



Code Assessment

Public Review Draft – November 2020

Town of Mooresville
UDO Rewrite

Prepared by

CLARION

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I. Introduction and Overview

The Town is rewriting its development regulations. This document is an important step in the rewrite process.

1. Mooresville UDO Rewrite Project

Mooresville is conducting a comprehensive rewrite of its Unified Development Ordinance (UDO). The project will transform the current regulations into a more user-friendly and efficient document, as well as establish a set of regulations that sets a framework for the community’s desired development form and template for the 21st century in ways that implement the Town’s recently adopted comprehensive plan--OneMooresville.

To assist the Mooresville Planning Department in rewriting the regulations, the Town has retained Clarion Associates, a nationally recognized planning firm with special expertise in comprehensively updating development codes.

Rewriting the current regulations is a significant undertaking that will require 18 to 20 months of effort. The work is organized into five tasks, as shown below.

TASK	TIMEFRAME	STATUS
Task 1: Project Initiation	May – June 2020	Complete
Task 2: Code Assessment	July – September 2020	This document
Task 3: Draft UDO	October 2020 – August 2021	—
Task 4: Public Hearing Draft UDO	September – December 2021	—
Task 5: Administrative Forms and Applications	October – December 2021 (Estimate)	—

The Town encourages all members of the public to participate in the project and provide input. To assist in the effort, the OneMooresville website, <http://onemooresville.org>, has been revised to serve as the UDO rewrite project website. It includes general information about the project; a place where members of the public provide input and sign-up to receive notification about project events, like public meetings; and a place where all work products will be made available for public review.

2. Overview of This Assessment

This Assessment is intended to be a starting point for discussions that need to take place over the next year about the changes that need to be made to the Town’s current development regulations. The Assessment synthesizes the most important goals (key themes) that need to be accomplished in the project based on policy direction in OneMooreville and input received from elected officials, Planning Board members, stakeholders, citizens, and Town staff during Task 1 of the project. It also includes an evaluation of how the current development regulations and approval system performs in relation to the identified community goals, and then makes recommendations for changes in the rewritten UDO to achieve these goals. The report should not be read as a criticism of the current regulations, which have served the Town well but now need to be restructured. Rather, the report offers tools to help Mooresville capitalize on its many assets.

The Assessment is organized into three Parts and an Appendix. Part I is this introduction and overview. Part II is a Diagnosis, which discusses the key goals or themes for improvement, along with recommendations for how the key goals can be achieved in the rewrite. Part III includes an Annotated Outline for how the regulations should be restructured, if the key goals from the diagnosis are implemented, as recommended. Appendices are included in Part IV. The structure of the Assessment is outlined as follows:

- I. Introduction and Overview
- II. Evaluation
 1. Goal 1: Create a More User-Friendly Code
 2. Goal 2: Implement OneMooreville
 3. Goal 3: Update the Zoning Districts and Use Regulations for Clarity and Consistency with OneMooreville
 4. Goal 4: Modernize the Development, Form, and Design Standards to Incorporate Best Practices and Implement OneMooreville
 5. Goal 5: Modify the Regulations to Better Support Redevelopment Consistent with Desired Character in Appropriate Locations
- III. Annotated Outline of the New Unified Development Ordinance (UDO)
- IV. Appendices

The modernization of the UDO will help facilitate Mooresville’s current growth, and support the community’s vision for the 21st century. This Assessment and the Annotated Outline will become the “roadmap” for the drafting of the rewritten regulations. With input by Town staff, residents, business and property owners, the Planning Board, and direction from the Town Board, this document will become a milestone towards crafting a new set of 21st century regulations that will:

- Ensure that development furthers the community’s vision and adopted policies for growth and development;

- Be easy to understand and use; and
- Be consistent with modern zoning best practices.

For all of these reasons, we urge citizens, elected officials, and review board members to read the Assessment and note the areas you agree with—as well as the areas we might change—to help promote a vigorous and open exchange of ideas. We also ask that you read the Assessment with an open mind about different ways of doing business and achieving **the community's desired goals** for future growth and development.

II. Evaluation

This Evaluation of the Zoning Ordinance describes the current regulations, identifies relevant policy direction, explains best practices of modern development regulations, and makes recommendations for changes. It is organized under five overarching goals for the UDO rewrite project:

- Creating a more user-friendly code;
- Implementing OneMooresville;
- Updating the zoning districts and use regulations for clarity and consistency with OneMooresville;
- Modernizing the development, form, and design standards to incorporate best practices and implement OneMooresville; and
- Modifying the regulations to better support redevelopment consistent with the desired character in appropriate locations

1. Create a More User-Friendly Code

A concern heard about the Town's current regulations is that they are not as clear or as user-friendly as they could be. Clearly, changes can be made to make the current code more user-friendly, such as:

- Refining the current organization;
- Increasing the use of graphics, illustrations, photographs, tables, or flowcharts to better explain zoning terms;
- Modernizing the formatting to make the document easier to navigate;
- Clarifying language and, in specific instances ensure more precise review standards are included that give better guidance to the advisory and decision-making boards, staff, and the public in reviewing and making decisions on applications;
- Addressing inconsistent provisions;
- Modernizing, refining, and adding definitions where they are needed;
- In some instances clarifying language and using simpler terminology;

- Expanding and renaming the Land Development Process Manual and moving application requirements and other technical requirements for the review of development into the manual; and
- Streamlining review procedures, where appropriate.

Given this current situation, a goal of the project should be to make the regulations more understandable and user-friendly by making the changes identified above, and in the box to the right. User-friendly regulations are easy to use, rely on an intuitive and logical organization, and allow a reader to locate the desired information quickly. They use plain and precise language and graphics to illustrate zoning concepts. They are organized and presented in a logical way that helps readers understand relationships among different parts of the regulations, and include efficient and streamlined review procedures. Each of these suggested changes are discussed in the following sections.

1.1. Refine the Current Organization

Relative to many development codes, Mooresville’s current Zoning Ordinance is fairly well organized. However, there is room for improvement. All procedures are consolidated into one chapter (Chapter 2: Administration), and the provisions common to all procedures are included in a common procedures section. The zoning districts are included in two separate side-by-side chapters (Chapter 3: Base Zoning Districts and Chapter 4: Overlay Zoning Districts); while they could be consolidated into one chapter, at least they are located beside each other in the document. They are followed by the use regulations (Chapter 5: Use Standards), which are well organized into sections on principal uses, accessory uses, and temporary uses. Chapter 5 is followed by four side-by-side chapters, all of which are generally considered development standards (Chapter 6: Building Form Standards, Chapter 7: Landscaping and Open Space, Chapter 8: Signage, and Chapter 9: Development Standards). In most modern codes these standards are consolidated into one chapter. Chapter 10: Subdivision Standards, follows and includes all the rules governing substantive subdivision standards. Chapter 11: Nonconformities, consolidates all rules governing nonconformities. Chapter 12: Enforcement and Remedies, includes all provisions involving enforcement of the Zoning Ordinance. Chapter 13: Definitions and Rules of Interpretation, includes the definition of terms relevant to the ordinance, as well as rules of interpretation and rules of measurement. The provisions in Chapter 14: Solar Energy Systems, which establish the procedures and substantive standards for solar energy systems, could be integrated into a development standards chapter and the use standards chapter. Likewise, the provisions in final Chapter 15: Appendix, which include a potpourri of provisions that address final plat for minor subdivisions and recombination plats, final plats for major subdivision, and flood damage prevention could be integrated into other chapters in the ordinance.

Typically, modern development codes achieve the most logical and intuitive organization when the regulations are organized in a hierarchy based on procedural and substantive relationships. This organization, which is shown in the sidebar in this section and set out in more detail in Part III: Annotated Outline of Unified Development Ordinance (UDO), is what is recommended for the rewrite. Under the reorganized structure, all procedures will continue to be consolidated into one chapter (Chapter 2: Administration). Both the base

TABLE 1: CURRENT AND PROPOSED ORGANIZATION

CURRENT ORGANIZATION	PROPOSED ORGANIZATION
Chapter 1: General Provisions	Chapter 1: General Provisions
Chapter 2: Administration	Chapter 2: Administration
Chapter 3: Base Zoning Districts	Chapter 3: Zoning Districts
Chapter 4: Overlay Zoning Districts	Chapter 4: Use Standards
Chapter 5: Uses Standards	Chapter 5: Development Standards
Chapter 6: Building Form Standards	Chapter 6: Subdivision Standards
Chapter 7: Landscaping and Open Space	Chapter 7: Nonconformities
Chapter 8: Signage	Chapter 8: Enforcement and Remedies
Chapter 9: Development Standards	Chapter 9: Definitions, Rules of Measurement and interpretation
Chapter 10: Subdivision Standards	Appendices
Chapter 11: Nonconformities	
Chapter 12: Enforcement and Remedies	
Chapter 13: Definitions and Rules of Interpretation	
Chapter 14: Solar Energy Systems	
Chapter 15: Appendix	

and overlay zoning districts chapter are proposed to be consolidated in Chapter 3: Zoning Districts. The use regulations chapter will be carried forward in its current form as Chapter 4: Use Standards. All development standards are proposed to be consolidated into one chapter and their applicability to different types of development organized in Chapter 5: Development Standards (this includes current Chapter 6: Building Form Standards, Chapter 7: Landscaping and Open Space, Chapter 8: Signage, Chapter 9: Development Standards, the relevant parts of Chapter 14: Solar Energy Systems, and the flood damage prevention ordinance from Chapter 15: Appendix). The current subdivision chapter will be carried forward as Chapter 6: Subdivision Standards, and also include the relevant parts on subdivision from Chapter 15: Appendix. The current nonconformities chapter will be carried forward as Chapter 7: Nonconformities. The enforcement and remedies chapter will be carried forward as Chapter 8: Enforcement and Remedies, and the current definitions and rules of interpretation chapter will be carried forward as Chapter 9: Definitions, Rules of Measurement and Interpretation.

1.2. Increase the Use of Graphics, Illustrations, and Flowcharts

One way to make regulations user-friendly is through the use of graphics, illustrations, photos, flowcharts, and tables. They assist with communicating zoning concepts and improving the readability of the regulations. Flowcharts, illustrations, graphics, and diagrams are also helpful in zoning regulations because they convey information concisely and, in many instances, more clearly, eliminating the need for lengthy, repetitive text. Overall, the current regulations do not take advantage of current graphic design concepts and tools, and recent thinking regarding how the use of clear illustrations and graphics can help explain or establish zoning requirements.

1.2.A. Graphics and Illustrations

While the current regulations do use some graphics (e.g., graphic of Mill Village building forms, shopfront building orientation, parking lot islands, open space configuration, street connectivity index example, and pedestrian connectivity), the current document relies mostly on text to communicate **zoning concepts**. **Overall, the document's reliance on text misses an opportunity to visually** communicate the desired intention behind various provisions. Increasing the number and type of graphics throughout the regulations to help illustrate procedures, development form, zoning districts, and other zoning concepts (such as parking space dimensions, parking lot landscaping and other landscaping, screening, open space, and lighting requirements) would make the regulations more user-friendly (see images below). Use of photographs demonstrating both preferred and discouraged development forms and patterns would also make the regulations more user-friendly.

Figure 1: Sample Illustration of Lot Dimensional Elements

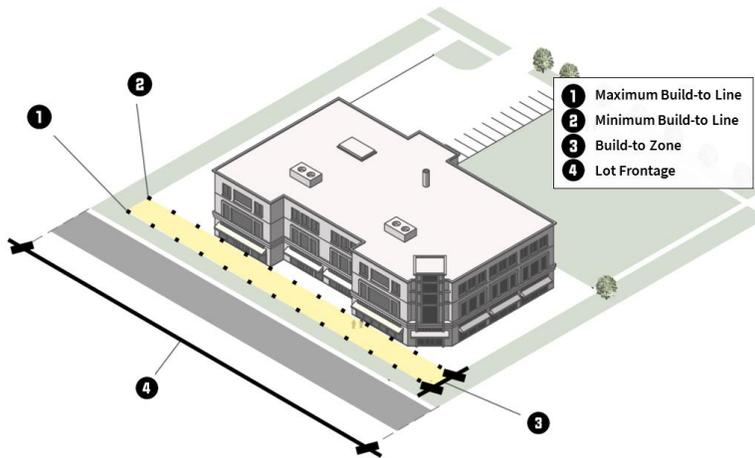


Figure 2: Sample Illustration of Pedestrian Pathway through Parking Lot

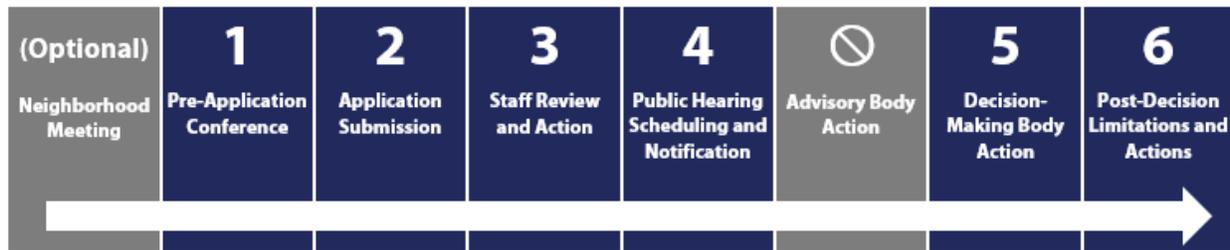


1.2.B. Flowcharts and Summary Tables

Flowcharts and summary tables are also helpful in presenting information succinctly and eliminating repetition or inconsistent terminology. For example, flowcharts can be used along with text in the procedures section of the regulations to graphically portray the process required for review of a specific type of development application—from the time of application submission to the final decision on the application.

The current regulations do use some tables (e.g., a table summarizing development review procedures, a use table showing the different uses allowed in the different zoning districts, a table establishing tree canopy retention standards, an off-street parking standards table, and a street connectivity index table) that are helpful. Other standards would benefit from summary tables. We suggest the new regulations use tables where appropriate, consolidating as much information as practical to minimize the need to scan between multiple tables.

Figure 3: Sample Administrative Procedure Flowchart



1.3. Refine Document Formatting and Page Layout

The current Zoning Ordinance is generally consistent with best practices for development code formatting and page layout, including:

- Consistent use of numbering, font styles, and indentation to show hierarchy within the document;
- Hyperlinked cross references to facilitate navigation;
- Dynamic headers and footers which highlight the section number and topic on each page;
- Tables of contents for each chapter; and
- A consolidated, comprehensive set of definitions;

We recommend that the new UDO carry forward these features, updated as necessary to reflect current aesthetic preferences and to incorporate the additional graphics, illustrations, and flowcharts described above. Further refinements to the page layout in Chapter 3: Zoning Districts, are discussed in Section II.3.2 on page 43 of the Assessment. Additionally, the Town may consider a variety of alternatives for making the UDO available online, from the current practice of providing a downloadable PDF, to more interactive, enhanced PDFs, to fully interactive websites. The UDO will be drafted in a format that will allow for a variety of online publishing options.

1.4. Clarify Language, Ensure Review Standards are Precise, and Address Inconsistent Provisions

Another way to make regulations user-friendly is to ensure ordinance language is clear and precise. Standards, other requirements, and procedures that are unclear invite different interpretations and create uncertainty for development applicants as well as review boards, the public, and staff. Although some regulations do not lend themselves to exact numbers, the use of numerical ranges and elimination of general/aspirational language can ensure the regulations are consistently interpreted. Using clear and objective standards helps ensure the regulations are consistently applied to each project that comes forward for review.

Finally, there are instances in the current regulations where language is general and imprecise, or where numerous conflicting provisions create significant challenges with administration. During the

rewrite, all procedures, standards, and all other ordinance language will be reviewed and where **appropriate, modified with clear, precise, and measurable standards consistent with the Town’s** planning and development goals.

1.5. Modernize, Refine, and Update Definitions

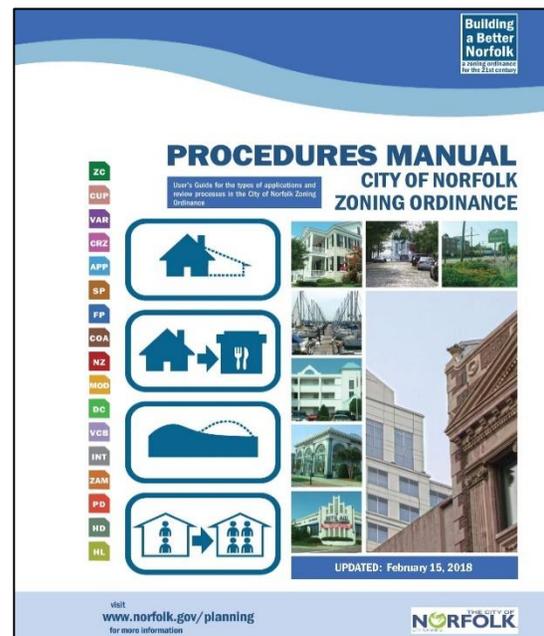
Most definitions are consolidated in current Chapter 13: Definitions and Rules of Interpretation, which is a desirable organizational approach, in contrast to locating definitions throughout the regulations. Those that are not currently in the definitions chapter should be moved into the chapter. In addition, there are a few terms that are not defined, and some of the existing definitions could be better worded and defined. Lastly, definitions could be improved by relocating or establishing measurement-related terms in a separate section in the new Chapter 9: Definitions, Rules of Measurement and Interpretation, which reduces the need for listing multiple entries in the definitions to address variations in measurement.

1.6. Complete and Build on the Administrative Manual

The Town currently has and uses the **Land Development Design Standards prepared by the Town’s** Engineering Service Division, which establishes the design standards for potable water, sanitary sewer, drainage, and roads. The Town also has and uses the Town of Mooresville Land Development Process Manual, which includes process flowcharts, application and plan requirements, and more detailed information on the review process for a few selected development applications (e.g., Sketch Plans, Concept Plans, and utility extension requests). There are no such detailed materials for other development applications.

Town staff is in the process of preparing an Administrative Manual to replace the land Development Process Manual, that will contain application content requirements and a submission and review schedule for applications. The use of this type of manual is consistent with zoning best practices for efficient administration of regulations. We suggest the Town consider expanding the manual to include information about the “nuts and bolts” of review processes for all the development applications in the UDO. The manual might also include summary or explanatory information on how to use the regulations or more effectively participate in application review processes, as well as checklists to ensure applicants address required issues up-front.

Figure 4: Example Manual Cover



1.7. Streamline Review Procedures

1.7.A. Overview of Current Review Procedures

Development review procedures in the current Zoning Ordinance are relatively efficient. However, there is room for improvement. The current review procedures are summarized in Table 2: Current Development Review Procedures, Town of Mooresville.

TABLE 2: CURRENT DEVELOPMENT REVIEW PROCEDURES

R: REVIEW AND ADVISE D: FINAL DECISION A: APPEAL <_>: PUBLIC HEARING

TYPE OF REVIEW/APPLICATION	REVIEWING OR DECISION-MAKING BODY				
	PLANNING DIRECTOR	HISTORIC PRESERVATION COMMISSION	PLANNING BOARD	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
DISCRETIONARY REVIEW					
Official Zoning District Map or Text Amendment	R	R [4]	R	<D>	
Conditional Zoning District Classification	R	R [4]	R	<D>	
Conditional Use Permit	R	R [4]		<D>	
Comprehensive Plan Amendment/ Future Land Use Map Amendment/ Small Area Study	R		R	<D>	
SITE DEVELOPMENT					
Sketch Plan	D				
Concept Plan	D [5]	R [4]	R [3]	D [3]	
Site Plan	D	R [4]			A
SUBDIVISION					
Preliminary Plat	D				A
Final Plat	D				A
Minor Subdivision	D				A
Recombination Plat	D				A
PERMITS					
Zoning Permit	D				A
Tree Removal Permit	D				A
Certificate of Appropriateness	R	<D>			A
RELIEF					
Variance	R	R			<D>
Watershed Variance	R				<D> [2]

TABLE 2: CURRENT DEVELOPMENT REVIEW PROCEDURES

R: REVIEW AND ADVISE D: FINAL DECISION A: APPEAL <_>: PUBLIC HEARING

TYPE OF REVIEW/APPLICATION	REVIEWING OR DECISION-MAKING BODY				
	PLANNING DIRECTOR	HISTORIC PRESERVATION COMMISSION	PLANNING BOARD	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
Appeal of Administrative Decisions					<D>
Modification of Architectural Standard	D				A
OTHER PROCEDURES					
Interpretation	D				A
Vested Rights Determination	R		R	<D>	
Performance Guarantees	D				

Notes:

- [1] Appeals of the Town Board of Commissioner’s or Board of Adjustment’s decisions are made to the Iredell County Superior Court in accordance with applicable state law.
- [2] Applications seeking to vary the Watershed Protection Overlay District standards beyond those authorized for consideration by the Board of Adjustment shall be decided by the North Carolina Environmental Management Commission.
- [3] Planning Board and Town Board reviews and/or approves only when a Concept Plan is part of a Conditional Zoning (approved by Town Board as a condition of approval) or a Conditional Use Permit.
- [4] For any property that is classified as a local historic landmark designation, located in a local historic district, listed on the National Register of Historic Places, located in an area designated as a National Register District, or located in a Neighborhood Conservation Overlay.
- [5] Planning Director provides a Preliminary Decision of a Concept Plan when it is part of a Conditional Zoning or Conditional Use Permit and provides a Final Decision when it is not part of a Conditional Zoning or Conditional Use Permit.

