space) engaged in the retail sale of goods and services at high volumes or in large buildings with significant amounts of traffic to and from the use during operating hours.
RETAIL, GENERAL LOW INTENSITY	Commercial establishments engaged in the retail sale of goods and services with less than 10,000 square feet of area (including indoor and outdoor space).
RETAIL, LARGE FORMAT	A retail establishment consisting of a single or multiple tenants in one or more buildings totaling 70,000 square feet or more of indoor and outdoor area with 70 percent or more of the total floor area occupied by retail sales activities.
RETAIL, MICRO	Small-scale commercial operations employing two or fewer people on a shift in a building or individual tenant space of 1,000 square feet or less. A micro-retail use may share building floor area with other residential or non-residential uses.

S

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
SALVAGE AND JUNKYARD	<p>An establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are brought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, housewrecking yards, heavy equipment wrecking yards, and yards or places where salvaged house wrecking or structural steel materials are stored, handled, and sold. This definition includes automobile wrecking or automobile wrecking yards and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.</p> <p>For the purposes of the Floodplain Protection Overlay (FPO) district standards, 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.</p>
SEXUALLY-ORIENTED BUSINESS	Any place defined as an “adult establishment” by NCGS§14-202.10, except that the use type shall not include an adult bookstore, adult video store, adult cabaret, or adult motel as identified and defined in this Ordinance. Another adult use shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy use, or other similar health-related use provided the person rendering or receiving a massage does not exhibit or include “specified anatomical areas” as defined by NCGS§14-202.10.
SCHOOL, ELEMENTARY	A public or private school offering general, technical, or alternative instruction (pre-k through 5 th grade) that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.
SCHOOL, HIGH	A public or private school offering general, technical, or alternative instruction at the high school level that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.
SCHOOL, MIDDLE	A public or private school offering general, technical, or alternative instruction (6 th grade through 8 th grade) that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
SCHOOL, VOCATIONAL	An educational institution providing secondary or post-secondary education designed to provide vocational education, or technical skills required to perform the tasks of a particular and specific job or trade.
SHORT TERM RENTAL	The rental of residential property for vacation, leisure, or recreation purposes for fewer than 90 days by a person who has a place of permanent residence to which he or she intends to return (NCGA § 42A-4).
SINGLE-FAMILY ATTACHED DWELLING	A principal dwelling unit in its own structure located on its own fee simple lot but that is attached to at least one additional single-family dwelling unit. At least one or more dwelling unit walls on each lot is a shared, party wall. Lots may maintain individual lot frontages on a public street, or may be located entirely within a larger parcel owned in common that incorporates shared parking, recreation features.
SINGLE-FAMILY DETACHED DWELLING	A dwelling in a single structure located on its own fee simple lot containing one principal dwelling unit meeting the minimum size requirements in the North Carolina Building Code that is occupied by one family and that is not physically attached to any other principal structure on an individual lot. For regulatory purposes, this term does not include manufactured homes, mobile homes, or recreational vehicles. An accessory dwelling unit may be within, attached to, or on the same lot as a single-family detached home.
SMALL WIRELESS FACILITY	A wireless telecommunications facility consisting of an antenna and associated wireless telecommunications equipment installed on a utility pole, public utility pole, building, or other vertical projection not specifically intended for the accommodation of wireless telecommunications facilities (e.g., a traffic signal mast arm, a light standard, sign pole, etc.) that does not exceed the maximum size requirements for such facilities as listed in NCGS§160D-947.
SOUP KITCHEN	An establishment dispensing minimum dietary essentials at little or no charge to people experiencing food insecurity.
STORAGE, INDOOR ONLY	A storage building or buildings that are divided into sections or compartments for the storage of business or personal items on a temporary or long-term basis only where all units are accessed by one or more shared entrances. Such uses may include a very limited amount of outdoor storage as a secondary use.
STORAGE, INDOOR AND OUTDOOR	The keeping, in an unroofed area or building, of any goods or materials. Outdoor goods and materials are typically large in size, mass, or volume and are either not easily moved or carried or require a mechanical lifting device (e.g., non-bagged mulch and lumber). This use does not include a junkyard or recycling facility, or the display and storage of vehicles as part of automobile sales or rental use. Storage of goods or materials within a shipping or other container is not outdoor storage.
STORAGE, OUTDOOR	The keeping, in an unroofed area of any goods or materials. Materials are typically large in size, mass, or volume and are either not easily moved or carried or require a mechanical lifting device (e.g., non-bagged mulch and lumber). This use does not include a junkyard or recycling facility, or the display and storage of vehicles as part of automobile sales or rental use. Storage of goods or materials within a shipping or other container is not outdoor storage.