This table and our independent review of the procedures indicate that:

- There are several permits that are required in ordinances outside the current Zoning Ordinance that will need to be included if the Zoning Ordinance is converted into a UDO;
- A few refinements should be made to the common review procedures;
- Several procedures could be consolidated to improve efficiency;
- Several new procedures need to be added to address the goals for the project, modernize the development review process, and incorporate zoning best practices; and
- The Town should consider modifying the application requirements for several procedures to make the review process more efficient, without sacrificing substantive development goals.

1.7.B. Recommendations for Streamlining

To address these issues, we make the following suggestions for the Town’s consideration:

- Make the following refinements to the common review standard procedures:
 - » Consider requiring neighborhood meetings for more complex development applications like rezonings, conditional rezonings, and planned developments; and
 - » Clarify that formal review times will not start until an application is determined complete;
- Streamline and modify the following application-specific review procedures:
 - » Conditional Zoning; and
 - » Conditional Use Permit (**recommended to be renamed “special use permit”** for consistency with state law);
- Include the following procedures from the flood damage prevention ordinance (which is proposed to be included in Chapter 5: Development Standards):
 - » Flood Permit; and
 - » Variance – Flood Damage Prevention;
- Add the following new procedures:
 - » A planned development procedure for a planned development district; and
 - » An administrative adjustment.

The streamlining recommendations are shown in Table 3: Proposed Development Review Procedures, Town of Mooresville, and discussed in more detail following the table.

TABLE 3: PROPOSED DEVELOPMENT REVIEW PROCEDURES

R: REVIEW AND ADVISE D: FINAL DECISION A: APPEAL <_>: PUBLIC HEARING

TYPE OF REVIEW/APPLICATION	REVIEWING OR DECISION-MAKING BODY				
	PLANNING DIRECTOR	HISTORIC PRESERVATION COMMISSION	PLANNING BOARD	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
DISCRETIONARY REVIEW					
Official Zoning District Map or Text Amendment	R	R [4]	R	<D>	
Planned Development District [NEW]	R	R [4]	R	<D>	
Conditional Zoning District Classification	R	R [4]	R	<D>	
Special Use Permit	R	R [4]		<D>	

TABLE 3: PROPOSED DEVELOPMENT REVIEW PROCEDURES

R: REVIEW AND ADVISE D: FINAL DECISION A: APPEAL <_>: PUBLIC HEARING

TYPE OF REVIEW/APPLICATION	REVIEWING OR DECISION-MAKING BODY				
	PLANNING DIRECTOR	HISTORIC PRESERVATION COMMISSION	PLANNING BOARD	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
Comprehensive Plan Amendment/ Future Land Use Map Amendment/ Small Area Study	R		R	<D>	
SITE DEVELOPMENT					
Concept Plan	D [5]	R [4]	R [3]	D [3]	
Site Plan	D	R [4]			A
SUBDIVISION					
Preliminary Plat	D				A
Final Plat	D				A
Minor Subdivision	D				A
Recombination Plat	D				A
PERMITS					
Zoning Permit	D				A
Tree Removal Permit	D				A
Floodplain Development Permit [NEW]	D				
Certificate of Appropriateness	R	<D>			A
RELIEF					
Variance – Zoning	R	R			<D>
Variance – Floodplain [NEW]					<D>
Variance – Watershed	R				<D> [2]
Administrative Adjustment [NEW]	D				A
Appeal of Administrative Decisions					<D>
Modification of Architectural Standard	D				A
OTHER PROCEDURES					
Interpretation	D				A
Vested Rights Determination	R		R	<D>	

TABLE 3: PROPOSED DEVELOPMENT REVIEW PROCEDURES

R: REVIEW AND ADVISE D: FINAL DECISION A: APPEAL <_>: PUBLIC HEARING

TYPE OF REVIEW/APPLICATION	REVIEWING OR DECISION-MAKING BODY				
	PLANNING DIRECTOR	HISTORIC PRESERVATION COMMISSION	PLANNING BOARD	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
Performance Guarantees	D				

Notes:

- [1] Appeals of the Town Board of Commissioner’s or Board of Adjustment’s decisions are made to the Iredell County Superior Court in accordance with applicable state law.
- [2] Applications seeking to vary the Watershed Protection Overlay District standards beyond those authorized for consideration by the Board of Adjustment shall be decided by the North Carolina Environmental Management Commission.
- [3] Planning Board and Town Board reviews and/or approves only when a Concept Plan is part of a Conditional Zoning (approved by Town Board as a condition of approval) or a special use permit.
- [4] For any property that is classified as a local historic landmark designation, located in a local historic district, listed on the National Register of Historic Places, located in an area designated as a National Register District, or located in a Neighborhood Conservation Overlay.
- [5] Planning Director provides a Preliminary Decision of a Concept Plan when it is part of a Conditional Zoning or special use permit and provides a Final Decision when it is not part of a Conditional Zoning or special use permit.

1.7.B.(i) Make Refinements to the Common Procedures

The current Zoning Ordinance includes a set of common review procedures that apply to all development applications that addresses:

- Who has authority to submit applications;
- Application contents, fees, and schedule;
- Pre-application conferences;
- Where and how applications are submitted;
- Completeness determination provisions;
- Procedures for approval of applications by the Planning Director, and for preparing staff reports;
- Requirements for scheduling and giving notice for public hearings;
- Provisions for conditions of approval;
- Provisions for the applicant to defer consideration of an application, to make changes to an application, or to withdraw and application;
- Provisions for time limitations on subsequent applications to be waived;

- Requirements for notifying applicants of a decision on the application;
- General provisions for expiration of approvals and permits; and
- Provisions for examination and copying of application materials.

We suggest the following refinements be made to the common procedures.

1.7.B.(i)(1) Consider Requiring Neighborhood Meetings for More Complex Applications

The Conditional Zoning procedures currently include a neighborhood communication requirement (Sec. 2.3.2(C) of the current Zoning Ordinance) under which the applicant must submit a summary of **the applicant's** outreach efforts to affected neighborhoods and input received. Neighborhood meetings are one outreach tool an increasing number of communities use in the development review process to help identify and resolve development-related issues between an applicant and neighbors early in the review process. Ideally, these meetings occur prior to application submission. The purpose is for the applicant to educate neighbors about a proposed **project and hear neighbors' concerns. In many instances, concerns can be resolved early** in the process, and there is less conflict at the public review stages of the application.

The timing and requirements for neighborhood meetings vary across communities; however, the underlying goal of the neighborhood meeting is to keep neighborhoods and applicants informed **of one another's perspectives, have them talk about any differences they have related to a** development proposal, and if possible, resolve their differences in an informal setting. In some community codes, the neighborhood meeting is optional, or encouraged. If the applicant decides to proceed with the neighborhood meeting, parameters are established in the regulations about how notice is to be given and how the meeting is to be conducted. In most codes where neighborhood meetings are required for certain applications, the meetings are conducted either prior to submission of an application or prior to completion of the staff report on the application. In addition, parameters are established in the regulations about how notice is to be given and how the meeting is to be conducted. In a few codes, a neighborhood meeting is not required unless the Planning Director determines an applicant should conduct a neighborhood meeting prior to completion of the staff report because the development proposal is anticipated to generate a certain level of impact on adjacent lands, roads, or public facilities.

We recommend the Town consider including a pre-submission neighborhood meeting requirement for the following types of applications:

- Zoning map amendments;
- Conditional rezonings; and
- Planned developments.¹

If included in the updated regulations, we also suggest establishing procedures for how the neighborhood meeting is conducted. The procedures would require:

¹ This is a new procedure. See discussion in Section II.1.7.B.(v) on page 15 of the Assessment.

- The applicant be responsible for conducting the meeting. The Planning and Community Development Department staff would be responsible for notifying potentially affected landowners (those who own land or live within a certain distance of the proposed project) at least one week in advance of the meeting; at least one member from the Planning and Community Development Department staff would also be required to attend the meeting to listen, and be available to respond to any procedural questions;
- The meeting be conducted before the application is submitted;
- The meeting be held in close proximity to the project site and at a time when neighbors could reasonably attend (usually after 6 pm on a weekday);
- The applicant explain the development proposal at the meeting and provide attendees an opportunity to ask questions and voice any concerns, so that issues could be resolved; and
- Planning and Community Development Department staff will be responsible for preparing a written summary of the meeting, which would become part of the application, and be included in the materials provided to the Planning Board and the Town Board.

1.7.B.(i)(2) Clarify That Formal Review Times will Not Start Until An Application is Determined Complete

Sec. 2.2.7, Application Submission and Completeness Review, in the current regulations, does a good job of establishing basic rules about how Town staff will determine whether a submitted application is complete. However, it is missing one important element – a statement that the time for processing an application will not begin until the application is determined complete. This should be added to Sec, 2.2.7. The provision would state that application processing does not begin until after a formal determination **that the application is “complete.”** **Completeness means** all relevant and appropriate application submittal requirements are received and the appropriate fees are paid.

1.7.B.(ii) Consider Refining the Conditional Rezoning and Conditional Use Permit Processes to Streamline Review Requirements

One of the biggest concerns raised by several stakeholders during the kick-off meetings was about the challenges created by the amount of detail required by the Town at the conditional rezoning and Conditional Use Permit stage of approval, in combination with the uncertainty that is created by these processes generally. This was expressed by some as an issue that could **eventually dampen the private sectors’ interest in developing in Mooresville, especially since** many new projects require conditional rezoning approval. The type of detail highlighted as being required focused on the Concept Plan requirements for a conditional rezoning,² which until recently involved much greater detail about landscaping, on-site traffic circulation, building elevations, and similar issues, as well as a traffic impact analysis; the traffic impact analysis. According to the interviewees, such requirements add significant upfront expense to an

² And for a Conditional Use Permit.

application for conditional rezoning, and significantly more review time—for a process which in itself provides no assurances for approval.

While a number of stakeholders recommended that the traffic impact analysis be moved to a later stage of development, other stakeholders and Town officials interviewed suggested the same degree of detail and the traffic impact analysis required in the Concept Plan for the conditional rezoning and a Conditional Use Permit is needed so that the review boards and public can see and understand exactly what would be developed if the application is approved.

Given these differing views on this issue, we suggest the Town consider several potential refinements to the current Concept Plan requirements for a conditional rezoning (and the Conditional Use Permit), that strikes a balance between the need to ensure certain development, design, and traffic impact issues are addressed that are important to the community, while making the review process itself as efficient as reasonably possible (in terms of time and expense). These suggestions have been embraced in other communities during their code updates in an effort to strike the most appropriate balance for their communities.

- More specifically clarify that the detail required in the Concept Plan will be more general than in the past, and focus on the land uses proposed for the development, their general design and configuration, and the general location of internal roads, parking areas, landscape areas, open space set-asides, and areas set-aside for environmental protection and tree retention.
- For Concept Plans considered as part of a conditional rezoning or Conditional Use Permit, consider moving the traffic analysis requirement to the Site Plan stage of development review.
- As discussed in Section II.4 beginning on page 48, provide more specific and measurable development standards generally, for development and design, which will ensure development achieves desired community goals.

We also recommend that Conditional Use Permits be renamed “special use permits” for consistency with recently adopted state statutes (Chapter 160D of the General Statutes).

1.7.B.(iii) Consider Integrating Sketch Plan with the Concept Plan Procedure to Streamline Review Requirements

The current Zoning Ordinance has three different procedures for review of site development:

- The Sketch Plan,
- The Concept Plan; and
- The Site Plan.

Review and approval of a Sketch Plan is required prior to review of a Concept Plan for conditional rezonings, Conditional Use Permits, site plans, or subdivision preliminary plats, with a few

exceptions (see Section 2.3.7 of the Zoning Ordinance).³ Its purpose is “...to familiarize Town staff with a potential application and potential applicants with the applicable process and Town standards” (Sec. 2.3.7 (1)). To achieve these objectives applicants are required to submit sufficient information in the Sketch Plan application for Town staff to understand at a general level the plan of development for the site (e.g., proposed land uses, general site layout, and other basic information about the plan of development). This information is reviewed by Town staff, who provide input to the applicant about any changes that might need to be made to comply with the requirements for a Concept Plan or Site Plan (as relevant). To the extent necessary, the applicant makes any changes necessary to address these issues before the Sketch Plan can be approved by the Planning Director.

Upon approval of the Sketch Plan, the applicant can then proceed and apply for Concept Plan approval, either (1) as part of a conditional rezoning or a Conditional Use Permit, or (2) as a stand-alone Concept Plan for the site (see Sec. 2.3.8 of the Zoning Ordinance). As noted above, the purpose of the Concept Plan is to allow the Town to consider the general design of a development proposal at a more conceptual level, and ensure general compliance with the site development standards. If the Concept Plan is being approved in conjunction with a conditional rezoning or Conditional Use Permit, it is approved by the Board of Commissioners. If the Concept Plan is being approved as a stand-alone Concept Plan for the site, it is approved by the Planning Director (see Sec. 2.3.8 of the Zoning Ordinance, and Table 2: Current Development Review Procedures).

Upon approval of a Concept Plan, an applicant may then proceed and apply for either a Site Plan or a Subdivision Preliminary Plat, as applicable, which reviews compliance with building-related details, and site engineering requirements, as applicable.

In an effort to streamline development review without sacrificing development quality, most modern development codes have established a two-step procedure for site development review (versus a three-step procedure). We suggest the Town should consider doing this in the updated code. It can be achieved by deleting the sketch plan procedure and integrating its requirements in the pre-application conference. This is done by requiring applicants who are required to submit a Concept Plan to have a pre-application conference, and submit as part of the conference, a sketch plan with sufficient information for Town staff to understand, at a general level, the plan of development for the site (e.g., proposed land uses, general site layout, and other basic information about the plan of development). This plan could then be reviewed and commented on by Town staff at the pre-application stage; while such an approach does not require “approval” of a sketch plan, it provides both Town staff and the applicant the type of preliminary information needed before submission of a Concept Plan (and takes a review step out of the development process).

1.7.B.(iv) Integrate the Procedures in the Flood Damage Prevention Ordinance into the Procedures in Article 2: Administration

As discussed in Section 1.1, Refine the Current Organization, the current flood damage prevention ordinance is currently found in Chapter 15: Appendix. As noted in Section 1.1., we are suggesting

³ The current regulations exempt certain types of development from this requirement (for example, single-family residences, two-family dwellings, internal remodel or construction that does not increase the building footprint, and accessory structures less than 600 square feet in area). See Sec. 2.3.7 (3) of the Zoning Ordinance.

the substantive standards and requirements related to flood damage prevention be placed in the new Article 5: Development Standards. We also recommend that the two procedures in the ordinance – the floodplain development permit and a variance to the flood damage prevention standards, be integrated into Article 2: Administration. The Floodplain Administrator (the Planning Director or a designee would be identified as the Floodplain Administrator) would retain authority to decide floodplain development permits, which would be organized with the other permits (zoning permits, tree removal permits, and certificates of appropriateness). The variance from the flood damage prevention standards would be included within the same subsection for the other variances (the zoning variance and watershed variance). The Board of Adjustment would continue to make decisions on flood variances.

1.7.B.(v) Add a Planned Development (PD) Procedure for the New Planned Development Districts

The current regulations do not include any planned development districts. The intent of planned developments is to offer an applicant flexibility from the strict application of the zoning district regulations and development standards in return for greater development quality, and, in some instances, encouraging preferred development types.

We recommend the Town add three planned development districts to the line-up of zoning districts: a general planned development district, a traditional neighborhood planned development district, and a campus planned development district (see discussion in Section II.3.1.B.(iii) on page 41). Approval of a PD district is legislative in nature (like a rezonings or conditional rezoning). Consequently, for landowners/developers who want to have the PD district designation apply to their land, it will also be necessary to establish a planned development procedure that would apply to both PD districts. Like a rezoning or conditional rezoning, a planned development would require a review and recommendation by the Planning Board, followed by a review and final decision by the Board of Commissioners.

Because a planned development approval allows an applicant flexibility from the strict application of the zoning district regulations (the dimensional and related standards, as well as specific development standards (off-street parking, landscaping, exterior lighting, signage, etc.)), it will require an applicant to submit and have approved as part of the PD rezoning, a PD Plan and a PD Agreement. The PD Plan requires the applicant to prepare a comprehensive and integrated plan for development of the site subject to the PD; the PD Plan would specifically identify the development parameters for the project (the type and density and intensity of residential, mixed-use, or nonresidential development, its general location and layout, its phasing) as well as how the development proposes to vary from the development standards in the code. The PD Agreement would identify the conditions of approval for the project – things like how needed public facilities will be provided and coordinated with development, how environmentally sensitive lands will be protected and monitored, and other provisions important to the administration of project development.

1.7.B.(vi) Add an Administrative Adjustment Procedure

There seems to be a general consensus that it would make a difference in the functioning of the current regulations, especially in the redevelopment context, if a mechanism was available that

would allow minor modifications to some of the dimensional, and development standards. A tool many communities use for this purpose is an administrative adjustment. The administrative adjustment allows only minor adjustments (e.g., by 10 or 15 percent) from dimensional standards (like setbacks, lot area, or height) or development standards (like the amount of required parking) or form standards (certain design or location standards) if the adjustment does not detrimentally affect the character of the area or surrounding lands, does not have an adverse impact on surrounding lands, and results in development that conforms with the general intent of the district where the adjustment is proposed.

Administrative adjustments are typically used to adjust setbacks by a minor amount as a means of protecting resources, adjust height limits for greater compatibility, or preserve local development contexts like building façade rhythms. In addition to clear standards of approval, the procedure includes specific expiration and amendment standards to help ensure the provision is not abused.

These kinds of minor departures from standards would be reviewed and approved administratively by the Planning Director or a designee, based upon an established set of clear and measurable standards. They are accomplished outside of the variance process, and as such, **do not require the applicant to demonstrate "hardship."** Examples of administrative adjustment provisions adopted in the development codes of communities in North Carolina are included in Appendix B.

We recommend the Town consider adding an administrative adjustment procedure in the rewritten regulations.

2. Implement OneMooresville

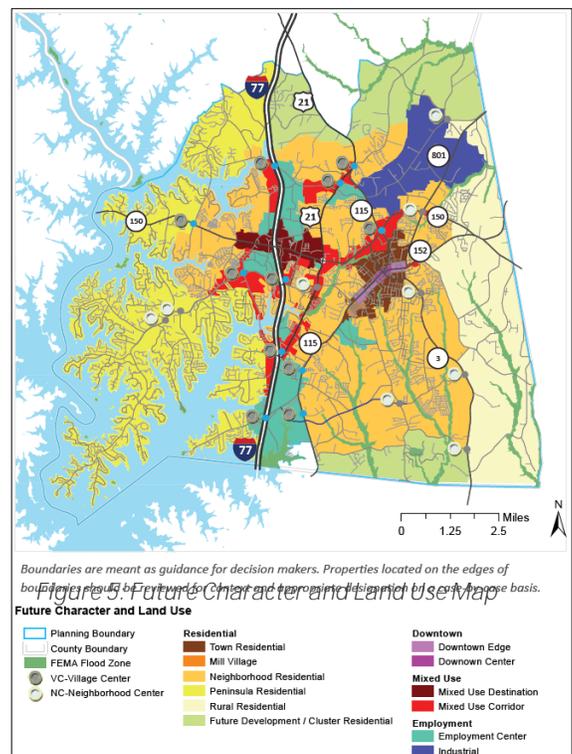
Mooresville's comprehensive plan, **OneMooresville**, was adopted in September 2019, following a robust public outreach process. The plan is an important step forward for the Town, which is experiencing significant growth, in two major respects. First, it integrates the land use and transportation plans into one document, creating better coordinated land use and transportation policy direction. Second, it establishes a growth management framework to guide future **development in a way that is consistent with the plan's vision for Mooresville**—a Town that is enduring, connected, inclusive, and innovative.

The growth management framework centers on three key maps:

- The Town Framework Map, which provides a broad view of existing and projected development patterns;
- The Tiered Growth Map, which divides land in the planning area into three tiers that each have different timeframes for future provision of utilities and services; and
- The Future Character and Land Use Map, which provides more detailed direction for how the **Town should grow to achieve the plan's vision**. It divides land in the planning area into character and land use areas, based on the desired character and form of development. For each area, the plan provides a general description of intended character, uses, street design, and development form, such as building height and setbacks, parking location, and residential density. The map also identifies locations at intersections where neighborhood-scale commercial destinations and community-scale mixed-use destinations are desired. It also provides a general description for each type of node, similar to the areas on the map.

While the Future Character and Land Use Map is a major source of direction for the UDO rewrite, other policies in OneMooresville can also be implemented in the UDO. Following is a discussion of OneMooresville policies to be implemented in the UDO rewrite, grouped under the following general headings:

- Support a more walkable, mixed-use character in certain centers and corridors;
- Ensure appropriate development in neighborhoods and transition areas around the downtown;
- Facilitate infill development, redevelopment, and adaptive reuse;
- Support development of a variety of housing types;



- Provide flexible regulations for development in employment areas; and
- Ensure new development preserves and enhances the natural environment, and provides access to green space.

2.1. Support a More Walkable, Mixed-Use Character in Certain Centers and Corridors

With some exceptions, primarily the downtown area, current development patterns on major corridors in Mooresville are auto-oriented and segregate residential uses from nonresidential uses. Recognizing national trends toward more walkable, urban environments that include a mix of nonresidential uses, **OneMooresville's** Future Character and Land Use Map identifies areas along major corridors where mixed-use, walkable development is desired. These areas include Mixed Use Destination areas, consisting of lands centered around the Plaza Drive and Interstate 77 interchange, and Mixed Use Corridor areas, consisting of lands along Highway 150, Highway 21, Interstate 77, Williamson Road, Brawley School Road, Cornelius Road, and North Main Street. The map also identifies nodes at intersections where neighborhood- or community-serving commercial and mixed-use development is desired. These include nodes designated as Neighborhood Centers and Village Centers.

While the current Zoning Ordinance includes zoning districts that allow mixed-use development, several recommended changes to the zoning districts are discussed in Section II.3 (beginning on page 27 of the Assessment) to better align the **character and form of allowed development in the Town's** zoning districts with the direction in OneMooresville. This updating of the zoning districts is explicitly identified as an implementation action on page 199 of OneMooresville. Proposed changes to the districts include:

- A new Regional Destination district which will allow for region-serving mixed-use development consistent with the Mixed Use Destination character area;
- Modifications to the existing Corridor Mixed-Use (CMX) district for better alignment with the Mixed Use Corridor character area;
- Modifications to the existing Highway Business (HB) district to reduce the required front setback and limit the amount of parking between the principal structure and the street (with consideration given to the type of street the lot fronts) ;
- A new Neighborhood Destination district which will allow neighborhood-scale commercial and mixed-use development consistent with OneMooresville policy direction for Neighborhood Center nodes; and
- Modifications to the Village Center (VC) district, which will be renamed the Community Destination district, including a significant increase in allowed density in areas that are well-served by public transportation.

In addition to these changes, updates to the development standards are recommended in Section II.4, beginning on page 48, several of which will support the mixed-use, walkable development. As with

the zoning district changes, these updates are explicitly identified as an implementation action on page 199 of OneMooreville. Relevant proposed changes include.

- Refined access and mobility standards to ensure good pedestrian cross access;
- Parking standards that are more responsive to different development contexts in the Town; and
- Refined form and design standards to support walkable environments.

2.2. Ensure Appropriate Development in Neighborhoods and Transition Areas Around the Downtown

The Future Character and Land Use Map identifies areas surrounding the Downtown that are designated as Downtown Edge, Town Residential, and Mill Village areas. Several changes to the zoning districts are proposed to better align the districts with the OneMooreville direction for these areas:

- A new Downtown Edge district is proposed that will maintain the general character of the Downtown district while allowing development to transition to less-dense residential districts;
- Modifications are proposed to the R-3 district, renamed the Residential Low-Intensity (RLI) district, the R-5 district, renamed the Residential General (RG) district, and the RMX district, renamed the Traditional Neighborhood (TN) district. The revised districts will allow progressively more dense and more diverse residential development in areas around the Downtown; and
- A new Mill Village base zoning district is proposed that will incorporate standards in the current MV-NCO district, consistent with OneMooreville direction for the Mill Village area. This change will clarify the regulations and simplify their administration.

2.3. Facilitate Infill Development, Redevelopment, and Adaptive Reuse

As is highlighted in multiple locations in OneMooreville, infill development, redevelopment, and adaptive reuse are desirable in Mooreville. For example, the text that accompanies the Tiered Growth Map lists supporting infill and redevelopment in existing commercial and employment centers as one of four main objectives; it states that adaptive reuse, redevelopment, and infill development are appropriate forms for immediate development in Tier 1 areas (those having highest priority for provision of infrastructure and services). Policies in Chapters 2, 3, 5, and 7 of the plan likewise prioritize these types of development. Section II.5 of the Assessment, beginning on page 64, provides recommendations for the UDO to better facilitate infill development, redevelopment, and adaptive reuse, including:

- Revising the parking standards to recognize different development contexts;
- Revising zoning district standards to reduce nonconformities;
- Adding contextual compatibility standards;

- Adding an administrative adjustment procedure;
- Adding alternative compliance provisions to development standards; and
- Allowing scaled compliance of nonconforming site features (e.g., parking or landscaping), so that the features would be required to come into compliance to a varying extent when a structure is remodeled or enlarged on the site, with a greater degree of compliance required for larger additions in floor area or more costly remodels.

2.4. Support Development of a Variety of Neighborhoods and Housing Types

Policy 5-2-1 of OneMooreville states:

“There is no single preferred neighborhood or housing type for all members of the community and workforce. Mooreville will allow development of a variety of neighborhood types and seek to ensure some homes are attainable for the workforce within the neighborhoods. Incentives or regulations to develop “missing middle” housing and infill housing, programs to develop new inclusionary workforce housing, and rehabilitation of substandard housing are consistent with this policy.”

The Future Character and Land Use Map identifies six residential character areas that call for a variety of development patterns and residential uses. It also includes several mixed-use districts, described in Section 2.1 above. Section II.3, beginning on page 27 of the Assessment, lays out several recommendations for changes to existing residential zoning districts to align them with OneMooreville:

- The R-3 district, proposed to be renamed the Residential Low-Intensity (RLI) district, would allow duplexes and up to four-unit mansion apartments on lots meeting certain criteria;
- The R-5 district, proposed to be renamed the Residential General (RG) district, would ease limitations on multifamily development and additional density would be allowed for uses other than single-family detached dwellings; and
- A new TN-PD district is proposed to be added. It carries forward the substance of the TND-C district as an option for master planned traditional neighborhood development that achieves the key elements of traditional neighborhood developments, which include a variety of housing types in a walkable environment.

In addition, Section II.3 recommends modifications to the inclusionary housing provisions in Section 5.6 of the current Zoning Ordinance (see page 43), and an update to the use regulations to ensure that **a full spectrum of “missing middle” housing is addressed** in the UDO, consistent with OneMooreville (see discussion on page 46 of the Assessment).

2.5. Provide Flexible Regulations for Development in Employment Areas;

Mooreville is home to many different employment areas, from business and industrial parks, to the downtown area, to shopping centers and office centers, to corporate campuses. OneMooreville

provides guidance for these areas, including policies that support flexibility in development standards, innovative mixing of complementary uses, and transformation of office parks, strip commercial plazas, and underutilized industrial sites to meet new market demands. The Future Character and Land Use Map identifies Employment Center areas and Flex Industrial areas intended for various types of employment and industrial uses, and complementary supporting uses. These areas should include pedestrian facilities and landscaping, so they are attractive to businesses and employees alike. Several recommendations are included in the Assessment to implement these policies, in addition to those discussed in Section 2.1 above. They include:

- A new Campus Planned Development (C-PD) district proposed to supersede the PC-C district, which would allow a flexible option for master planned institutional or commercial campuses;
- The Hybrid Light Industrial district, which is proposed to be merged with the General Industrial district and carried forward and modified to allow for a range of light industrial and supporting uses;
- Updated development standards to provide more flexibility in building form and design and to ensure that all new development provides adequate landscaping, pedestrian connectivity, and a minimum amount of open space;
- Updated use regulations which ensure that a broad range of modern industrial, office, and commercial uses are included and allowed in employment areas; and
- As discussed in Section 2.3 above, provisions to better facilitate infill development, redevelopment, and adaptive reuse.

2.6. Ensure New Development Preserves and Enhances the Natural Environment and Provides Access to Green Space

The interrelated goals of supporting the integrity of natural systems and expanding quality of life through green spaces are reflected in multiple policies in OneMooresville. In particular, Chapter 6: Investing in a Sustainable Future, highlights the value of environmental resources in the Town, the impacts of accessible green spaces on health and quality of life, and the need to act locally to address global environmental concerns and preserve and enhance the quality of the natural environment. To that end, the following actions are recommended in the UDO:

- Adding a new set of incentives for green building practices (see Section II.4.9 beginning on page 61);
- Carrying forward existing regulations in the WPO district to protect water quality, with updates consistent with state law provisions for Built Upon Area Averaging;
- Carrying forward and refining the tree protection standards (see Section II.4.3 beginning on page 52);
- Adding new standards that require minimum open space set-asides in new development (see Section II.4.4 beginning on page 55); and
- Refining the conservation subdivision standards.

3. Update the Zoning Districts and Use Regulations for Clarity and Consistency with One Mooresville

As noted in Section II.2 above, updating the zoning districts to better align with policy direction in One Mooresville is important if the policy direction in the new plan is to be implemented. Additionally, input received during the project kick-off meetings and our independent review suggest a number of changes should be made to the zoning district regulations to make them clearer, more logical, and align better with national zoning best practices. This section discusses proposed changes to address these issues under the following headings:

- Realign and update the zoning district structure;
- Revise the inclusionary zoning provisions;
- Modernize the layout and presentation of district regulations; and
- Update the use regulations.

3.1. Realign and Update the Zoning District Structure

Zoning districts are core elements of the Zoning Ordinance since they provide the foundation for the physical layout and type of uses allowed in different geographic areas of the Town. Based on the policy direction in One Mooresville, input received during the project kick-off meetings, and our independent review of the current regulations, we suggest the current line-up of districts need realignment to better implement the plan, and a general modernization to achieve a more logical, user-friendly structure. This section outlines the analysis undertaken to reach these suggestions through an overview of the zoning districts in the current Zoning Ordinance, followed by a proposed restructuring of the districts (through district consolidations, deletions, modifications, and the introduction of several new districts). Recommendations include:

- Generally carrying forward the residential districts, with modifications to the maximum allowed density in some districts and allowing a greater range of housing types;
- Carrying forward the CMX, VC, HB, and industrial districts, with refinements, and adding new districts for mixed use destinations or centers;
- Changing the use of conditional districts for master planned campus and traditional neighborhood development to planned development districts;
- Establishing a new district for open space conservation; and
- Dramatically reducing the number of overlay districts and adding the Historic Preservation Overlay district provisions from Chapter 13 of the Town Code of Ordinances.

3.1.A. Overview of Current Districts

The current Zoning Ordinance establishes 15 base zoning districts and 11 overlay districts. Of the base zoning districts, 13 are general use (not conditional) base zoning districts and two are conditional zoning districts (conditional districts are established for each of the general use base districts).⁴

3.1.A.(i) Base Zoning Districts

The current base zoning districts, including the TN-C and PC-C districts, are identified in Table 4: Current Base Zoning Districts, together with a brief description of the purpose of and intended character of each district. Residential districts are listed in order of increasing density allowed.

TABLE 4: CURRENT BASE ZONING DISTRICTS

BASE DISTRICT	DESCRIPTION
RESIDENTIAL DISTRICTS	
R-2 Single-Family Residential-2	Areas for low density detached residential development that is typically served by conventional well and septic systems. Generally, this district is rural in character and not located within close proximity to public utility services. The principal use of land is detached residential. The district also permits agricultural uses, open space, bed and breakfast inns, complimentary small-scale institutional uses (e.g., churches, post offices, police sub-stations), country clubs, golf courses, and a variety of accessory and temporary uses. The district permits mobile homes on individual lots and within manufactured home parks. <i>Maximum density is 2 units/acre.</i>
R-3 Single-Family Residential-3	Areas for primarily low-density detached residential development, along with a limited amount of complimentary institutional and nonresidential uses that would not be detrimental to the residential character of the district (e.g., churches, post offices, country clubs, and golf courses). Lots within the district are typically served with public utilities. Along with single-family detached dwellings, the district permits centrally-located open space, bed and breakfast inns, and a variety of accessory and temporary uses. <i>Maximum density is 3 units/acre.</i>
R-5 Single-Family Residential-5	Areas primarily for detached residential uses and small-scale attached residential uses (with a Conditional Use Permit). Intended to encourage diverse functioning neighborhoods that include a variety of different types of residential development types, limited nonresidential uses, complementary institutional uses, and centrally-located open space. <i>Maximum density is 5 units/acre, or 8 units/acre with a Conditional Use Permit.</i>

⁴ The TN-C and the PC-C districts may only be established as conditional districts.

TABLE 4: CURRENT BASE ZONING DISTRICTS

BASE DISTRICT	DESCRIPTION
<p>RMX Residential Mixed-Use</p>	<p>Diverse functioning neighborhoods that mix various types of residential development as the primary use type, limited neighborhood-serving nonresidential uses, and complementary institutional uses (e.g., churches, post offices, police substations). The district permits a diverse mixture of detached and attached development and accessory dwellings. In addition to a variety of residential types, the district permits centrally-located open space, day care facilities, and small-scale, neighborhood-serving convenience retail located on corner lots.</p> <p><i>Maximum density is 8 units/acre for detached dwellings, 10 units/acre for attached dwellings, or 12 units/acre with a Conditional Use Permit.</i></p>
<p>RMX-MH Residential Mixed-Use – Manufactured Home</p>	<p>Areas for mobile and manufactured homes in a park setting designed to create an environment of residential character.</p> <p><i>Maximum density is 10 units/acre, or 1 unit/space in a manufactured home park.</i></p>
<p>TND-C Traditional Neighborhood Development (Conditional)</p>	<p>Intended to provide landowner/developers with a flexible framework for developing a mixed-use Traditional Neighborhood Development as an alternative to conventional residential development. The Traditional Neighborhood Development standards are designed to encourage the development of compact, residentially-oriented, mixed-use, small-lot, pedestrian-oriented communities where residents can meet some of their employment, shopping, and recreation needs within the same development. Building and roadways shall be sized and oriented to accommodate the needs of the pedestrian.</p> <p><i>Minimum density is 4 units/acre. There is no maximum density. Maximum height is 4 stories.</i></p>
<p>NONRESIDENTIAL DISTRICTS</p>	
<p>NMX Neighborhood Mixed-Use</p>	<p>Areas for mixed, pedestrian-scaled, neighborhood-serving nonresidential uses and high-density residential uses in the same structure or in close proximity to one another. Development promotes pedestrian-scaled uses through connections to adjacent neighborhoods, the construction of mixed-use buildings, and the establishment of residential and nonresidential uses in close proximity to one another. Nonresidential uses may include small-scale retail, service, and professional offices that provide goods and services to the residents of the surrounding neighborhood. Nonresidential uses should typically be located at the intersection of two collector streets or a collector street and arterial street. Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to development standards to ensure development is consistent with the neighborhood scale and form of the district, and compatible with surrounding uses through setbacks, height limitations, bulk and other dimensional standards, connectivity requirements, controls on lighting, and site design.</p> <p><i>Maximum density is 8 units/acre for detached dwellings, 12 units per acre for attached dwellings, or 14 units/acre with a Conditional Use Permit. Maximum height is 3 stories.</i></p>

TABLE 4: CURRENT BASE ZONING DISTRICTS

BASE DISTRICT	DESCRIPTION
CMX Corridor Mixed-Use	<p>Areas for high density residential and mixed-use development on lots fronting the Town’s major street corridors. The district acts as a transition from larger-scale regionally-oriented nonresidential uses to smaller scale uses providing services to surrounding neighborhoods. Developments in this district are generally a mix of pedestrian and auto-oriented uses. Depending on the presence of on-street parking, buildings may be located close to the street and may be larger in size than uses typically found in the NMX District. All forms of residential use (except mobile homes) are permitted, and are typically located away from the primary street corridor or in vertically-integrated mixed-use buildings. Nonresidential uses are intended to serve groups of neighborhoods instead of individual neighborhoods. <i>Maximum density is 8 units/acre for detached dwellings, 12 units per acre for attached dwellings, or 14 units/acre with a Conditional Use Permit. Maximum height is 3 stories.</i></p>
VC Village Center	<p>An urban center serving as a focal point of employment, commercial, and retail uses. The district is similar to the Town Center (TC) district, but is located in outlying areas of the Town. It is intended to support a variety of housing types and compatible nonresidential and institutional uses. New development is encouraged to be multi-story with vertically-integrated mixed uses composed of street-level nonresidential and upper-story residential uses. High-density attached residential use types that are supportive of transit are encouraged. Village centers occupy lots along both sides of major thoroughfares with the highest intensity uses located adjacent to street intersections. <i>Maximum density is 16 units/acre, or 18 units/acre with a Conditional Use Permit. Maximum height is 4 stories.</i></p>
TC Town Center	<p>A district for the development of the downtown as a focal point in Mooresville with an intense mix of office, retail, service, restaurant, entertainment, cultural, civic, and residential uses that cohesively preserve downtown character and history. New development is multi-story, with street-level nonresidential and upper-story residential uses. In order to support and promote a vibrant traditional downtown core, new residential development (infill or new construction) is limited to high-density attached residential use types. Retail and restaurant uses on the street-level are encouraged to support greater foot traffic and add to the hours of activity in the downtown. <i>Maximum density is 8 units/acre for detached dwellings or 16 units/acre for attached dwellings. Maximum height is 4 stories.</i></p>

TABLE 4: CURRENT BASE ZONING DISTRICTS

BASE DISTRICT	DESCRIPTION
<p>HB Highway Business</p>	<p>Areas for business uses that provide goods and services to residents of the region and entire community, including shopping centers and large retail establishments located along highways and adjacent to highway interchanges. The district provides for the location of auto-oriented and auto-dependent uses in addition to service-oriented uses that provide support to the surrounding region. Allowable retail, office, and light industrial uses should provide appropriate appearance, parking, traffic movement, and landscaping elements, and protect abutting residential areas from adverse impacts. Retail uses exceeding 100,000 square feet are permitted through the approval of a Conditional Use Permit. Live/work dwellings with a maximum density of 10 units per acre may be permitted with a Conditional Use Permit, but all other residential uses are prohibited.</p> <p><i>Maximum density is 10 units/acre. Maximum height is 4 stories.</i></p>
<p>HI Hybrid Industrial</p>	<p>Intended as a transitional district between Highway Business (HB) and General Industrial (GI) Districts. This district is typically located within a contained area such as a business park. It provides lands for business uses that provide goods and services to residents of the region and the entire community. The district also provides for the location of auto-oriented and auto-dependent uses in addition to service-oriented uses that provide support to the surrounding region. Retail uses exceeding 60,000 square feet may be allowed with a Conditional Use Permit. The district also permits the development and operation of light and medium intensity industrial uses including flex use buildings and uses that are typically large in scale. The district is intended to provide lands for industrial uses that are operated in a relatively clean and quiet manner and that are not obnoxious to adjacent residential or other nonresidential uses. Allowable uses include limited manufacturing, assembly and functionally-related uses such as distribution, warehouse storage, properly-screened outdoor storage, and caretaker dwellings (as accessory uses). Some heavier industrial uses may be allowed with a Conditional Use Permit, but uses that generate hazardous wastes are prohibited. Offices uses are allowed.</p> <p><i>Maximum height is 4 stories.</i></p>
<p>GI General Industrial</p>	<p>Areas for light and medium intensity industrial uses including flex use buildings and uses that are typically large in scale. This district should be generally located adjacent or within close proximity to rail and surface transportation infrastructure. The district is intended to provide lands for industrial uses that are operated in a relatively clean and quiet manner and that are not obnoxious to adjacent residential or other nonresidential uses. Allowable uses include limited manufacturing, assembly and functionally-related uses such as distribution, warehouse storage, processing, properly-screened outdoor storage, and caretaker dwellings (as accessory uses). Some heavier industrial uses may be allowed with a Conditional Use Permit, but uses that generate hazardous wastes are prohibited. Office uses are allowed, but are considered incidental to the predominantly industrial nature of the district.</p> <p><i>Maximum height is 50 feet.</i></p>

TABLE 4: CURRENT BASE ZONING DISTRICTS

BASE DISTRICT	DESCRIPTION
EI Exclusive Industrial	Wholesaling and industrial areas for manufacturing, processing, and assembling of parts and products and distribution of products at wholesale and transportation terminals. Whenever possible, areas of this zoning district shall be separated from residential areas by natural or structural boundaries such as drainage channels, breaks in topography, strips of vegetation, traffic arteries, railroads and similar features. <i>Maximum height is 80 feet.</i>
PC-C Planned Campus District (Conditional)	Intended to support corporate office campuses, institutional, research and development, and industrial uses. The district is intended to support a single user or single use category within a campus style setting. This type of development is typically large in scale and is designed in a manner that is appropriate to the technology, production methods, or operations associated with the uses permitted. Examples of planned campus developments would include but are not limited to large industrial parks, large corporate headquarters, colleges and universities, and large medical facilities. <i>Maximum density is 10 units/acre. Maximum height is 7 stories.</i>

3.1.A.(ii) Overlay Districts

The current Zoning Ordinance includes eleven overlay districts, which set out requirements that apply in addition to or, if they conflict, instead of the underlying base district standards. Table 5: Current Overlay Districts, identifies the current overlay districts and the purpose of each district.

TABLE 5: CURRENT OVERLAY DISTRICTS

OVERLAY DISTRICT	PURPOSE
WPO Watershed Protection Overlay	Established in accordance with the requirements in North Carolina General Statutes Section 143-214.5 related to water supply watershed protection. District standards are designed to regulate density and impervious surface cover in water supply watershed areas in order to promote public health, safety, and general welfare by protection of water supply water quality through control of non-point source pollution within watershed protection areas.
NCO Neighborhood Conservation Overlay	Intended to protect and preserve the unique design features and character of established neighborhoods throughout the Town, and to promote new construction that is compatible with the existing neighborhood character. The district is a flexible tool that may be applied to multiple neighborhoods, each of which will have its own unique architectural, natural, cultural, and historic attributes.