T

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
TANNING SALON	A commercial establishment where patrons expose themselves to ultraviolet light in order to increase the amount of pigment in their skin. Such uses may also include limited spa or exercise facilities.
TATTOO & PIERCING ESTABLISHMENT	An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: 1. Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; or 2. Performance of body modification including puncturing or cutting a part of the human body so as to create an opening in which jewelry may be worn.
TELECOMMUNICATIONS FACILITY, COLLOCATION	The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on, under, or within an existing or replacement telecommunications tower, utility pole, building, or other vertical projection.
TELECOMMUNICATIONS FACILITY, CONCEALED	A telecommunications tower and associated telecommunications equipment that is integrated as an architectural feature into an existing structure (such as a steeple, bell tower, clock tower, silo, etc.), or that is designed to conceal the presence of the tower, antennas, and related wireless telecommunications equipment in a manner so that the purpose of the tower is obscured.
TELECOMMUNICATIONS FACILITY, MAJOR	The construction or installation of a new telecommunications tower with a height of 30 feet or more above the adjacent pre-construction grade and associated equipment, including the equipment compound, access, electrical service, and other related facilities.
TELECOMMUNICATIONS FACILITY, MINOR	The construction or installation of a new telecommunications tower with a height of less than 30 feet above the adjacent pre-construction grade or that is configured to appear as a building or structure other than a telecommunications facility.
THEATER, INDOORS	A building, or part thereof, which contains an assembly hall with or without stage which may be equipped with curtains and permanent stage scenery or mechanical equipment adaptable to the showing of plays, operas, motion pictures, performances, spectacles, and similar forms of entertainment. Theatres that also serve meals at tables during a performance.
THEATER, OUTDOORS	An outdoor use consisting of a screen and projector along with facilities to accommodate private vehicles or outdoor seating for the viewing of films. Such uses may also include concessions and restroom facilities for patrons.
TINY HOME	A form of single-family detached dwelling meeting the applicable requirements for residential uses in the State Building Code that is built on site and placed on a permanent foundation. Tiny homes typically include less floor area than a traditional single-family detached dwelling. A tiny home that is located on the same lot as a principal dwelling unit is a secondary structure.
TIRE RECAPPING	An entity that removes worn tread from a vehicle's tires and replacing it with new treads.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
TOBACCO/VAPE SHOP	A premise dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of electronic smoking devices, liquid nicotine, liquid nicotine containers or vapor product.
TRIPLEX	A single residential structure on one fee simple lot that contains three dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. A residential structure containing three units, each on its own fee simple lot, is single-family attached.
TRANSFER STATION	The waste-related services use category includes use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This use category also includes use types that receive wastes from others.
TWO-FAMILY DWELLING	A single detached dwelling on one lot that contains two dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings.
U	
URGENT CARE	A walk-in clinic or medical facility focused on the delivery of ambulatory care for injuries or illnesses requiring immediate care, but not serious enough to require a hospital emergency department.
V	
VEHICLE PAINTING/ BODYWORK	Repair of automobiles, vehicles, or trailers, including bodywork, framework, welding, and major painting service.
VEHICLE PARTS AND ACCESSORY SALES	The on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to bed liners, toolboxes, truck tops, or audio systems. Such uses do not include the sale of gasoline or other fuels.
VEHICLE REPAIR (NON-COMMERCIAL)	The non-commercial servicing or repair of a personal vehicle on private property.
VEHICLE REPAIR AND SERVICE (NO PAINTING/ BODYWORK)	General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including bodywork, framework, welding, and major painting service provided as a principal use or a secondary use to a non-residential establishment.
VEHICLE SALES AND RENTAL	Premises on which new or used passenger automobiles, trailers, recreational vehicles, or light trucks in operating condition are displayed for sale, lease, or rental.
VEHICLE TOWING AND STORAGE	An establishment operated for the purpose of temporary storage on-site of operable or inoperable vehicles. If an establishment stacks vehicles or portions of stored vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard.
VEHICLE WASHING OR DETAILING	An establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Incidental sales of automobile-related accessories may take place.