TABLE 5: CURRENT OVERLAY DISTRICTS

OVERLAY DISTRICT	PURPOSE
MXO Mixed-Use Overlay	Intended to preserve the residential character of buildings converting from residential to limited office uses. This district is proposed to create a walkable, livable, diverse, accessible, and attractive neighborhood by enabling economic growth, maintaining aesthetics, and softening the transition between residential and office uses.
OIO Office Overlay	The Zoning Ordinance does not state the purpose of this overlay district. It serves to limit specified institutional and commercial uses so that a Conditional Use Permit is required to establish the uses.
COO Corridor Overlay	Intended to preserve and enhance the relationship buildings have to the street and to enhance the streetscape along major gateways leading to and within Mooresville. The Corridor Overlay District shall have a width up to 250 feet extended from the right-of-way of the designated corridor.
HPO Historic Preservation Overlay	The Zoning Ordinance does not state the purpose of this overlay district. Within the HPO district, a Certificate of Appropriateness is required before any construction, alteration or rehabilitation, moving, or demolition of designated landmark historic structures or other historic structures (see Section 2.3.16 of the Zoning Ordinance).
TSO Transit Station Overlay	The Zoning Ordinance does not state the purpose of this overlay district.
ALCOVE Alcove Road Corridor Overlay	Intended to reasonably balance the intensity, scale, and height of uses in proximity to established adjacent residential development as recommended per the adopted Alcove Road Corridor Small Area Plan, and to maintain the classification of the Corridor as a Minor Thoroughfare.
CORNELIUS Cornelius Road Corridor Overlay	Intended to encourage commercial, employment center, and flex industrial uses along the Cornelius Road corridor.
EAST/WEST CONNECTOR East/West Connector Overlay	Intended to preserve the mixed-use environment contemplated in the Town’s previous land use plan and found around the Exit 31 Interchange of Interstate 77, to ensure conformance to the spirit and intent of the Town’s previous Comprehensive Transportation Plan, and to mitigate potential negative impacts to surrounding road networks due to overly-intense development.
Brawley School Road Overlay	Intended to implement the development strategies found in the Town’s adopted Brawley School Road Small Area Plan, and to promote unique urban development patterns, help mitigate transportation congestion, and to provide for a sense of place.

3.1.B. Proposed Zoning District Structure

While the current zoning district structure is fairly logical and well-organized, it can be improved upon, especially if it is to be aligned with OneMooresville. As discussed in Section II.2, Implement OneMooresville, in some instances, the current zoning districts do not support the character desired in

specific areas of the Town. In addition, in the project kick-off meetings and interviews, some districts were identified as not supporting the distinct character and development form desired for a particular area, or as creating unnecessary complexity. Based on this input, direction from OneMooreville, and our independent review, a proposed new zoning district structure is suggested in order to support high-quality development; provide opportunities for a variety of housing options; allow a range of commercial retail services uses; facilitate mixed-use, commercial, and employment centers; support traditional neighborhood and downtown development patterns; and otherwise further the **community's development**-related goals. Proposed districts are organized under the following headings:

- Base Districts
 - » Residential Districts
 - » Mixed-Use and Nonresidential Districts
 - » Planned Development Districts
- Overlay Districts

Table 6: Proposed Zoning District Structure, summarizes the proposed zoning district structure. The district restructuring includes 17 base districts (including the three planned development districts) and four overlay districts. To make it easier to understand how the proposed districts relate to existing districts and to character areas shown on **OneMooreville's Future Character and Land Use Map**, Table 6 includes three columns. The first column lists the current districts. The second column lists the corresponding proposed districts. In many instances, current districts are carried forward, although they may be proposed to be consolidated or renamed. In other cases, a current district may be proposed to be deleted. Where current districts are proposed to be consolidated or deleted, that is noted; proposed new districts are similarly noted. The listing of the districts under each heading generally starts with the least intense district extending to the most intense district. The final column identifies corresponding character area(s) from the Future Character and Land Use Map that are being implemented by the proposed zoning districts.

Sections that follow Table 6, describe proposed districts in more detail. The descriptions include initial recommendations for uses and densities and intensities for several of the districts, based on our evaluation to this point. As the new UDO district standards are drafted during the next task of the UDO rewrite project (see project overview on page 1), a more in-depth study of each district will occur, and revisions will be made to ensure that the district standards are workable and effective in relation to existing development and direction in OneMooreville.

TABLE 6: PROPOSED ZONING DISTRICT STRUCTURE

CURRENT DISTRICT	PROPOSED DISTRICT	ONEMOORESVILLE CHARACTER AREA
BASE DISTRICTS		
Residential Districts		
R-2 Single-Family Residential-2	RLS Residential Limited Service	Neighborhood Residential Rural Residential
R-3 Single-Family Residential-3	RLI Residential Low-Intensity	Neighborhood Residential Town Residential
R-5 Single-Family Residential-5	RG Residential General	Neighborhood Residential Town Residential
	MV Mill Village <i>[NEW]</i>	Mill Village
RMX Residential Mixed-Use	TN Traditional Neighborhood	Town Residential
RMX-MH Residential Mixed-Use – Manufactured Home	<i>[CONSOLIDATED]</i>	
Mixed-Use and Nonresidential Districts		
NMX Neighborhood Mixed-Use	<i>[DELETED]</i>	
	ND Neighborhood Destination <i>[NEW]</i>	Neighborhood Center Node
VC Village Center	CD Community Destination	Village Center Node
	RD Regional Destination <i>[NEW]</i>	Mixed Use Destination
TC Town Center	TD Traditional Downtown	Downtown Center
	DE Downtown Extension <i>[NEW]</i>	Downtown Edge
CMX Corridor Mixed-Use	CMX Corridor Mixed-Use	Mixed Use Corridor Employment Center
HB Highway Business	HB Highway Business	Mixed Use Corridor
HI Hybrid Industrial	HLI Hybrid Light Industrial	Employment Center
GI General Industrial	<i>[CONSOLIDATED]</i>	
EI Exclusive Industrial	IN Industrial	Flex Industrial
Planned Development Districts		
TND-C Traditional Neighborhood Development (Conditional)	<i>[DELETED]</i>	
PC-C Planned Campus District (Conditional)	<i>[DELETED]</i>	
	G-PD General Planned Development <i>[NEW]</i>	
	TN-PD Traditional Neighborhood Planned Development <i>[NEW]</i>	Town Residential Neighborhood Residential Downtown Edge

TABLE 6: PROPOSED ZONING DISTRICT STRUCTURE

CURRENT DISTRICT	PROPOSED DISTRICT	ONEMOORESVILLE CHARACTER AREA
	C-PD Campus Planned Development <i>[NEW]</i>	Employment Center Flex Industrial
OVERLAY DISTRICTS		
WPO Watershed Protection Overlay	WPO Watershed Protection Overlay	
NCO Neighborhood Conservation Overlay	NCO Neighborhood Conservation Overlay	
MXO Mixed-Use Overlay	<i>[DELETED]</i>	
OIO Office Overlay	<i>[DELETED]</i>	
COO Corridor Overlay	<i>[DELETED]</i>	
HPO Historic Preservation Overlay	HPO Historic Preservation Overlay	
TSO Transit Station Overlay	<i>[DELETED]</i>	
ALCOVE Alcove Road Corridor Overlay	<i>[DELETED]</i>	
CORNELIUS Cornelius Road Corridor Overlay	<i>[DELETED]</i>	
EAST/WEST CONNECTOR East West Connector Overlay	<i>[DELETED]</i>	
Brawley School Road Overlay	BSRO Brawley School Road Overlay	

3.1.B.(i) Residential Base Districts

The Residential base districts provide lands for principally residential uses, with the breadth of uses allowed and the intensity of development increasing from the RLS through the TN district. The existing residential districts are generally carried forward, with some consolidations, refinements, and name changes proposed. The districts are renamed to highlight core considerations other than residential density. A new Mill Village base zoning district is added to implement the Mill Village character area, and the RMX and RMX-MH districts are consolidated and refined to better implement the Town Residential character area. The range of residential uses allowed in many of the districts is proposed to be expanded, consistent with OneMooreville direction to include a greater variety of housing options. Based on input received from kick-off meetings and subsequent discussions with Town staff, allowed densities would be adjusted to eliminate the Conditional Use Permit requirement for greater densities. This is done to make the regulations simpler to understand and administer. If an applicant desires greater density, the applicant would need to request a rezoning to a more intense district. Other refinements are proposed for individual districts. The proposed Residential base districts are outlined below. As noted above, suggested uses and densities are based on our preliminary evaluation and will be further studied and refined during the drafting of the district regulations.

The Single-Family Residential-2 (R-2) district is carried forward, refined, and renamed the Residential Limited Service (RLS) district. The district would be characterized principally by single-family detached, duplex, and manufactured dwellings at densities of two units per acre or less. The district is intended for application in areas lacking full access to utility service. Limited agricultural, small-scale institutional, and other use currently allowed in the R-2 district may also be allowed.

The Single-Family Residential-3 district is carried forward, refined, and renamed the Residential Low-Intensity (RLI) district. The district would be characterized primarily by single-family detached residential development at densities of three units per acre or less. Townhouse dwellings are currently allowed only in conditional R-3 districts. The district would also allow duplexes and mansion apartments of up to four units, either in conditional RLI districts, or potentially as a permitted use on lots having a minimum area (e.g., 30,000 square feet) that front an intersection. A minimum spacing requirement could also be included between intersections where duplexes or mansion apartments are developed. The district might also allow limited institutional and other uses currently allowed in the R-3 district.

The Single-Family Residential-5 (R-5) district is carried forward and renamed the Residential General (RG) district, with several proposed modifications (subject to additional study and revision, as noted above). We suggest a minimum lot size of 7,000 square feet for lots containing single-family detached dwellings (the R-5 district currently has no minimum lot size). The maximum allowed density would be five units an acre for single-family detached dwellings and eight units an acre for all other residential uses. The provision in the current district regulations requiring conditional zoning for increased density of up to eight units an acre would not be carried forward. The district would allow uses and building forms currently allowed in the R-5 district. Limitations on multifamily development would be eased to allow other building forms besides mansion apartments.

The new Mill Village (MV) district would incorporate standards from the current Mill Village Neighborhood Conservation Overlay district, consistent with OneMooreville guidance for the Mill Village character area. Allowed uses would be limited to single-family detached dwellings and institutional uses. Maximum allowed density would be seven units per acre, consistent with direction in OneMooreville (the current NCO district standards do not establish any density standard for the Mill Village subdistrict). As discussed below, regulations that apply to the Cascade Mill Village neighborhood would be carried forward in the Neighborhood Conservation Overlay district.

The current Residential Mixed-Use (RMX) and Residential Mixed-Use – Manufactured Home (RMX-MH) districts are proposed to be consolidated into the Traditional Neighborhood (TN) district. The district would allow all uses allowed in the RMX district plus manufactured home parks. Institutional and commercial uses would continue to be allowed, with commercial uses limited to 5,000 square feet of gross floor area per building using the shopfront building form. Manufactured homes established on individual lots at the time the new UDO is adopted would be nonconforming. If the Town wants to allow the replacement of those manufactured homes, the UDO could include special nonconformity provisions that allow replacement of a manufactured home that is a nonconforming use in the district. Maximum allowed density would carry forward the current standards for the RMX and RMX-MH districts of eight units an acre for single-family

detached dwellings and ten units an acre for all other residential uses. The provision allowing additional density with a Conditional Use permit would not be carried forward. Dimensional standards will include contextual standards to allow for flexibility in infill development while also preserving the character of the existing neighborhood.

3.1.B.(ii) Mixed-Use and Nonresidential Districts

As discussed in Section II.2 above, Implement OneMooresville, OneMooresville includes new policy direction for the character and form of mixed-use, commercial, and industrial development. In order to implement that policy direction, a proposed structure for the mixed-use and nonresidential districts is laid out in this section. New mixed-use districts are proposed at the neighborhood, community, and regional scale, and for areas abutting the downtown core area. The TC district is carried forward for the downtown core area, and the CMX and HB districts are **carried forward to accommodate existing and desired development patterns along the Town's major corridors**. The current HI and GI districts are consolidated into the Hybrid Light Industrial (HLI) district to implement the Employment Center character area. The Exclusive Industrial district is carried forward as the Industrial (I) district. The NMX district is proposed to be deleted as it is extraneous and not well-aligned with OneMooresville. Following is a description of the proposed mixed-use and nonresidential districts. As noted above, suggested uses and densities and intensities are based on our preliminary evaluation and will be further studied and refined during the drafting of the district regulations.

The new Neighborhood Destination (ND) district is proposed to allow for development in the Neighborhood Center nodes identified on the Future Character and Land Use Map. To ensure development in the district is nodal and not strip development, the district could be mapped only on lands within a specified distance (e.g., a radius of 1,000 feet) of intersections identified as Neighborhood Centers on the Future Character and Land Use Map. The district would be characterized primarily by neighborhood-scale commercial development, which would be subject to a maximum floor area limitation. We suggest the district regulations allow a mix of retail sales and personal services uses, professional offices, and restaurants, as well as institutional uses, multifamily residential development above ground floor commercial uses in mixed-use buildings, and townhouses if integrated in mixed-use development. Form standards would require buildings to be brought close to the street, with parking placed at the side or rear of the principal structure. Maximum residential density would be 16 units an acre; the maximum building height would be two stories for buildings housing only nonresidential uses, or four stories (with step backs) for mixed-use buildings. As noted above, these initial proposed density and height requirements will be further studied and refined as the district regulations are drafted.

The Village Center district is proposed to be carried forward and renamed the Community Destination (CD) district. The district would allow a mix of commercial, residential, and institutional uses, and would incentivize the mixing of residential and nonresidential uses within a building, with the residential uses located above the nonresidential uses. Form and design standards would require new buildings to be brought up to the street, with on-site parking placed to the side or rear of the principal structure. Sidewalks and street trees would be required, with the trees located in a planting strip or planting box between the sidewalk and the street (if allowed by applicable street design standards). The maximum residential density is proposed to be 18 units

an acre (the same as currently allowed with a Conditional Use Permit) with higher densities (e.g., 30 units an acre) allowed in areas that are accessible to and within a specified distance (e.g., 1,200 feet) of a transit station, that are otherwise well-served by public transportation, or that have direct pedestrian and vehicular access to major employment centers. The maximum building height would be four stories, or six stories for mixed-used buildings and buildings within a specified distance from a transit station. These initial proposed uses, densities, and height limitations will be further studied and revised as needed during the drafting of district regulations.

The new Regional Destination (RD) district is added **to implement OneMooreville's Mixed-Use Destination** character area, which is located on the Future Character and Land Use Map in the area surrounding the Interstate 77 interchange with Highway 150. OneMooreville calls for this area, which is currently developed as an auto-oriented regional retail center, to transition over time to include a broader mix of uses, including higher-density multifamily development in a mixed-use setting. The district would allow large-scale mixed use and retail development, as well as hotels and restaurants, offices, personal services, and institutional uses. District standards would require new development (including infill development) to be oriented toward streets, courtyards, plazas, or other open spaces. Cross access would be required for pedestrian and vehicular traffic (see discussion in Section II.4.1 beginning on page 48), with sidewalks required on all streets and internal drives, street trees and a planting area or planting boxes between the sidewalk and the street or drive, and pedestrian walkways separated from or buffered from the streets or drives (subject to applicable street design standards). The district would also allow for some flexibility to encourage redevelopment of older strip shopping centers into more place-based mixed-use developments. District standards for large retail would be developed, building on the current Large Retail building form standards. The maximum residential density would be 18 units an acre. The maximum building height would be three stories, or five stories in a mixed-use building containing nonresidential uses on the ground floor and residential uses on other floors. Minimum front setbacks would be 30 feet from Plaza Drive, or zero feet from other streets.

The current Town Center (TC) district is proposed to be carried forward and renamed the Traditional Downtown (TD) district, with refinements consistent with OneMooreville direction and the Downtown Master Plan. We suggest uses allowed in the district include retail, offices, restaurants, institutional uses, detached dwellings, and multifamily dwellings in mixed-use buildings. Parking would be required to be located on the street, or behind or to the side of the principal building. The maximum density would be eight units an acre for detached single-family dwellings and 16 units an acre for all other residential uses; however, within a specified distance (e.g., 600 feet) of a transit station, the maximum density would be 30 units an acre. The maximum building height would be four stories, or five stories (with a required step back) for mixed-use buildings containing nonresidential uses on the ground floor and residential uses on other floors. The minimum and maximum block lengths in the subdivision standards would be 400 and 800 feet, respectively. As noted above, these proposed dimensional and density and intensity standards for the district will be further evaluated and refined when the district regulations are drafted.

The new Downtown Extension (DE) district **is proposed to implement OneMooreville's Downtown Edge** character area. The district would serve as a transitional district from the downtown core area to surrounding areas along the Main Street corridor. It would allow the same

mix of uses as the proposed Traditional Downtown district, except townhouse and standalone multifamily dwellings would be allowed. Parking would be required to be located on the street, or behind or to the side of the principal building. The maximum density would be 16 units an acre, and the maximum building height would be three stories. The minimum and maximum front setback would be the same as the Traditional Downtown district, (five feet and 15 feet, respectively). Contextual standards would be included to require a building to be stepped back when abutting shorter buildings.

The Corridor Mixed-Use (CMX) district is proposed to be carried forward, with several modifications. The district would allow a mix of retail and office uses, hotels, and institutional uses, as well as multifamily and townhouse dwellings. Single-family detached dwellings, which are currently allowed with a Conditional Use Permit, would not be allowed. To ensure that the character of the district is not dominated by large-scale retail and office uses, the district may include a maximum floor area limitation for individual retail and office buildings (e.g., 45,000 square feet), with a larger floor areas allowed with a special use permit. Limited auto-oriented principal uses would be allowed as special uses. The maximum building height would be three stories, or four stories (with a step back) for mixed-use buildings containing ground floor retail and multifamily dwellings on upper stories. The maximum density would be 16 units an acre for multifamily development in a mixed-use building and 14 units an acre for all other residential uses. The minimum building setback would be 30 feet from identified heavily traveled commuter corridor streets and 15 feet from all other streets. Parking would be required to be located to the side or rear of the principal building. The minimum and maximum block lengths in the subdivision regulations would be 400 and 600 feet, respectively. As noted elsewhere, these proposed dimensional and density and intensity standards for the district, as well as the allowed uses, will be further evaluated and refined when the district regulations are drafted.

The Highway Business (HB) district is proposed to be carried forward, with refinements. The district is proposed to continue to allow a wide range of retail and personal services uses, but not allow residential uses as a principal use. Parking would be required to be located to the side or rear of the principal structure; except on lots fronting Highway 150, a specified amount of parking (e.g., up to two parking bays) would be allowed between the principal structure and the street. Maximum building height would be reduced from four stories to three stories, and the minimum setback would be 30 feet from Highway 150 and 15 feet from all other streets. These suggested district standards are subject to further study and revisions when the district regulations are drafted.

The current Hybrid Industrial (HI) and General Industrial (GI) districts are proposed to be consolidated into the Hybrid Light Industrial (HLI) district. It would allow offices, light manufacturing, and warehousing. Restaurants, hotels, recreation uses, personal services uses, and other commercial or institutional uses serving the daily needs of those working on-site and those visiting for other purposes would be allowed within a building that also houses an industrial or office use, or as part of a coordinated multi-building development where the use does not front on a street external to the development. For manufacturing and warehousing uses, district standards would require any facilities for freight movement to be separated from other vehicular and pedestrian circulation systems on the development site. The maximum building height would

be 50 feet, but a greater height (e.g., 100 feet) would be allowed if the building is part of a coordinated multi-building development that has a specified minimum area (e.g., ten acres).

Lastly, the Exclusive Industrial (EI) district is carried forward and renamed the Industrial (IN) district. It would include refinements consistent with Flex Industrial character area guidance, including reducing the front setback from 50 feet to 40 feet and limiting the building height to 50 feet, or 80 feet if the building is located in a multi-building development that has specified minimum area (e.g., ten acres). Exceptions would be included for silos, tanks, and similar structures.

3.1.B.(iii) Planned Development Districts

The current Traditional Neighborhood Development (TND-C) and Planned Campus (PC-C) conditional districts make use of the conditional zoning procedure to provide flexibility for master planned development. While this process has been used in a few instances to date to establish PC-C districts, the use of the conditional zoning procedure is unusual, and we suggest the Town consider planned development as a more robust and flexible alternative (see discussion in Section II.1.7.B.(v) on page 20 regarding the planned development procedure). Specifically, we recommend deleting the TND-C and PC-C districts and creating a new Traditional Neighborhood Planned Development (TN-PD) district and a new Campus Planned Development (C-PD) district. The TN-PD district would carry forward the TND-C standards, with minor refinements. The C-PD district would have a minimum district area of five acres. It would establish basic standards for connectivity, parking, and building design at the periphery of the district. Other development parameters and standards would be established in the planned development plan and agreement for the district. Additionally, we suggest the Town consider including a General Planned Development (G-PD) district to allow for master planned development that does not fall into a traditional neighborhood or campus category.

3.1.B.(iv) Overlay Districts

The current Zoning Ordinance identifies eleven overlay districts. Of those, four are proposed to be carried forward.

- The Watershed Protection Overlay (WPO) district is proposed to be carried forward, with modifications in formatting and organization as necessary for consistency with the rest of the UDO. These regulations are required by state law to protect water quality.
- The Neighborhood Conservation Overlay (NCO) district is also proposed to be carried forward, with modifications. The Mooresville Mill Village subdistrict is proposed to be deleted and its standards incorporated into the new Mill Village base zoning district described above. We also suggest the Town consider deleting the North Main Street subdistrict, and that it consider deleting the Academy Street subdistrict or expanding its scope to address additional development concerns identified in Section 4.3.5 of the current Zoning Ordinance. The Cascade Mill Village subdistrict would be carried forward, with potential modifications to the subdistrict standards to incorporate specific standards from the Cascade Redevelopment Plan.

- The Historic Preservation Overlay (HPO) district is proposed to be carried forward. Chapter 13: Historic Properties, **of the Town's Code of Ordinances** includes a set of regulations and procedures pertaining to historical districts and landmarks. The procedures appear to overlap with the Certificate of Appropriateness procedures in the current Zoning Ordinance. Other Chapter 13 provisions should be included or referenced in the HPO district section. We recommend that all of Chapter 13 be relocated into the UDO and modified for consistency with the **UDO's** organization and formatting conventions, and to clarify that the district includes all locally-designated historic districts and sites.
- The Brawley School Road Overlay (BSRO) district is proposed to be carried forward. This district is intended to implement the Brawley School Road Small Area Plan, to promote unique urban development patterns, help mitigate transportation congestion, and to provide for a sense of place. It covers a large area more or less centered on Brawley School Road, from Morrison Plantation Parkway west of Williamson Road to lands east of Highway 21. These areas are mapped principally in the Mixed Use Corridor, Neighborhood Residential, and Employment Center character areas in OneMooreville. The BSRO district standards include parking location requirements, maximum floor area for buildings, and limitations on allowed uses. While the proposed CMX and Residential districts that correspond to the applicable OneMooreville character areas would address many standards (for example, the self-storage and automobile-related uses prohibited in the district would likewise be prohibited in the CMX and Residential districts), the proposed HLI district, which corresponds with the Employment Center areas, would not. We recommend that this district be carried forward and modified as necessary to reflect changes in the relevant base zoning districts.

Overlay districts that are proposed to be deleted include:

- The Mixed-Use Overlay (MXO) district. This district is applied in the area abutting and to the east of the Downtown area, which is characterized as a Town Residential area in OneMooreville. The MXO district standards primarily address impacts where nonresidential uses are developed next to existing residential uses, either as new development or adaptive reuse. These impacts are proposed to be addressed more widely in the neighborhood compatibility standards (see discussion in Section II.4.6 beginning on page 57).
- The Office Overlay (OIO) district. This district is mapped on Williamson Road, just south of its intersection with Brawley School Road. There is no purpose stated for this district in the Zoning Ordinance. Regulations in the district are limited to requiring a Conditional Use Permit for specified institutional and commercial uses. The area is shown as a Mixed Use Corridor on the Future Character and Land Use Map. As discussed in the paragraph above, potential impacts from development abutting single-family residential development are proposed to be addressed through neighborhood compatibility standards.
- The Corridor Overlay (COO) district. The district standards apply to commercial lots on major corridors in the Town. Development concern addressed by district standards can be

addressed in the landscaping and parking standards, individual district standards, and use-specific standards, rendering the district extraneous.

- The Transit Station Overlay (TSO). The district is included in the current Zoning Ordinance as a placeholder and does not include a statement of purpose or any other text.
- The Alcove Road Corridor Overlay (ALCOVE) district. The district includes lands abutting Williamson Road near its intersection with Interstate 77 and extends southward along the west side of the Interstate to Langtree Road. District standards would be supplanted by base district standards and neighborhood compatibility standards.
- The Cornelius Road Overlay (CORNELIUS) district. The purpose of the district is to encourage commercial, employment center, and flex industrial uses along the corridor. Most of the land that would be included in the overlay district lies outside the **Town's** zoning jurisdiction. It is anticipated that **as lands enter the Town's zoning jurisdiction, they** would be classified into a base zoning district that is consistent with OneMooreville's guidance, which would be consistent with the intent of this overlay district.
- The East/West Connector Overlay (EAST/WEST CONNECTOR) district. This district is **intended to implement the Town's previous land use** and comprehensive transportation plans. District standards limit access points, trip generation, and the scale of different uses. Based on input provided from Town staff, this district is outdated and does not accomplish its identified purpose.

3.2. Revise the Inclusionary Zoning Provisions

3.2.A. The Current Regulations

Ensuring there is decent and safe housing that is reasonably affordable to the workforce is challenging, especially since there are many factors that influence housing affordability. One tool the Town includes in the current Zoning Ordinance to help address the issue is found in Sec. 5.6, Inclusionary Housing. The section establishes a set of rules that provides some incentives for a landowner/developer to build housing that is affordable to the workforce (versus market rate housing). The incentives provided are a more streamlined and certain approval process and several actions that attempt to reduce the building costs for affordable housing.

More specifically, the current provisions allow a landowner/developer to forego approval of a Conditional Use Permit for a request for additional density in the zoning districts where a modest increase in density is allowed – if all the bonus density units meet the definition of workforce housing (Sec. 5.6.3 (1)). Consequently, for the landowner/developer who agrees to build workforce housing, additional density for the workforce housing units can be reviewed and approved administratively. The regulations define workforce housing units as follows:

- Up to 70 percent of the units must be affordable for low income households (50-80% of AMI), and up to 40 percent of the units must be affordable for moderate income households (80-100% of AMI).

The density increases in the districts where this is allowed is modest (from five to eight dwelling units in the existing R-5 district; from 10 to 12 dwelling units in the existing RMX district; from 12 to 14

dwelling units in the existing NMX district; from 12 to 16 dwelling units in the existing CMX district; and from 16 to 18 dwelling units in the existing VC district. See Table 3.4.2 in the current Zoning Ordinance).

To ensure the workforce housing units are similar in character to the market rate units on the site, the provisions (Sec. 5.6.3 (4)) require:

- The workforce units be located within the development where the density is added, and be sited and dispersed in multiple locations on the site;
- A phasing plan be prepared and approved as part of a Workforce Housing Plan that provides for the timely and integrated development of the workforce units with the market rate units;
- The interior and exterior appearance of the workforce units be compatible in style, materials, and quality with the market rate units;
- The workforce units have a similar number of bedrooms as the market rate units; and
- The workforce units have floor area (size in square feet) comparable to the market rate units.

As an alternative (alternative compliance), the regulations also allow a landowner/developer to offer several options to the Town. Instead of building the additional workforce housing units on the site of the development project (allowing the developer to build market rates units in their place), the landowner/developer can offer the following type of mitigation:

- Payment of an in-lieu fee for the purpose of buying land or assisting in the development of workforce housing;
- Dedicating land for the construction of workforce units; or
- The conversion of existing market rate units to workforce housing units.

If such an alternative compliance is proposed, it must receive approval of the Town Board.

To ensure a development project that includes workforce housing units (or that offers an alternative compliance option that is accepted by the Town Board) complies with the requirements of the regulations and ensures preservation and maintenance of the workforce units in perpetuity, the provisions require the landowner/developer to prepare and have approved a Workforce Housing Plan and a Workforce Housing Agreement before the workforce units can be built (or the alternative mitigation is accepted).

Finally, and as a final incentive, the provisions agree to refund to the landowner/developer all Town-related development fees and costs for the workforce units built, which would otherwise be due to the Town, once a project is approved.

3.2.B. Potential Modifications

Clearly, the Town has made an affirmative and strong first step to address housing affordability for the workforce. However, proposed changes to the maximum densities in the districts would do away with granting higher densities through Conditional Use Permits. Based on these changes, we suggest the Town consider alternative measures to incentivize private sector construction of workforce housing.

Generally, experience teaches that the two most powerful incentives to the private sector to encourage the construction of affordable workforce housing is (1) a streamlined and certain development review process and (2) the allowance of provisions that reduce actual building costs. The proposed elimination of the Conditional Use Permit provisions generally streamline the development review process, thereby eliminating the current mechanism for incentives. With this in mind, we recommend the Town consider refining the current regulations to reduce building costs. This could include:

- Allowing more density in specified districts if all the additional units are for workforce housing (for example, in the proposed CD district, allowing the density to be increased from 18 to 22 workforce units);
- Modifying the provisions that require workforce housing units to be of comparable size to the market rate units – and allow them to be smaller (many codes now recognize that while workforce housing units need to meet minimum size and occupancy requirements, they do not need to be of comparable size to market rate units – the size reduction reduces the building costs of the unit);
- Allowing the use of manufactured housing for workforce housing units (which can significantly reduce the cost of housing), as long as the units meet basic material and aesthetic requirements; and
- Allowing a modest reduction (by five or ten percent) of the off-street parking requirements for workforce housing units (since parking spaces add significant costs to building).

3.3. Modernize the Layout and Presentation of District Regulations

In addition to the proposed restructuring of the zoning districts, we recommend that the new UDO use a more modern, user-friendly organization and page layout for each zoning district. The core elements of each district are currently located in multiple sections. For example, the purpose of the Highway Business district is found in Section 3.2.2, District Purpose Statements, while the dimensional standards for the district are located in Section 3.4.2, Dimensional Standards Table. In order to understand the purposes and basic requirements for each district, the user must visit multiple sections in the document. With few exceptions, there are no graphics to illustrate the concept and desired character of the district, or to help the user understand how the dimensional standards would be applied on a lot.

Figure 6: Example zoning district page layout

A more modern approach is to consolidate the core elements of the district in one location and to use an attractive page layout, consistent structure, and tables and graphics to provide a clear and concise picture of each zoning district to the code user. We recommend the regulations for each district in the new UDO be consolidated, or referenced, in one location in a graphically pleasing format. Each district section would include a purpose statement, references to use standards and the development standards that apply in the district, the intensity and dimensional standards applicable in the district, and form standards, where appropriate. In addition, the UDO should graphically depict the desired character of development within the district, and the application of the dimensional standards. An example from another community's code of how the district regulations could be laid on a single page is shown in the figure to the right. The appendix to the Assessment provides two additional examples: one that uses a two-page spread and photographs, and another that is streamlined into one page and relies on a graphic to illustrate the dimensional standards and to convey the character of the district.

Article 2: Zoning Districts
11-2-10 MR Mixed-Use Regional

11-2-10 MR Mixed-Use Regional

(a) Purpose

The MR district is intended to accommodate areas for large-scale mixed-use development and redevelopment that is intended to serve the City and the region. The MR district requires adequate automobile access and circulation while providing pedestrian-friendly development and good access to public amenities and public transportation. Uses in the MR district are typically regional-scale employment, commercial activities and services, with limited higher-density residential uses.

(b) MR Lot and Building Standards		(c) Other Standards	
Lot Standards (minimum)		Other Standards	Location in LDC
Lot area	None	Measurements and Exceptions	Section 11-2-19
Lot width	None	Use Regulations	Article 3
Setbacks (minimum)		Off-Street Parking and Loading	Section 11-4-6
A Front	20 feet (1)	Landscaping, Screening, and Fencing	Section 11-4-7
B Side/Side (detached accessory)	10 feet/5 feet	Site and Building Design	Section 11-4-8
C Rear/Rear (detached accessory)	10 feet/5 feet	Exterior Lighting	Section 11-4-9
Building and Site Standards (maximum)		Notes:	
D Building height, primary	No maximum	1. Applies to exterior portion of larger development area; See Section 11-2-19(e)(2).	
Building height, accessory	20 feet		
Building coverage	60 percent		
Impervious coverage	80 percent		

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3.4. Update the Use Regulations

3.4.A. Update the Uses and Use Definitions

The use definitions generally follow zoning best practices, with descriptions provided for use categories and definitions provided for most individual use types. We recommend that the current three-tiered method of defining uses be continued in the new UDO, and that, during drafting, the use category descriptions be refined and realigned as needed to ensure they are clear, logical, and consistent with real-world practices and impacts. In some cases, use categories or use types may be consolidated (e.g., elementary, middle, and high schools). In other cases, uses may be added to address current land uses (e.g., artisanal production, dog spas and similar pet services, and “missing middle” housing types). This should be done in conjunction with the updating of the building form standards (see Section II.4.5 on page 56).

3.4.B. Simplify the Use Table and Update Its Formatting

The Table of Allowed Uses in Section 5.1.4 of the current Zoning Ordinance is generally well organized, with a clear hierarchy among the use types, use categories, and use classifications. For each use, the table identifies the allowable building forms for each use allowed in a particular district. While this use of the table conveys additional information efficiently, it also complicates the table, adding an additional column for each district in the table and introducing eleven additional abbreviations. During kick-off meetings, several participants stated that the table is too complex and that they would prefer that it not include the extra columns. In order to simplify the table, we recommend removing the building form information from the table and instead specifying allowed building forms in the use-specific standards. We also suggest the table be revised to include more distinct header rows through the use of color, that the table be formatted in portrait orientation if possible, and that all text run in the same direction.

3.4.C. Refine the Use-Specific Standards

As the use definitions and use table are updated, we recommend the use-specific standards also be refined. This will include referencing allowable building forms, as recommended in the previous section. We also suggest that the standards be reviewed comprehensively and refined as necessary to ensure they are consistent with zoning best practices and OneMooreville direction. As part of that process, we recommend an evaluation of conditional uses and conditional zoning uses to see if additional standards would address potential impacts so that the conditional use could become a permitted use or the conditional zoning use could become a conditional use (**renamed “special use”**) or a permitted use. This would add to the predictability and efficiency of the development review process for these uses, which is particularly important in areas where predictability and procedural efficiency may further other key goals for the update (e.g., supporting a variety of housing choices).

4. Modernize the Development, Form, and Design Standards to Incorporate Best Practices and Implement OneMooreville

As described in Section II.1.1, Refine the Organization, the proposed organization of the UDO would consolidate all development, form, and design standards into one chapter. Along with that consolidation, the standards will be updated and revised for consistency with zoning best practices and OneMooreville direction. The following sections evaluate current standards and provide recommendations for modernizing them.

4.1. Strengthen the Access and Connectivity Standards

Across the country, communities are recognizing the importance of creating safe, convenient, and efficient means of accessing different kinds of development. They are investing in and creating development policies that support and require the creation of a connected network of streets, sidewalks, and pedestrianways—a **set of policies often known as “Complete Streets.”** OneMooreville recognizes the importance of developing a network of street types that support multiple modes of transportation in **“Connecting People and Places” (Chapter 4)**. The plan includes a mobility strategy that focuses on Connection, Choice, and Future Development and directs the Town and developers to focus on creating facilities and connections that facilitate access to destinations through multiple modes, not just on emphasizing vehicular speed and roadway capacity. The character areas **designated in OneMooreville’s Future Character and Land Use Map (p. 46) prioritize increased** connections for bicyclists and pedestrians in multiple contexts, from Rural Residential to Mixed-Use Development. The desired layout of the character areas is supported by a detailed street design matrix that designates different types of vehicular, bicycle, and pedestrian facilities and amenities that are appropriate in different contexts throughout the Town (pages 106-110).

The current Zoning Ordinance contains several standards supportive of a connected transportation network. The Infrastructure Design Standards (Section 9.2) limit average block lengths within a development (Sec. 9.2.5(1); see also Sec. 10.1.5 in the Subdivision Standards) impose internal street connectivity requirements that improve access within new developments (Sec. 9.2.4(8)), and limit the use of cul-de-sacs (Sec. 9.2.4(6)(C)). Development is required to provide pedestrian access through the end of cul-de-sacs and meet connectivity requirements that allow cars to easily access external streets (Sec. 9.2.4(9)). Four-foot wide bike lanes are required along certain streets (Sec. 9.2.4(11)). Traffic calming measures such as minimal street widths, on-street parking, and sidewalk bulbouts are recommended to slow vehicular traffic (Sec. 9.2.4(10)). The subdivision standards include requirements for sidewalks on both sides of all commercial and residential streets, or payment of a fee-in-lieu (Sec. 10.3.9), and require multiple points of access to and from a subdivision (Sec. 10.3.6). Commercial, industrial, and multifamily developments are required to provide cross-access between adjoining developments, where practicable (Sec. 9.1.4(9)(A)).

We recommend the new UDO include a new section devoted to access and connectivity standards. **This “Access and Connectivity Standards” section would consolidate the existing access and connectivity standards in the Infrastructure Design and Subdivision Standards sections, add additional**

standards that implement OneMooresville’s direction, and make them applicable to all new development and redevelopment. These standards will allow the Town to shape development in accordance with the Future Character and Land Use Map by requiring development to provide context-sensitive street designs and transportation facilities that are convenient for users of all ages, whether the user is walking, riding a bicycle, or driving. The new provisions would also acknowledge that streets are used not only for vehicular travel, but, in certain places, as destinations (e.g., for sidewalk dining and social gathering in the Downtown Center and Downtown Edge areas). These standards would consider the use of streets, sidewalks, and pedestrianways in the context of the surrounding development and the zoning districts in which they are located. Coordination with Town Engineering staff during the development of these standards will be critical to their successful implementation. The types of standards that could be included are listed in the Table 7: Potential Access and Connectivity Standards.

TABLE 7: POTENTIAL ACCESS AND CONNECTIVITY STANDARDS

STANDARD	POTENTIAL REQUIREMENTS
Pedestrian Facilities	<ul style="list-style-type: none"> ▪ Enhance sidewalk requirements in accordance with OneMooresville direction ▪ Require identified pedestrian networks within development, through sidewalks and off-street facilities ▪ Enhance streetscape requirements (e.g. street furniture) in appropriate areas ▪ Require connections to existing pedestrian facilities
Bicycle Facilities	<ul style="list-style-type: none"> ▪ Require connections to key bicycle corridors identified in OneMooresville ▪ Enhance bicycle facility designs to require additional width and, where appropriate, a buffer or barrier ▪ Consider adding flexibility to street tree requirements where necessary to accommodate bicycle facilities ▪ Require developments to identify safe and comfortable bicycle networks through development on low-speed streets or separated facilities
Street Connectivity Standards	<ul style="list-style-type: none"> ▪ Refine connectivity index ▪ Refine block length standards with different requirements in different development contexts ▪ Require mid-block pedestrian crossings on longer blocks ▪ Add additional ingress and egress points for larger developments

TABLE 7: POTENTIAL ACCESS AND CONNECTIVITY STANDARDS

STANDARD	POTENTIAL REQUIREMENTS
	<ul style="list-style-type: none"> ▪ In response to concerns, require cross-access easement in lieu of construction in cases where development is not built out close to adjacent property
Transit Facilities	<ul style="list-style-type: none"> ▪ Require transit facilities (bus stops, shelters) in conjunction with new development in appropriate locations ▪ Require access to nearby transit facilities (e.g. pedestrian pathways)

4.2. Modernize Off-Street Parking and Loading Standards

The Town’s current standards for off-street parking and loading are in Section 9.1 of the Zoning Ordinance. Along with minimum off-street parking requirements for every allowed use in the Town, and off-street parking maximums, the regulations contain the following:

- Provisions that allow applicants to implement alternative parking arrangements, such as off-site parking, shared parking, and valet parking.
- Surfacing and design standards;
- Design requirements for primary drive aisles in larger parking lots.
- Requirements for safe pedestrian facilities and routes through larger parking lots.
- Basic bicycle parking standards and requirements.
- Vehicle stacking requirements for drive-through uses.

We suggest that the UDO include modernized off-street parking standards, based on current best practices, that are tailored to the Town’s needs and consistent with the direction in One Mooresville. This would include the following.

- First, review and modernize the minimum parking requirements to bring them into conformity with best practices. This involves comparing the Town’s parking requirements with standards recommended in the most recent edition of the Institute of Transportation Engineers’ Parking Generation Manual, other national standards, and recent standards adopted by other local governments to determine the appropriate quantity of required parking spaces for various uses. We also recommend modifying the standards to rely, to the maximum extent practicable, on internal floor area instead of numbers of employees to facilitate consistent application of standards.
- Second, evaluate the use of reduced parking standards in areas of the Town where more intense, mixed-use, and walkable development patterns will be supported, such as Traditional Downtown, Downtown Extension, and the Community Destination and Neighborhood

Destination districts. The parking required to support a single-use business is different from what is needed in a mixed-use development. Likewise, we suggest the Town consider expanding to other parts of the Town the ability to use on-street parking spaces as credit for off-street parking that is currently allowed in the TC district (Sec. 9.1.5(4)).

- Third, require that parking be placed to the side or rear of buildings and not abutting the street to the maximum extent practicable, to create a more inviting streetscape; this supports **OneMooreville’s policies that call for a better pedestrian environment (Policy 3-1-7)** and promotes street-oriented design (Policy 3-1-6).
- Fourth, expand the current set of flexibility provisions in the Zoning Ordinance to make it easier to use existing programs to reduce parking supply like shared and off-site parking, and implement new provisions that allow reduced parking for developments that take advantage of new and additional transportation options. These new provisions could include:
 - » Permitting a reduction in required off-street parking for developments that provide designated rideshare and delivery pick-up/drop-off facilities;
 - » Permitting a reduction in required off-street parking for enhanced bicycle parking or commuting facilities, or for on-site transit facilities;
 - » Facilitating a reduction in required off-street parking for mixed-use developments by allowing automatic reductions depending on the mix of uses. See Figure 7 below for **an example from another community’s code**;
 - » Allowing properties to change uses without requiring additional parking where the required additional parking is minimal, or where requiring the parking would limit adaptive reuse of existing structures, particularly in historic neighborhoods or downtown;
 - » Provisions that allow reductions in parking for Transportation Demand Management (TDM) programs in zoning districts where more development intensity will occur over time, with specific guidance on estimated levels of reduction that an applicant may expect from implementing and agreeing to provide a particular TDM measure as part of a development; and
 - » Consider establishing a parking district program to allow centralized parking facilities to serve multiple individual developments in appropriate locations, such as Traditional Downtown, Downtown Extension, or certain Mixed-Use Destinations, to facilitate **“park once and walk”** urban neighborhoods.