TABLE <>: TERMS DEFINED⁶⁹

TERM	DEFINITIONS
VETERINARY SERVICES, LARGE ANIMAL	A facility for the care and treatment of large animals, including livestock, domesticated, and exotic animals. Such facilities may be entirely indoors or may have both indoor and outdoor components.
VETERINARY SERVICES, SMALL ANIMAL	A facility for the care and treatment of small animals, including household pets and domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components.
VITICULTURE	An agricultural facility engaged in the production and processing of grapes for wine.
W	
WAREHOUSE, DISTRIBUTION	An establishment engaged in the storage or movement of goods, such as manufactured products, supplies, equipment or food, or parcels/mail. This term excludes bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. Goods are generally delivered to other firms or the final consumer.
WAREHOUSE, STORAGE ONLY	A use engaged in long-term or short-term storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive. Cold storage, activity that includes the freezing and/or storing of frozen food products, can be associated with this use.
WHOLESALE SALES, INDOOR AND OUTDOOR	Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials, office, or retail sales to the general public. Establishments that require memberships and that make memberships available for purchase to members of the general public at the door are not wholesale sales uses.
WHOLESALE SALES, INDOOR ONLY	Establishments or places of business located entirely in an enclosed structure primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials, office, or retail sales to the general public. Establishments that require memberships and that make memberships available for purchase to members of the general public at the door are not wholesale sales uses.
WIND ENERGY CONVERSION	A power generating use that converts kinetic energy from the wind into mechanical energy through the use of a wind turbine. The mechanical energy can then be used to power on-site equipment or an electrical generator to create electricity for on-site or off-site use. Such uses may include batteries for the storage of electrical energy.
X	
<>	<>
Y	
<>	<>
Z	
<>	<>

CHAPTER 9.

APPENDICES

§901 PLAN AND PLAT REQUIREMENTS

This section includes a summary table that describes the plan and plat submittal requirements.

§902 CERTIFICATES AND DECLARATIONS

This section sets out updated subdivision certification statement and declaration language for inclusion on various plat types.

The following two pages provide a unified example of the heading and sub-heading formatting characteristics. This information is provided only in the Annotated Outline, and will not be included in the initial or adopted drafts of the Land Use Ordinance.

CHAPTER 10.

HEADING I

Body Text 1

This is Body Text 1. It is the kind of text that forms main sentences and numbered statements.
ABCDEFGHIJKLMNOPQRSTUVWXYZ 12345678910 !#\$%&*(){}- Body Text forms sentences and
numbered statements. It looks like this.

§1001 HEADING 2

Body Text 2

This is Body Text 2. It is the kind of text that forms main sentences and numbered statements.
ABCDEFGHIJKLMNOPQRSTUVWXYZ 12345678910 !#\$%&*(){}- Body Text forms sentences and numbered
statements. It looks like this.

1001.1 HEADING 3

Body Text 3

This is Body Text 3. It is the kind of text that forms main sentences and numbered statements.
ABCDEFGHIJKLMNOPQRSTUVWXYZ 12345678910 !#\$%&*(){}- Body Text forms sentences and numbered statements.
It looks like this.

A. HEADING 4

Body Text 4

This is Body Text 4. It is the kind of text that forms main sentences and numbered statements.
ABCDEFGHIJKLMNOPQRSTUVWXYZ 12345678910 !#\$%&*(){}- Body Text forms sentences and numbered
statements. It looks like this.