- Fifth, carry forward the requirements for fully-separated pedestrian pathways through larger parking lots but enhance the standards to improve pedestrian comfort and the experience of people with disabilities; for example, require they be at least five feet in width, up from three feet in the current ordinance.

Figure 7: Sample Mixed-Use Parking Reduction Matrix

Table 27-6305(c)(1): Shared Parking Calculation, Time-of-Day Demand Factors						
Use	Weekday, 2:00 am – 7:00 am	Weekday, 7:00 am – 6:00 pm	Weekday, 6:00 pm – 2:00 am	Weekend, 2:00 am – 7:00 am	Weekend, 7:00 am – 6:00 pm	Weekend, 6:00 pm – 2:00 am
Office	20%	100%	20%	0%	10%	0%
Retail/Commercial	0%	100%	80%	0%	100%	60%
Restaurant	20%	80%	100%	20%	80%	100%
Residential	100%	60%	100%	100%	80%	100%
Hotel/Motel	100%	60%	100%	100%	60%	100%
Personal Services	20%	100%	40%	0%	60%	0%
Conference Center or Meeting Space	0%	60%	100%	0%	80%	100%
All Other Uses	Use 100% of requirements from Table 27-6305(a)					

- Sixth, in conjunction with enhancing the current bicycle facility requirements in support of **OneMooresville’s** multimodal vision, we recommend updating the minimum bicycle parking requirements to require additional bicycle parking depending on the use and its location, and require developers to use best practices in the design of their bicycle parking facilities.
- Seventh, evaluate whether pervious pavement and other alternative surfaces can be permitted by right as road surfacing options, subject to ongoing maintenance requirements.
- Eighth, recent experience during the COVID-19 pandemic has shown the usefulness of incorporating procedures to authorize reallocation of space designated for parking towards other uses such as outdoor dining or retail. In many cases, parking constructed in accordance with the requirements of the Zoning Ordinance or its predecessors is larger than the actual demand for parking not only during a pandemic but also during off-peak times, during non-holiday time periods, or at all times. Therefore, we recommend that the UDO include a provision that allows property owners to repurpose designated off-street parking spaces for other uses if the property owner can demonstrate that the number of spaces proposed to be repurposed are not needed to store vehicles.

4.3. Refine Landscaping and Tree Protection Standards

The current landscape and tree protection standards are in Sections 7.1 (Tree Protection) and 7.2 (Landscaping Standards) of the Zoning Ordinance. The landscape standards require submission of a landscape plan to demonstrate compliance with the requirements of Section 7.2, include requirements for preservation of existing trees and vegetation in landscaped areas on a development site; include standards for plant type, size, species, and diversity, and impose the following specific requirements:

- Site Landscaping (Sec. 7.2.4): This section imposes a minimum requirement for landscaping throughout the site, in addition to the specific requirements elsewhere in the section;
- Vehicular Use Area Landscaping (Sec. 7.2.5): The current regulations require plantings in the interior of parking lots, in islands of a designated size at the end of parking bays throughout a parking lot, and require plantings around the perimeter of the lot to screen the lot and vehicles from the view of public streets and adjacent residential uses.
- Perimeter Buffers (Sec. 7.2.6): These provisions require installation of a perimeter buffer along the edge of a development which is adjacent to a dissimilar use. Four types of buffers are described, each with different requirements for buffer width and types/quantities of vegetative material. Special requirements apply adjacent to outdoor recreation or sports facilities.
- Street Trees (Sec. 7.2.7): Street trees are required along both sides of every street. In residential areas, street trees are required to be placed on individual lots.

In addition, the landscape standards include requirements for streetscape landscaping along major streets (Sec. 7.2.8), a vegetative or opaque screen around items like dumpsters or outdoor storage areas (Sec. 7.2.9), and maintenance and installation (Sec. 7.2.11). The landscape standards also allow the applicant to propose an alternative landscape plan that deviates from the requirements of this section (Sec. 7.2.10).

The tree protection standards require that prior to commencement of development, an inventory of trees on the site that are 12 inches or larger in diameter at breast height (DBH) be conducted and that a minimum percentage of tree canopy be retained, depending on the existing tree canopy on the site and the zoning district in which the property is located. Areas where the applicant should prioritize retention are identified, and requirements to protect trees in tree protection zones are established. Applicants can receive credit towards the landscaping requirements for preserving trees. In addition, specimen trees (those 36 DBH or larger) are protected from removal or activities such as paving that might damage them, except in very limited circumstances. Finally, the tree protection regulations establish standards to protect trees during construction.

These landscape standards are generally sound. However, based on the feedback we received during the kick-off meetings, we have several suggestions to improve the design of landscaping in the Town.

- First, we recommend the Town include a set of preferred species and planting requirements that are appropriate to the climate of the Town, with a preference for native trees and vegetation. We recommend that the preferred species list be maintained in a separate landscape manual or other document maintained by the Planning Department and be posted **on the Town's website, and specifically referenced in the UDO.**
- Second, to increase flexibility in meeting landscaping requirements, the Town may consider allowing an applicant to plant required landscaping on abutting property off-site where it would serve the same general purpose as landscape plantings on site, and where development constraints prevent planting on site. A legal agreement assigning the property owner responsibility for continued maintenance of the plantings would be required, and at

the Town's discretion the planting could be permitted on other private property or public property.

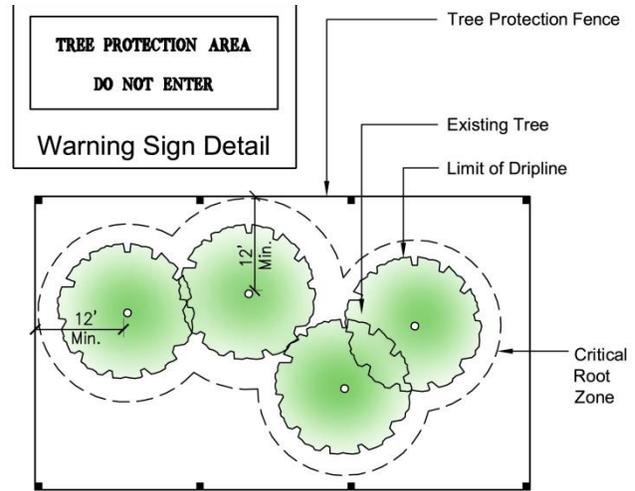
- Third, we suggest the Town consider basing the perimeter buffer requirements on a proposed use (instead of a zoning district) in relation to the existing adjacent use (or zoning district if the adjacent land is vacant). We also suggest we review the buffer standards to ensure that an adequate but not excessive buffer is required between different uses. We also recommend integrating the special standards for outdoor recreation fields, sports facilities, and performance areas with the other perimeter buffer standards, to the maximum extent practicable.
- Fourth, during implementation of the buffer requirements, we recommend that the Planning Director be given additional flexibility to allow deviations from the standard requirements to facilitate redevelopment of existing sites. For example, an applicant could be permitted to reduce the width of a required buffer along a certain segment if the Planning Director determines that the buffer will still provide adequate separation as-is or with the provision of additional vegetation or other screening materials.
- Fifth, we recommend that the regulations more precisely tie the use of walls, berms, or a combination to specific reductions allowed in the required width or amount of vegetation required to be planted in a buffer. This will provide more clarity in the regulations for this use of fences and walls, which can be helpful for redevelopment of constrained sites.

The existing tree protection standards are also generally sound. However, we offer the following suggested refinements:

- First, the Town may consider including a more precise tree canopy retention requirement that establishes a linear relationship between the amount of existing canopy cover and the percentage required to be retained. Under the current standards, for example, a property in RMX is required to preserve 10 percent of the tree canopy if the current site has 60 percent tree coverage, but 15 percent must be retained if the current site has 59 percent coverage. Under the proposed revision, a site with 50 percent existing tree canopy coverage would have proportionally more of a retention requirement than a site with 60 percent existing coverage; the tree retention requirement would not be contingent on whether existing canopy is just above or just below a single benchmark.
- Second, we learned from staff that there is a preference that development maintain a larger contiguous tree canopy versus multiple, smaller groups of trees. The Town could consider requiring a minimum size for retained clusters of tree canopy, or use a sliding scale where the total amount of required tree canopy will be lower if a higher percentage of the retained canopy is clustered together or contiguous.

- Third, the current code identifies two types of trees worthy of protection – any canopy tree with a DBH of 12 inches or larger and any understory tree with a DBH of 4 inches or larger are required to be inventoried and protected, and any canopy tree with a DBH of 36 inches and any understory or ornamental tree with a DBH of 10 inches or more are specimen trees that may not be removed unless certain limited conditions are met. The Town may consider identifying certain species of trees, with smaller DBH, that are worthy of protection or that should be identified as specimen trees despite being smaller than 36 DBH.
- Fourth, the Town should consider enlarging the tree protection zone to improve the level of tree protection and tree wells used when necessary to protect trees. During our kick-off meetings, we learned that the current standards are not always sufficient to protect existing trees from damage during construction.

Figure 8: Sample Tree Protection Fencing Requirement Illustration



4.4. Strengthen the Open Space Set-Aside Requirements

Open-space requirements are included in Section 7.3 of the current Zoning Ordinance. The ordinance currently requires a certain amount of land in a development be preserved as open space set-asides, depending on the zoning district and type of use. The regulations establish what land does and does not count as open space, prioritizes certain kinds of land for preservation as open space (for example, natural features such as riparian areas and wetlands), set out the limited development allowed to be built in open space set-asides and activities permitted to take place, and assign ongoing maintenance responsibilities.

Several of OneMooresville’s key policies relate to open space. Policy 6-1-2 calls for the conservation of open space, prioritizing scenic areas and corners, vulnerable watersheds, and ecologically rich environments. Policy 6-2-1 links the benefits of open space to public health, prioritizing the development of a connected parks, greenways, and open space network. Policy 6-2-2 calls for the City to require new open space as part of development.

The current open space standards are comprehensive and sound. We have several recommendations to strengthen them and address comments from staff.

- First, we recommend that the Town consider increasing the amount of open space required in certain zoning districts. In certain zoning districts, an open space requirement of 25 percent may be appropriate for residential uses, and up to a 15 percent open-space requirement for commercial uses.
- Second, the design standards for open space set-asides should prioritize open space that links existing wildlife corridors or extends open space that is being protected for wildlife or

conservation purposes. This supports the maintenance of contiguous wildlife habitats and other sensitive lands to benefit the natural ecosystem.

- Third, while an applicant would generally have flexibility to include a variety of types of open space, the standards should be modified to clarify that different kinds of open space set-asides are preferred in urban parts of the Town designed to be more walkable, such as the Traditional Downtown, Downtown Extension, or Mixed-Use Development, versus the more suburban areas. In these urban areas, the standards should require that a certain percentage of the open space set-asides be developed as gathering areas with features such as plazas and other public gathering spaces, fountains, use of stormwater infrastructure as site amenities, sidewalk furniture, roof-top or terrace gardens—perhaps even indoor atriums.
- Finally, we recommend including photographs to demonstrate the different types of open space that can be provided.



Figure 9: Example of open space

4.5. Update and Refine the Building Form and Design Standards

As OneMooresville highlights, the current Zoning Ordinance is a hybrid of a conventional use-based zoning ordinance and a form-based zoning ordinance, with strong form-based elements. OneMooresville calls for a continuation of this approach in the UDO, with some refinements.

Chapter 6 of the Zoning Ordinance sets out general form and design standards and specific standards that apply to particular building forms. The general form and design standards address building frontage and orientation, building materials and windows, compatibility with adjacent buildings, and accessory structures. The specific building form and design standards address form and design elements, depending on the particular building form. For example, the mansion apartment building standards address building length, facade design, garage, and other form and design considerations particular to mansion apartments.

While the current building form standards have generally served the Town well, we offer the following recommendations for updating the standards

- The building forms should be evaluated to determine whether any should be regulated as uses or further distinguished, and to determine whether additional building forms should be addressed. For example, other forms of multifamily dwellings, such as courtyard or garden apartments, could be addressed.
- The standards should be refined to be both more objective and more flexible. Some of the current standards are not as precise as they could be, making interpretation of those provisions challenging. Other standards are too rigid and do not accommodate building techniques and materials that would be of good quality and appropriate. The standards should be reviewed to ensure they are objective and not overly-restrictive.

- The standards should be revised as needed to make sure they align with OneMooresville.

4.6. Neighborhood Compatibility

In many communities, a key concern with more urban and walkable infill and commercial development is how this development will impact existing neighborhoods of single-family and duplex residences. OneMooresville calls for reinvestment in and near existing neighborhoods, but also makes it a priority to protect the community character of these neighborhoods.

In many communities, efforts to preserve existing neighborhoods breed conflict, especially regarding development proposals at the edge of the neighborhoods, or in the transition areas between the neighborhoods and the commercial corridors. Sometimes the conflict between old and new can be especially jarring, such as when a large new office, retail, or multi-family building is erected adjacent to single-family backyards. The potential for these conflicts could increase as the Town continues to grow and develop into the future. The conflicts typically line up neighbors or neighborhood groups against development applicants over issues the neighbors believe would affect the character and quality of their neighborhoods—building height, mass, or design; site lay-out; parking or parking location; lighting; land uses; and expected (or feared) volumes of traffic

The current Zoning Ordinance includes several overlay districts that are intended to mitigate impacts of development on adjoining neighborhoods, such as the Alcove Road Corridor Overlay District. We suggest adding a general set of neighborhood compatibility standards that apply throughout the Town to protect the character of existing single-family neighborhoods. This would make it possible to delete some of the overlay districts (see discussion in Section II.3.1.B.(iv) beginning on page 41). If included in the rewritten UDO, these standards would typically apply to any new nonresidential development (e.g., commercial, industrial, hotel, or offices), mixed-use development, and multi-family development above a certain size or density that is adjacent to, across the street from, or within a certain distance from single-family residential development or a single-family residential zoning district. The standards are designed to mitigate the impacts that more intense development could have by imposing height, site design, lighting, and other development standards that apply close to these neighborhoods. Table 7: Potential Neighborhood Compatibility Standards, includes a sampling of the types of neighborhood compatibility standards the Town should consider including in the UDO.

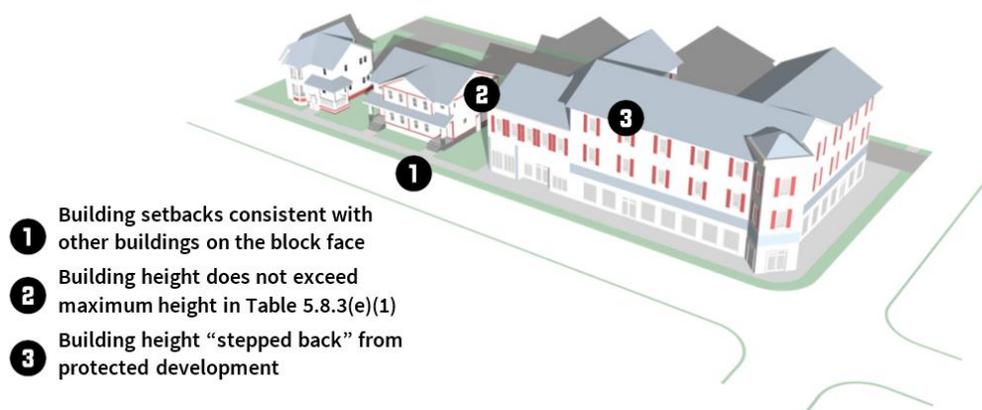
TABLE 7: POTENTIAL NEIGHBORHOOD COMPATIBILITY STANDARDS

STANDARD	POTENTIAL REQUIREMENTS
Building Façade Standards	Requires construction of a similar roof type as single-family development in terms of slope and arrangement to prevent abrupt changes in roof form
	Requires porches, balconies, outdoor space, and other site attributes such as vending machines associated with multi-family and nonresidential development to be oriented away from adjacent single-family development
	Requires adjacent development to use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations as that included on adjacent single-family development

TABLE 7: POTENTIAL NEIGHBORHOOD COMPATIBILITY STANDARDS

STANDARD	POTENTIAL REQUIREMENTS
Building Dimension Standards	<p>Requires that building height not exceed ___ feet within 100 or 150 feet of a single-family development, and that buildings over ___ feet in height within ___ feet of single-family development be stepped back in height, so that the tallest part of the structure is the furthest from the single-family development</p> <p>Requires massing standards for building facades visible from single-family development – that include articulation of the façade in the form of projections or recesses with a minimum depth so that no single wall plane extends for more than 40 linear feet without some form of projection or recess. Covered porches, building wings, bay windows, pilasters, masonry chimneys, and cantilevered bump-outs would meet these requirements.</p>
Site Design Standards	<p>Requires when dealing with multi-building development, a continuum be established of use intensity, where uses of lowest-intensity are located closest to the single-family development, and the moderate intensity uses are sited between high-intensity uses and the lowest intensity uses</p>
Location of Drive-Throughs and Outdoor Dining	<p>Requires drive-through facilities and outdoor dining areas to be located away from single-family development, to the maximum extent practicable, and no closer than ___ feet</p>
Parking and Driveway Area Standards	<p>Requires parking spaces be oriented away from single-family development</p> <p>Requires a fully-opaque vegetated buffer or fence, or a comparable buffer between single-family development and nonresidential and multi-family development</p> <p>Requires parking structure facades adjacent to single-family development receive enhanced design treatment to soften their visual impact</p>
Loading and Refuse Storage Area Standards	<p>Requires loading and refuse storage areas be located beyond a certain distance from single-family development</p> <p>Requires loading and refuse storage areas be screened from view of single-family development using materials that are the same as, or of equal quality to, the materials used for the principal building</p>
Lighting Standards	<p>Requires location, orientation, and shielding of exterior lighting to comply with maximum specified foot-candle values at lot lines (e.g., 0.5 footcandles)</p>
Signage Standards	<p>Limits the sign area and maximum height of all signs by 25 percent of that normally allowed</p>
Open Space Set-Aside Standards	<p>Requires open space set-asides be in a transition area between the nonresidential, mixed-use, or multi-family development and the single-family development, unless there is a compelling reason for it to be located elsewhere on the site</p>

Figure 10: Example Neighborhood Compatibility Illustration from Another Community's Code



4.7. Exterior Lighting

Two sections of the current Zoning Ordinance address exterior lighting. The first is Section 9.4, Site Lighting, which regulates **the impact that a development’s lighting has outside** the site, and uniformity of illumination within the site. It contains restrictions on lighting height, direction of illumination, shielding, maximum light levels, and design, including the design of wall-mounted lights, floodlights, and sign lighting.

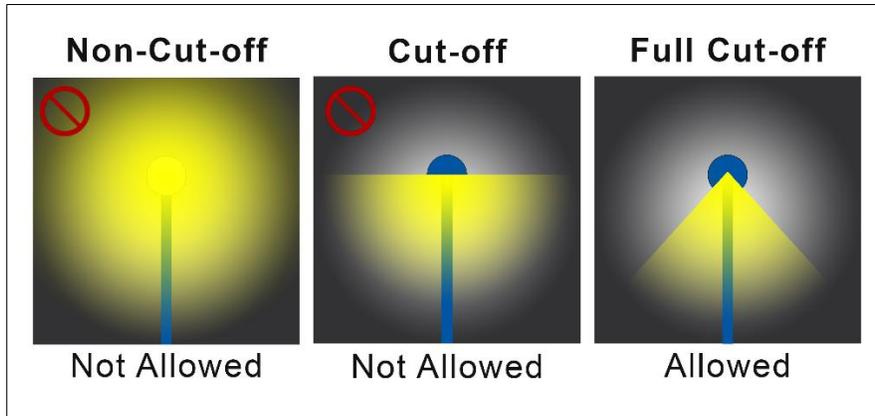
Section 9.5, Illumination of Outdoor, establishes additional lighting standards, including limitations on outdoor field lighting for facilities such as football fields or basketball courts.

Sections 9.4 and 9.5 have similar purpose statements and address the same concern—the impact of artificial outdoor lighting on neighboring sites. We recommend that these two sections be combined into one new Exterior Lighting section. This new section will incorporate and consolidate many of the existing standards, including standards regarding maximum fixture height (Sec. 9.4.4(1) and Sec. 9.5.5((2)), illumination direction (Sec. 9.4.4(2)), uniformity ratios (Sec. 9.4.4(6)), hue (Sec. 9.4.4(7)), and maximum illumination on playing fields (Sec. 9.5.6). In addition, we recommend including several additional standards.

- First, we recommend that the applicant be required to include a lighting or photometric plan with all development other than single-family or two-family development **or, at the Town’s preference**, development above a certain size or intensity to ensure compliance with the standards.
- Second, we recommend that the Town consider whether different levels of illumination should be allowed at the property line depending on the adjacent use or zoning district. For example, it may be reasonable to allow additional illumination at the lot line of a property in downtown Mooresville versus in a suburban residential community.
- Third, we recommend that the shielding requirements be replaced with a more stringent requirement that only full cut-off fixtures be provided. This helps ensure that development will

adhere to the property line illumination standards, reduces light pollution, and protects the visibility of the “dark sky.”

Figure 11: Sample Full-Cut Off Illustration *from Another Community’s Code*



- Fourth, we recommend that a minimum level of energy efficiency be required for all outdoor light fixtures and light elements, with the Planning Director authorized to exempt applicants from this requirement where energy-efficient fixtures are not reasonably available.
- Fifth, we recommend that an applicant be allowed an exemption from the exterior lighting requirements for security reasons. To receive permission to install additional lighting, the applicant would be required to demonstrate to the Planning Director that the deviation is required for security reasons, that the proposed deviation is the minimum required, and that there is good cause for including additional security lighting.
- Sixth, the Town may want to consider regulations regarding the color temperature of lighting to ensure that only certain types of LED lights are used.

4.8. Signage

The current sign regulations in Chapter 8 of the zoning ordinance are well organized and easy to understand, with extensive use of pictures and graphics to illustrate allowable signs and prohibited signs. A consolidated set of provisions in Section 8.8 address basic architectural requirements, maintenance responsibilities, quantity of signs, calculation of sign dimensions, the sight triangle at intersections that are required to be kept free, and illumination requirements.

In addition to revisions to conform to the format of the new UDO, we recommend changes to comply with the 2015 Supreme Court’s **decision in *Reed v. Gilbert***. In *Reed*, the Court determined that the First Amendment requires that sign regulations be neutral as to the content of the sign to avoid strict scrutiny review. The *Reed* decision does not provide precise guidance as to how to adapt existing regulations. We recommend that the sign standards be modified to remove references to the content of a sign from the definitions or standards, to achieve a degree of content neutrality in the sign regulations that the community is comfortable with. While there may be many modifications in the sign regulations needed to comply with *Reed*, two examples of recommend changes include:

- Section 8.2.1 provides for the maximum size of a flag and height of a flagpole, but exempts flags of the United States from the requirements. The reference to the American flag should be removed.
- **In Section 8.3 regarding permanent signs, a Directory Sign is defined as a “ground or building sign that lists tenants or occupants of a building or development project, with unit numbers, arrows, or other directional information.” The definition of this sign incorporates content-based restrictions. The same applies for several types of wayfinding signs. These definitions should be revised to eliminate references to the content of the sign.**

4.9. Green Building Incentives

OneMooresville directs that the Town grow in a sustainable manner that protects the natural environment and preserves natural resources. A key element of sustainability is reducing local use of greenhouse gases, which can also have local health benefits by replacing the pollution produced by fossil fuels with clean renewable energy. Policy 6-3-2 of OneMooresville calls on the Town to promote clean energy and green building design, through reference to national and global best practices in sustainability and enabling or incentivizing solar, wind, and other clean energy systems.

The Zoning Ordinance includes comprehensive regulations that enable the development of solar energy systems of all sizes. Level 1 Solar Energy Systems are roof-mounted systems that are generally allowed with minimal permitting or regulatory requirements as accessory uses in any zoning district. Level 2 Solar Energy Systems are larger, ground mounted devices that can be up to 10 acres in size, depending on the zoning district, while Level 3 Solar Energy Systems are even larger. Additional steps such as preparation of a decommissioning plan are required before Level 2 and 3 Solar Energy Systems may be installed. Solar energy production is thus allowed in multiple development contexts throughout the Town at multiple scales, without excessive regulatory hindrance. We recommend carrying forward these regulations and integrating them into the UDO.

However, other provisions supporting sustainability are absent. The Zoning Ordinance makes no reference to wind turbine systems, which could be feasible in certain parts of the community. Likewise, there is no definition of terms such as universal design, bioswales, rain gardens, rain barrels, or electric vehicle charging stations.

We suggest including in the updated UDO provisions that define, require, incentivize, and support sustainable and green building practices. In over a decade of practice, we have learned several important lessons about how to promote sustainable development practices in land use regulations, if a community decides to include them. These key lessons are summarized below:

First, define key terms in the code, as listed above.

Second, remove barriers to market-driven innovations in these areas. Explicitly address where wind energy systems may be installed—both as accessory to another primary use of the land, and as primary uses of the land, just as solar energy systems are now regulated. For larger and primary devices, establish objective standards and allow by-right development subject to those standards, wherever possible, as the current Zoning Ordinance treats solar energy systems. Ensure that site design and landscaping standards do not prohibit bioswales, rain gardens, and other tools of low

impact development, but instead allow them to be counted towards required open space set-asides and landscaped areas.

Third, create meaningful incentives for those features that are most expensive and hardest to achieve. Resist the temptation to write an incentive for each desired site feature, because most of them will be ignored. Avoid giving token incentives that do not begin to offset the added cost of installing the facility just to say that the regulations include an incentive. Development incentives must be designed strategically and must be balanced with incentives needed to achieve other important goals.

Fourth, write reasonable, objective, and enforceable standards for the sustainable and green building features that can be included at low or moderate cost, if possible, during early phases of site or building design. There are energy and water conserving, low-impact development, and resource recycling features where the additional cost is mitigated by the savings in time and expense by avoiding a variance procedure. Sometimes, these **are the “tipping point” issues**—areas where efficient market driven solutions are easily available, and the role of the development code is to strongly encourage their use through reasonable standards and procedural efficiencies.

Finally, be sure to coordinate the standards and incentives in the UDO with related provisions of the North Carolina Building Code. Generally, if the topic is adequately addressed in other codes, it should not be repeated in the UDO, because repetition often leads to inconsistencies over time. On the other hand, site design features can and should be addressed in the UDO with little worry that those provisions will become inconsistent with other code provisions over time.

We suggest that the sustainable and green building incentives in the new UDO relate to the following types of practices:

- Alternative energy systems that would include, but are not be limited to, geothermal, solar, and wind energy conversion systems;
- Alternative transportation fueling systems such as electric vehicle charging stations;
- Energy conservation techniques and devices including, but not limited to, cool roofs, green roofs, roof gardens, and green walls;
- Water conservation techniques and devices;
- Low impact development/environmental site design standards for storm water management;
- Conservation of green infrastructure;
- Urban agriculture activities including, but not limited to, community gardens and farmers markets; and
- The incorporation of universal design techniques in homes, so people can live-in-place as they age.

These principles of sustainability and green building are complementary to the Town’s other goals in OneMooresville. The Town’s desire to encourage redevelopment in compact and walkable forms, with requirements for pedestrian and bicycle connectivity and a strong focus on the quality of the streetscape, is inherently sustainable. These types of development reduce the environmental impact of new development by reducing permeable surface per capita, enabling shorter trips, and

encouraging the use of more environmentally friendly forms of transportation like walking, bicycling, and transit. Additional sustainability and green building code provisions will enhance the environmental benefit of these development patterns.

4.10. Conservation Subdivision Standards

While the conservation subdivision standards are proposed to be located in a different chapter of the UDO from the other standards in this section, they are addressed here under the development standards heading more broadly. The conservation subdivision standards are in Section 10.2 of the current Zoning Ordinance. Conservation subdivisions are allowed in the current R-2 and R-3 districts as single-family detached subdivisions of at least ten acres and are limited to 100 units, unless a Conditional Use Permit is granted for more units. The standards require at least 35 percent of the land to be set aside as open space. Allowed uses in open space set aside areas include:

- Passive recreational uses;
- Agricultural uses; and
- Required drainage or other utility easements.

The removal of existing trees is prohibited in open space set-aside areas, except as needed for streets or public utilities. The section also includes ownership requirements for the open space set-asides. In return for complying with the standards, the dimensional standards are relaxed. There is no minimum lot size, the minimum front setback is set at 20 feet, and side and rear yards may be reduced by 50 percent. We recommend the following modifications to better align the conservation subdivision standards with best practices:

- Prior to submission of a preliminary subdivision plan, require the preparation of an initial site analysis to identify existing site conditions and the presence of natural and cultural resources on and around the site, and a conservation and development plan showing priority areas to be conserved and areas proposed for development.
- Consider requiring a greater percentage of land for conservation.
- Establish a priority for areas to be conserved, including sensitive environmental areas, wetlands and riparian areas, wildlife habitat, and areas of unique cultural or historical significance.
- Establish more comprehensive conservation area standards (e.g., require connections to existing and potential conservation areas on abutting lands, require the conservation areas to be contiguous to the extent possible).
- Establish standards for development areas to protect the conservation areas and to ensure visual access from lots to the conservation areas.

5. Modify the Regulations to Better Support Redevelopment Consistent with Desired Character in Appropriate Locations

One of the concerns identified by a number of the stakeholders during the kick-off meetings was the need to make refinements to the current regulations to better support infill and redevelopment in the Town. In this regard specific concerns were raised that some of the development standards were too prescriptive, and provisions need to be added to allow for some flexibility in the redevelopment context. Others stated that refinements needed to be made to lot size requirements and other dimensional standards; several stakeholders suggested that more flexibility in the parking standards would remove certain obstacles to redevelopment.

Many modern development codes employ flexibility provisions and incentives to support and encourage redevelopment. There are, however, challenges. Many times **redevelopment sites are “passed over” sites** (usually for a reason), or sites where buildings have become antiquated or are no longer attractive to modern market preferences. In most instances this makes them more expensive to develop, meaning the economics of development are more difficult, which generally reduces the number of developers willing to take on the challenge.

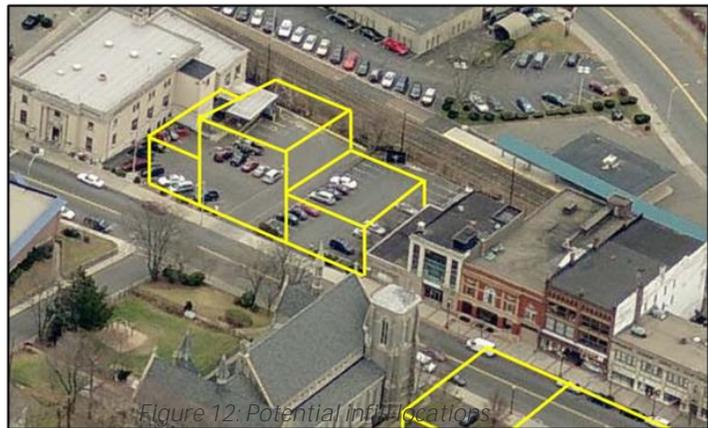


Figure 12: Potential Infill Locations

Another potential obstacle is that, by definition, **redevelopment sites have neighbors, and neighbors often object to change. Whereas a “greenfield” site approval may face little opposition – because either there are few neighbors or those neighbors are themselves interested in subdividing their land in the future – the areas surrounding a redevelopment site often forms a line of “Not In My Back Yard” (NIMBY) objectors to redevelopment.** Instead of seeing an opportunity to improve the character of the area, many people see an erosion of character. Because of general opposition to change, it is often more difficult to obtain development approval for these sites.

The current regulations have in some instances resulted in additional obstacles for redevelopment (even though there appears to be a genuine effort by the Town to support redevelopment). Some of the zoning districts have resulted in nonconformities (lot size and other dimensional standards), making it more difficult for redevelopment or expansion of sites to occur. **without a change in the regulations or permit approvals which could require public hearing(s). In other instances, “one size fits all” standards (e.g., for parking) present obstacles to redevelopment (e.g., due to parking space requirements), even though alternative approaches could be used that would remove obstacles without necessarily undercutting the purposes of the regulations.**

The rewritten regulations need to reverse this situation, and make redevelopment in desired locations the preferred and easier form of development. Achieving a system that promotes good redevelopment, while somewhat challenging technically, is possible because zoning tools are available. In considering the appropriate tools for Mooresville, it is important to keep in mind there are generally two regulatory components that are key in ensuring that zoning supports desired **redevelopment. First, the regulations need to make sure redevelopment “fits into” either the existing context or the planned context for the area.** At a minimum, that means redevelopment does not overwhelm the general character of the area or neighborhood where it is located. This can be accomplished by providing objective development standards (zoning district regulations and other relevant standards) and making sure that the standards are consistent with the desired character. **That way, when new redevelopment occurs, the standards ensure it “fits in.” The second key component is** to ensure the procedural path to the desired type of redevelopment is streamlined, making it procedurally easy to occur. Experience teaches this means not only establishing streamlined development review procedures, but also including flexibility provisions in the regulations that allow for minor variations to the objective standards, as long as the variations do not undermine the desired character of the area.

With these considerations in mind, we recommend the Town consider including the following changes in the update regulations to better support and encourage redevelopment at desired locations:

- As discussed in Section II.4.2, Modernize Off-Street Parking and Loading Standards, revise standards to respond to the different development contexts in the Town;
- Evaluate and modify where appropriate, the zoning district regulations, to ensure the standards are consistent with the desired character in different places in the community, and nonconformities are reduced.
- Include contextual compatibility standards in selected zoning districts to stimulate redevelopment by minimizing nonconformities.
- Add an administrative adjustment procedure to allow administrative approval of minor adjustments to dimensional and certain development and design standards to allow for more flexibility, especially for redevelopment sites.
- Add alternative compliance provisions for parking and consider broadening their application to other standards.
- Consider applying alternative compliance provisions for nonconforming site features for off-street parking and landscaping.

Each recommendation is discussed on the following pages.

5.1. Revise the Off-Street Parking Standards to Recognize the Different Development Contexts in the Town

For parking purposes, it appears the Town has several distinct areas with different development patterns - the downtown, the commercial corridors, regional shopping destinations, village center

areas, and the other areas in the community. Many times, when development standards apply a “one size fits all” standard, obstacles to redevelopment are created. In some respects, that is probably the case with some of the current parking standards in Mooresville. These problems are avoided when development standards recognize the different contexts in a community, and are not designed in a “one size fits all” way.

We suggest that in the update, we explore establishing several different sets of parking standards in the regulations – for the different development contexts in the Town. For example, one set of minimum parking standards might apply in the Traditional Downtown, Downtown Extension, and the Community Destination and Neighborhood Destination districts, and another set might apply in all other areas of the Town.

5.2. Evaluate and Modify Zoning District Regulations to Address Nonconformities and Align Them with Desired Character

Today there are some lots and buildings in the Town that do not conform with the minimum lot area or setback requirements, for a variety of reasons. These nonconforming situations create obstacles to expansion and redevelopment of these sites, even though in most instances the redevelopment **would be consistent with the existing development “fabric” and is something the community would support.** In part, this situation has been created by some of the current zoning district regulations.

To address this problem, we suggest that in the update we evaluate these districts and their dimensional and other standards, and refine them to address the nonconformities while at the same **time ensuring they will result in the community’s desired character.**

5.3. Include Contextual Compatibility Standards in Selected Zoning Districts

To assist in addressing the nonconformity situation created by some of the current zoning districts, we also suggest we explore applying additional contextual compatibility standards in some of the zoning districts. Contextual compatibility standards are used in a limited way in several of the current districts, and have been successfully used in a number of modern codes to address nonconformity situations. They supersede the dimensional standards in the base district in order to allow expansions and **redevelopment consistent with the existing “fabric” of the area, even if that fabric does not comply with the district standards.** They, for example, might establish a rule (superseding the dimensional standards in the zoning district) that requires the lot area, setback, and height standards in the district be between 115 - 120 percent of the

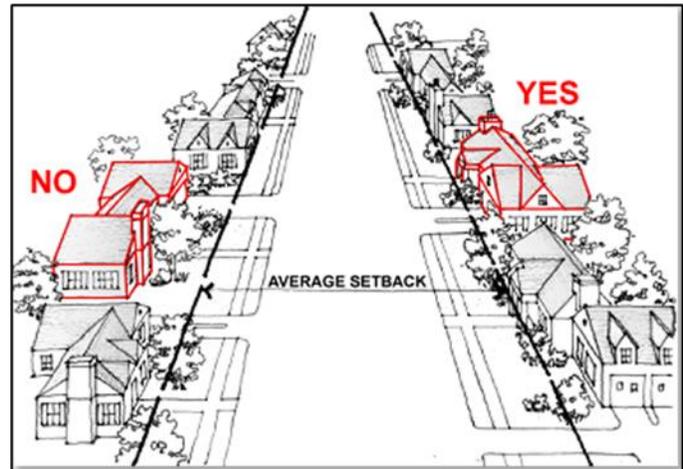


Figure 13: Illustration of contextual standards

average setbacks, lot area, and height of the lots and development on the same block face or within 300 feet of the lot being redeveloped. Under this type of rule, as long as development is consistent with the existing development context on the block (or within a certain number of feet of the development), it is considered conforming and could be redeveloped under the regulations.

5.4. Add Administrative Adjustment Procedure

Section II.1.7.B.(vi) on page 20 discusses adding an administrative adjustment procedure. It is one tool that many communities use to allow greater flexibility, especially for sites being redeveloped. The administrative adjustment allows a minor departure from a dimensional standard (like a setback) or development standards (like the amount of required parking) in cases where such adjustment better serves the intent of the regulations. These kinds of minor departures from standards are reviewed and approved administratively (by the Planning Director) based upon an established set of clear and measurable standards. They are accomplished outside of the variance process, and as such, do not rely on demonstration of a “hardship.”

We recommend that an administrative adjustment procedure be added to better support redevelopment in the Town.

5.5. Add Alternative Compliance Provisions and Consider a Broad Application

One trend in modern development codes is to allow alternative forms of compliance for one or more development standards. This procedure involves the submittal of an alternative plan that describes the alternative form of compliance and how it meets or exceeds the minimum standards in the ordinance. The Town already includes such provisions for landscaping (alternative landscape plan) and off-street parking (off-site parking, shared parking, deferred parking, and valet and tandem parking). We suggest the Town consider broadening the off-street parking provisions by providing for adjustments to the off-street parking standards for transportation demand management practices, proximity to transit, and other actions that reduce parking demand.

5.6. Consider Modifying Provision on Nonconforming Site Features to Require Scaled Compliance

The current regulations address nonconforming off-street parking and landscaping site features; generally, when there is a change to a certain use, or there is an increase of a parking lot by more than 25 percent of its existing area, the respective development standards must be brought up to compliance, unless a variance is often approved.

We suggest the Town consider adding rules requiring scaled compliance for nonconforming site features for off-street parking and landscaping. Typically, such provisions balance the need to bring redevelopment into conformity with the costs and site constraints of bringing nonconforming features into compliance. This is done through establishment of a sliding scale requirement, based on the value of the remodeling done, or the extent of the expansion of the structure. The greater the value of the remodel, or the greater the expansion, the more the developer has to bring the site into

compliance with the nonconforming site features. The Town selects the breakpoints at which the sliding scale increases.

As an example, the provision might establish a rule that remodels costing less than 25 percent of the **structure's assessed value** might not trigger the need to address any nonconforming site features; remodels greater than 25 and up to **65 percent of the structure's assessed value would require an applicant/developer to bring the site's compliance up to current standards by** a percentage amount equivalent to the amount being spent; and remodels in excess of 65 percent of the assessed value would require full compliance. With respect to expansions, the rule might be that an expansion of 25 percent or less would not be required to bring the site further into compliance; expansions greater **than 25 percent and up to 60 percent would require an applicant/developer to bring the site's** compliance up to current standards by a percentage amount equivalent to the expansion; and expansions greater than 60 percent would require full compliance. Sites changing uses might be required to achieve full compliance with the standards. Finally, the standards would include an **important "safety valve" provision that allows for a waiver of requirements** in cases where there are physical constraints on the site that prevent upgrading nonconforming elements (e.g., where there is insufficient room to accommodate all required parking spaces), but would require compliance to the maximum extent practical.

III. Annotated Outline

This part of the Assessment provides an overview of the proposed structure and general substance of the rewritten UDO if the issues identified in Part II: Evaluation are addressed as suggested. As part of the review of and discussions on the Assessment, the annotated outline serves as a backdrop for the Town to provide more detailed direction about the nature and scope of the rewritten UDO, and specific provisions. When this process is completed, the actual drafting of the ordinance will begin.

The following pages are a general outline of the rewritten UDO. The annotated outline and the previous parts of the Assessment are vehicles for helping to define expectations about what is to be accomplished before beginning the detailed drafting work. In addition to providing a road map for drafting the rewritten UDO, the outline provides an organizing framework for continued conversations with the Town about key issues.

CHAPTER 1. GENERAL PROVISIONS

This chapter largely carries forward the provisions in Chapter 1 of the current Zoning Ordinance. It identifies the general legal authority for the UDO and its relationship to other laws and regulations. The chapter will include reference to Chapter 160D of the North Carolina General Statutes, the **state's** new land use law, and include other changes outlined below.

1.1. OFFICIAL TITLE

This section will set out the official name of the UDO as the “**Unified Development Ordinance of the Town of Mooresville, North Carolina**” as well as acceptable shortened references.

1.2. AUTHORITY

This section will state the authority by which the UDO is adopted. It will update the references in Section 1.3 of the current Zoning Ordinance to reference Chapter 160D of the General Statutes, and it will state that references will be deemed amended as the referenced statutes are amended.

1.3. GENERAL PURPOSE AND INTENT

This section states the general purpose and intent of the UDO. It will carry forward and update Section 1.4 of the current Zoning Ordinance for consistency with state law and OneMooresville policy direction.

1.4. APPLICABILITY AND JURISDICTION

This section carries forward Section 1.5 of the current Zoning Ordinance, which states that all development and use of land **in the Town's** zoning jurisdiction must comply with the UDO, including development by governmental entities, to the full extent permitted by law.

1.5. CONFORMANCE WITH ADOPTED PLANS

This section carries forward Section 1.6 of the current Zoning Ordinance, updated to

reference the appropriate adopted plans, or to include more general references.

1.6. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR AGREEMENTS

This section carries forward Section 1.7 of the current Zoning Ordinance, which address conflicts between UDO provisions and other Town codes or laws, private agreements, or state or federal law. It also states the UDO is not intended to affect lawfully established existing agreements or vested rights.