1. HEADING 5

Body Text 5

This is Body Text 5. It is the kind of text that forms main sentences and numbered statements.
ABCDEFGHIJKLMNOPQRSTUVWXYZ 12345678910 !#\$%&*(){}- Body Text forms sentences and numbered
statements. It looks like this.

01 HEADING 6

Body Text 6

This is Body Text 6. It is the kind of text that forms main sentences and numbered statements.
ABCDEFGHIJKLMNOPQRSTUVWXYZ 12345678910 !#\$%&*(){}- Body Text forms sentences and numbered
statements. It looks like this.

i. Heading 7

Body Text 7

This is Body Text 7. It is the kind of text that forms main sentences and numbered statements.
ABCDEFGHIJKLMNOPQRSTUVWXYZ 12345678910 !#\$%&*(){}- Body Text forms sentences and numbered
statements. It looks like this.

1001.2 List 3

A. List 4

1. List 5

01 List 6

i. List 7

GENERIC HEADING

GENERIC SUBHEADING

FIGURE CAPTION

DEFINITION HEADING

EDITOR'S NOTES
EDITOR'S NOTES SMALL

Footnote⁷⁰

TABLE HEADING
TABLE SUBHEADING
TABLE SUBHEADING SMALL
Table Text
Table Text Small
Table Text Smallest

Color Values:

Red: 222,44,8 #DE2C08

Yellow: 255,216,0 #FFD800

⁷⁰ This is an example of footnote text.

ORDINANCE CONVENTIONS

The following two pages provide a summary of the text, language, and punctuation conventions to be used in the new LDO.

UNIFIED DEVELOPMENT ORDINANCE CONVENTIONS	
TOPIC GROUP	CONVENTION
Document Numbering	- Use chapter-based numbering (e.g., 1, 2, 3, etc.)
	- Main sections use three-digit numbers; Main sub-sections use three-digit with decimal numbers
	- Every sub-section, illustration, & table has its own unique number
	- Discontinue use of a period after each heading number
	- Use sequential page numbering – do not use chapter-based prefixes for page numbering
Text Numbering	- Spell out numbers one through ten (one, two, three, etc.)
	- Use the numeric version of numbers starting at 11 (and higher)
Capitalization	- This Ordinance, not ‘this ordinance’
	- City, not ‘city’
	- Board of Aldermen, Director of Development Services
	- Official Zoning Map
	- Single-Family, not ‘Single-family’
	- (see Section 123) not (See Section 123)
	- Special Use Permit, not ‘special use permit’
	- applicant, not ‘Applicant’
Hyphenation	- Single-Family
	- Multi-Family
	- Mixed-Use
Abbreviations	- Okay to use abbreviations and acronyms like LDO, OFI, etc.
	- Use %, not ‘percent’
	- Use NCGS, not ‘GS’ or ‘North Carolina General Statutes’
	- Use §, not ‘Section’
	- Use Feet, not “ ‘ ”
	- Use in., not ‘Inches’
Commas	- Use Min., not ‘Minimum’
	- Use Oxford style: one, two, and three
Sentence Spacing	- Two spaces between sentences, not one space

ORDINANCE CONVENTIONS

UNIFIED DEVELOPMENT ORDINANCE CONVENTIONS	
TOPIC GROUP	CONVENTION
Justification	- Left justified text, not fully-justified
Typeface	- No use of Italics in headings or body text
	- Heading text is in all caps
	- No use of word underlining
	- Stay in portrait layout (except Listing of Common Principal Uses Table)
	- Okay for rows to split at page breaks
Tables	- Reduce visual prominence of grid lines
	- No “blank” cells, use “N/A” or “•”
	- Use grey color to distinguish rows from one another
	- Left-justify in cells (except headings)
	- Table notes look like: [1]
Cross References	- Grey highlight (to indicate hyperlink)
	- Numeric section number, section name – (e.g., Section I-3.4.A, Transitional Provisions)
	- Use Section I-3.4.A through Section I-3.4.D, not ‘§§ I-3.4.A through I-3.4.D,’ (except in footnotes)