1.7. ZONING DISTRICTS MAP

This section carries forward Section 1.8 of the current Zoning Ordinance. It incorporates the Zoning Districts Map into the UDO by reference and describes where the Zoning Districts Map is maintained and how it may be accessed. It also includes rules for categorizing newly-annexed lands into zoning districts, as well as references to procedures for amending the map and interpreting the district boundaries on the map (standards for interpreting the map will be relocated to the interpretation procedure). If a zoning districts translation table is included in the UDO, it will be located in Section 1.9, Transitional Provisions.

1.8. VESTED RIGHTS

This section carries forward Section 1.10 of the current Zoning Ordinance, which recognizes the establishment of vested rights, either statutory or common law. It will include a new

provision addressing vested rights disclosure at the time land is annexed into the Town.

1.9. TRANSITIONAL PROVISIONS

This section carries forward Section 1.11 of the current Zoning Ordinance, with refinements. It will state the effective date of the UDO and establish rules governing continuing violations of the regulations, pending development applications at the time of adoption, and existing development approvals. It may also include a translation table showing how the zoning districts in current Zoning Ordinance translate to the districts in the rewritten UDO, depending on the extent of changes in the application of the new districts (see section 1.8.6 of the current Zoning Ordinance).

CHAPTER 2. ADMINISTRATION

This chapter consolidates all development review procedures in the UDO, building on the structure and content of Chapter 2 of the current Zoning Ordinance. It includes two introductory sections that summarize the organization of the chapter and the review responsibilities of the various review and decision-making bodies. The three subsequent sections describe in detail the responsibilities procedures for reviewing development applications, including the development review responsibilities of the review boards and staff, a set of common (or “standard”) **procedures** that apply generally to the submittal an review of development applications, and the specific procedures and standards in the development review process for particular types of applications.

2.1. GENERAL PROVISIONS

This section establishes the general organization of the Chapter. It sets out the summary table of review procedures, establishes or describes all applicable review and decision-making bodies and sets forth their powers, lists review procedures that apply generally to the application process, and lists the specific steps for each type of application under the UDO.

2.2. SUMMARY TABLE OF REVIEW PROCEDURES

This section includes a summary table that sets out which parties review, advise, and decide on an application, whether and what type of public hearing is required, and if an administrative appeal is available. This summary table is provided earlier in the Assessment as Table 3: Proposed Development Review Procedures, and is reproduced below.

TABLE 3: PROPOSED DEVELOPMENT REVIEW PROCEDURES

R: REVIEW AND ADVISE D: FINAL DECISION A: APPEAL <_>: PUBLIC HEARING

TYPE OF REVIEW/APPLICATION	REVIEWING OR DECISION-MAKING BODY				
	PLANNING DIRECTOR	HISTORIC PRESERVATION COMMISSION	PLANNING BOARD	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
DISCRETIONARY REVIEW					
Official Zoning District Map or Text Amendment	R	R [4]	R	<D>	
Planned Development District [NEW]	R	R [4]	R	<D>	

TABLE 3: PROPOSED DEVELOPMENT REVIEW PROCEDURES

R: REVIEW AND ADVISE D: FINAL DECISION A: APPEAL <_>: PUBLIC HEARING

TYPE OF REVIEW/APPLICATION	REVIEWING OR DECISION-MAKING BODY				
	PLANNING DIRECTOR	HISTORIC PRESERVATION COMMISSION	PLANNING BOARD	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
Conditional Zoning District Classification	R	R [4]	R	<D>	
Special Use Permit	R	R [4]		<D>	
Comprehensive Plan Amendment/ Future Land Use Map Amendment/ Small Area Study	R		R	<D>	
SITE DEVELOPMENT					
Concept Plan	D [5]	R [4]	R [3]	D [3]	
Site Plan	D	R [4]			A
SUBDIVISION					
Preliminary Plat	D				A
Final Plat	D				A
Minor Subdivision	D				A
Recombination Plat	D				A
PERMITS					
Zoning Permit	D				A
Tree Removal Permit	D				A
Floodplain Development Permit [NEW]	D				
Certificate of Appropriateness	R	<D>			A
RELIEF					
Variance – Zoning	R	R			<D>
Variance – Floodplain [NEW]					<D>
Variance – Watershed	R				<D> [2]
Administrative Adjustment [NEW]	D				A
Appeal of Administrative Decisions					<D>
Modification of Architectural Standard	D				A

TABLE 3: PROPOSED DEVELOPMENT REVIEW PROCEDURES

R: REVIEW AND ADVISE D: FINAL DECISION A: APPEAL <_>: PUBLIC HEARING

TYPE OF REVIEW/APPLICATION	REVIEWING OR DECISION-MAKING BODY				
	PLANNING DIRECTOR	HISTORIC PRESERVATION COMMISSION	PLANNING BOARD	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
OTHER PROCEDURES					
Interpretation	D				A
Vested Rights Determination	R		R	<D>	
Performance Guarantees	D				

Notes:

- [1] Appeals of the Town Board of Commissioner’s or Board of Adjustment’s decisions are made to the Iredell County Superior Court in accordance with applicable state law.
- [2] Applications seeking to vary the Watershed Protection Overlay District standards beyond those authorized for consideration by the Board of Adjustment shall be decided by the North Carolina Environmental Management Commission.
- [3] Planning Board and Town Board reviews and/or approves only when a Concept Plan is part of a Conditional Zoning (approved by Town Board as a condition of approval) or a special use permit.
- [4] For any property that is classified as a local historic landmark designation, located in a local historic district, listed on the National Register of Historic Places, located in an area designated as a National Register District, or located in a Neighborhood Conservation Overlay.
- [5] Planning Director provides a Preliminary Decision of a Concept Plan when it is part of a Conditional Zoning or special use permit and provides a Final Decision when it is not part of a Conditional Zoning or special use permit.

2.3. REVIEW AND DECISION-MAKING BODIES

This section identifies the advisory and decision-making bodies and persons responsible for the review and administration of development under the UDO. It states the specific responsibilities of each review board or staff person in order to establish clear lines of authority in the decision-making procedures. The section generally carries forward Section 2.1 of the current Zoning Ordinance.

2.4. COMMON REVIEW PROCEDURES

This section lists the common steps that apply to applications under the UDO. It builds on Section 2.2 of the current Zoning Ordinance and combines similar existing subsections to improve ease of use. The order in which the

procedures are organized is intended to approximate the chronological order of the procedures in the development review process.

2.4.1. PRE-APPLICATION CONFERENCE

This section carries forward the pre-application conference procedure in Section 2.2.6 of the current Zoning Ordinance, modified to require submittal of a sketch plan as discussed in Section II.1.7.B.(iii) of the Assessment beginning on page 18.

2.4.2. NEIGHBORHOOD MEETING

This section establishes the neighborhood meeting procedure discussed in Section II.1.7.B.(i)(1) of the Assessment beginning on page 16.

2.4.3. APPLICATION SUBMISSION AND COMPLETENESS REVIEW

This is a new section that consolidates several existing sections and includes information relevant to application submittal. It includes the provisions relating to the authority to file applications (Section 2.2.1), the authority for staff to establish specific application contents (Section 2.2.2), the requirement to pay the fees established by the Board of Commissioners (Section 2.2.3), the Submission Schedule (Section 2.2.4), and the submission and completeness review provisions (Section 2.2.7). The section will include a provision that establishes the beginning of formal application review, as discussed in Section II.1.7.B.(i)(2) of the Assessment beginning on page 17.

2.4.4. STAFF REVIEW AND ACTION

This section carries forward and consolidates Section 2.2.8 and Section 2.2.9 of the current Zoning Ordinance. It establishes the procedure used by the Planning Director (or designee) to review an application and either make a decision on the application or prepare a recommendation and staff report.

2.4.5. SCHEDULING OF PUBLIC HEARINGS AND PUBLIC NOTIFICATION

This section carries forward and consolidates Sections 2.2.10, 2.2.11, and, 2.2.12 of the current Zoning Ordinance. It sets out the procedures for scheduling and providing notice for required public hearings, as well as the form and contents required for the notice.

2.4.6. PLANNING BOARD REVIEW AND RECOMMENDATION

For applications subject to review by the Planning Board, this new section establishes common procedures for **the board's** review and recommendation.

2.4.7. DECISION-MAKING BODY HEARING, REVIEW, AND DECISION

This new section consolidates procedures pertaining to the conduct of a meeting or public hearing before the decision-making body (e.g., Board of Commissioners, Planning

Board, or the Board of Adjustment) and the **body's review and decision on the application.**

2.4.8. CONDITIONS OF APPROVAL

This section carries forward Section 2.2.13 of the current Zoning Ordinance

2.4.9. NOTIFICATION TO APPLICANT

This carries forward Section 2.2.18 of the current Zoning Ordinance.

2.4.10. LAPSE OF APPROVAL

This carries forward Section 2.2.19 of the current Zoning Ordinance.

2.4.11. APPLICATION MODIFICATION, DEFERRAL, OR WITHDRAWAL

This section carries forward and consolidates Section 2.2.14, Deferral of Application; Section 2.2.15, Changes to Application after Notice of Public Hearing; Section 2.2.16, Withdrawal of Application, and Section 2.2.21, Application Expiration, of the current Zoning Ordinance.

2.4.12. WAIVER OF TIME LIMIT

This section carries forward Section 2.2.17 of the current Zoning Ordinance.

2.4.13. EXAMINATION AND COPY OF APPLICATION AND RELATED DOCUMENTS

This section carries forward Section 2.2.20 of the current Zoning Ordinance.

2.5. APPLICATION-SPECIFIC PROCEDURES

This section includes the review procedures for each individual type of development application. It builds upon Section 2.3 in the current Zoning Ordinance and, for each application type it identifies which standard procedures apply, the review standards that are required to be applied, and any special rules or exceptions. Each procedure will also be accompanied by a review process flowchart.

2.5.1. OFFICIAL ZONING DISTRICT MAP OR TEXT AMENDMENT

This section carries forward the current procedure in Section 2.3.1 of the Zoning Ordinance and adds a requirement of a neighborhood meeting for an application filed

by an entity other than the Town or its government.

2.5.2. PLANNED DEVELOPMENT DISTRICT

This is a new procedure, discussed in Section II.1.7.B.(v) of the Assessment beginning on page 20, that establishes a process for rezoning to a Planned Development district (see Section II.3.1.B.(iii) on page 41 of the Assessment).

2.5.3. CONDITIONAL ZONING DISTRICT CLASSIFICATION

This is a streamlined revision of the current procedure in Section 2.3.2 of the Zoning Ordinance, as discussed in Section II.1.7.B.(ii) on page 17 of the Assessment.

2.5.4. SPECIAL USE PERMIT

This is a streamlined revision of the current procedure in Section 2.3.3 of the Zoning Ordinance, as discussed in Section II.1.7.B.(ii) on page 17 of the Assessment. The name of the permit is changed to from “Conditional Use Permit” to “special use permit,” consistent with Section 160D of the General Statutes.

2.5.5. COMPREHENSIVE PLAN AMENDMENT/ FUTURE LAND USE MAP AMENDMENT/ SMALL AREA STUDY

This section carries forward Section 2.3.17 of the current Zoning Ordinance.

2.5.6. CONCEPT PLAN

This section carries forward Section 2.3.8 of the current Zoning Ordinance.

2.5.7. SITE PLAN

This section carries forward Section 2.3.9 of the current Zoning Ordinance.

2.5.8. SUBDIVISION

This section carries forward Section 2.3.10 of the current Zoning Ordinance and incorporates all the relevant subdivision procedures, including preliminary plat, final plat, minor subdivision, recombination plat, and conservation subdivision.

2.5.9. ZONING PERMIT

This section carries forward Section 2.3.11 of the current Zoning Ordinance.

2.5.10. TREE REMOVAL PERMIT

This section carries forward Section 2.3.12 of the current Zoning Ordinance.

2.5.11. FLOODPLAIN DEVELOPMENT PERMIT

This section incorporates the floodplain development permit procedure included in the Flood Damage Prevention Ordinance, located in Chapter 15 (Appendix) Section 15.3.4(2) of the current Zoning Ordinance.

2.5.12. CERTIFICATE OF APPROPRIATENESS

This section carries forward Section 2.3.16 of the current Zoning Ordinance.

2.5.13. VARIANCE – ZONING

This section carries forward Section 2.3.4 of the current Zoning Ordinance.

2.5.14. VARIANCE – FLOODPLAINS

This section incorporates the floodplain development variance procedure included in the Flood Damage Prevention Ordinance, located in Chapter 15 (Appendix) Section 15.3.4(5) of the current Zoning Ordinance.

2.5.15. VARIANCE – WATERSHED

This section carries forward Section 2.3.5 of the current Zoning Ordinance.

2.5.16. ADMINISTRATIVE ADJUSTMENT

This is a new procedure, discussed in Section II.1.7.B.(vi) of the Assessment beginning on page 20, that establishes a process for permitting the Planning Director to make minor deviations from dimensional, development, or form standards based on clear and measurable standards.

2.5.17. APPEAL OF ADMINISTRATIVE DECISIONS

This section carries forward Section 2.3.14 of the current Zoning Ordinance.

2.5.18. MODIFICATION OF ARCHITECTURAL STANDARD

This carries forward Section 2.3.6 of the current Zoning Ordinance.

2.5.19. INTERPRETATION

This section carries forward Section 2.3.13 of the current Zoning Ordinance. Zoning map boundary interpretation standards are relocated to this section.

2.5.20. VESTED RIGHTS DETERMINATION

This section carries forward Section 2.3.15 of the current Zoning Ordinance, with refinements.

2.5.21. PERFORMANCE GUARANTEES

This section carries forward Section 2.3.18 of the current Zoning Ordinance, revised to ensure consistency with state law.

CHAPTER 3. ZONING DISTRICTS

This chapter establishes and describes the zoning districts which govern the types of development and uses allowed in different parts of the Town. It consolidates in one chapter both base zoning districts and overlay zoning districts, and incorporates the proposed changes to the zoning districts described in Section II.3 of the Assessment.

3.1. GENERAL PROVISIONS

This section carries forward Section 3.1 of the current Zoning Ordinance. It establishes the base and overlay zoning districts, describes each type of district, explains how they relate to each other (e.g., overlay districts are superimposed over portions of underlying base zoning districts and apply either additional or alternative development regulation), and includes or references provisions that supersede the dimensional standards established for each district, such as the building height limitations in the Neighborhood Compatibility standards or allowed increases in density under the inclusionary zoning provisions.

This subsection will include a summary table identifying the zoning districts and providing an official abbreviation. Districts will be grouped as Residential, Mixed-Use and Nonresidential, Special, and Planned Development base zoning districts, and Overlay districts. Within each group, zoning districts will generally be listed from least to greatest intensity. Table 6: Proposed Zoning Districts, reproduced below, shows the current and proposed line-up of zoning districts.

TABLE 6: PROPOSED ZONING DISTRICT STRUCTURE

CURRENT DISTRICT	PROPOSED DISTRICT	ONE MOORESVILLE CHARACTER AREA
BASE DISTRICTS		
Residential Districts		
R-2 Single-Family Residential-2	RLS Residential Limited Service	Neighborhood Residential Rural Residential
R-3 Single-Family Residential-3	RLI Residential Low-Intensity	Neighborhood Residential Town Residential
R-5 Single-Family Residential-5	RG Residential General	Neighborhood Residential Town Residential
	MV Mill Village [NEW]	Mill Village
RMX Residential Mixed-Use	TN Traditional Neighborhood	Town Residential
RMX-MH Residential Mixed-Use – Manufactured Home	[CONSOLIDATED]	
Mixed-Use and Nonresidential Districts		
NMX Neighborhood Mixed-Use	[DELETED]	
	ND Neighborhood Destination [NEW]	Neighborhood Center Node

TABLE 6: PROPOSED ZONING DISTRICT STRUCTURE

CURRENT DISTRICT	PROPOSED DISTRICT	ONEMOORESVILLE CHARACTER AREA
VC Village Center	CD Community Destination	Village Center Node
	RD Regional Destination <i>[NEW]</i>	Mixed Use Destination
TC Town Center	TD Traditional Downtown	Downtown Center
	DE Downtown Extension <i>[NEW]</i>	Downtown Edge
CMX Corridor Mixed-Use	CMX Corridor Mixed-Use	Mixed Use Corridor Employment Center
HB Highway Business	HB Highway Business	Mixed Use Corridor
HI Hybrid Industrial	HLI Hybrid Light Industrial	Employment Center
GI General Industrial	<i>[CONSOLIDATED]</i>	
EI Exclusive Industrial	IN Industrial	Flex Industrial
Planned Development Districts		
TND-C Traditional Neighborhood Development (Conditional)	<i>[DELETED]</i>	
PC-C Planned Campus District (Conditional)	<i>[DELETED]</i>	
	G-PD General Planned Development <i>[NEW]</i>	
	TN-PD Traditional Neighborhood Planned Development <i>[NEW]</i>	Town Residential Neighborhood Residential Downtown Edge
	C-PD Campus Planned Development <i>[NEW]</i>	Employment Center Flex Industrial
OVERLAY DISTRICTS		
WPO Watershed Protection Overlay	WPO Watershed Protection Overlay	
NCO Neighborhood Conservation Overlay	NCO Neighborhood Conservation Overlay	
MXO Mixed-Use Overlay	<i>[DELETED]</i>	
OIO Office Overlay	<i>[DELETED]</i>	
COO Corridor Overlay	<i>[DELETED]</i>	
HPO Historic Preservation Overlay	HPO Historic Preservation Overlay	
TSO Transit Station Overlay	<i>[DELETED]</i>	
ALCOVE Alcove Road Corridor Overlay	<i>[DELETED]</i>	
CORNELIUS Cornelius Road Corridor Overlay	<i>[DELETED]</i>	

TABLE 6: PROPOSED ZONING DISTRICT STRUCTURE

CURRENT DISTRICT	PROPOSED DISTRICT	ONEMOORESVILLE CHARACTER AREA
EAST/WEST CONNECTOR East West Connector Overlay	<i>[DELETED]</i>	
Brawley School Road Overlay	BSRO Brawley School Road Overlay	

3.2. RESIDENTIAL BASE DISTRICTS

This section sets out the general purposes of the Residential base districts and specifically identifies the Residential districts. Subsections for each of the districts identify the purposes of the district and set out or reference the applicable dimensional, use, and other standards. See the discussion on proposed Residential base districts in Section II.3.1.B.(i) of the Assessment beginning on page 36 and examples of page layouts in the Appendix of the Assessment.

3.3. MIXED-USE AND NONRESIDENTIAL BASE DISTRICTS

This section sets out the general purposes of the Mixed-Use and Nonresidential base districts and specifically identifies the Mixed-Use and Nonresidential base districts. Subsections for each of the districts identify the purposes of the district and set out or reference the applicable dimensional, use, and other standards. See the discussion on proposed Residential base districts in Section II.3.1.B.(ii) of the Assessment beginning on page 38 and examples of page layouts in the Appendix of the Assessment.

3.4. CONDITIONAL ZONING DISTRICTS

This section carries forward Sections 3.3.1 through 3.3.5 of the current Zoning Ordinance. It identifies the purposes of conditional zoning, the districts for which conditional districts can be approved and the required procedures, what uses are allowed, and other applicable standards.

3.5. PLANNED DEVELOPMENT DISTRICTS

This new section identifies the general purposes of the Planned Development districts and sets out the general requirements that apply to all planned development districts, including what must be included in Planned Development Plans and Planned Development Agreements. See the discussion on proposed Planned Development procedures in Section II.1.7.B.(v) of the Assessment beginning on page 20. Subsections for each type of Planned Development district set out the purpose and requirements for establishing that type of district. See the discussion on proposed Planned Development districts in Section II.3.1.B.(iii) of the Assessment beginning on page 41.

3.6. OVERLAY DISTRICTS

This section carries forward Section 4.1 of the current Zoning Ordinance. It describes the general purposes of the Overlay districts and identifies the overlay districts that are established. Subsections for each of the Overlay districts identify the purpose of the district, how the district boundaries are delineated, and the specific standards that apply in addition to or instead of the base district standards. See the discussion on proposed Overlay districts in Section II.3.1.B.(iv) of the Assessment beginning on page 41.

CHAPTER 4. USE REGULATIONS

This chapter includes updates to the uses, use tables, principal use category descriptions, and use standards in Chapter 5 of the current Zoning Ordinance, as discussed in Section II.3.4 of the Assessment.

4.1. GENERAL PROVISIONS

This introductory section explains the organization of the use regulations and includes general standards that apply to all uses (e.g., must comply with federal, state, and local regulations) that might otherwise be repeated in the use standards.

4.2. PRINCIPAL USES

The section includes regulations that apply to principal uses in various districts. It includes three subsections described below.

4.2.1. PRINCIPAL USE TABLE

This section includes the heart of the chapter, the principal use table, building on the current table of uses (see discussion of proposed changes in Sections II.3.4.A and II.3.4.B beginning on page 47). The subsection begins with introductory material that carries forward Section 5.1.1 of the current Zoning Ordinance, which explains the organization and abbreviations in the principal use table, followed by the principal use table.

4.2.2. CLASSIFICATION OF PRINCIPAL USES

This section carries forward Sections 5.2 and 5.1.2 and 5.1.3 of the current Zoning Ordinance. It will describe each of the use categories, modified as recommended in Section II.3.4.A of the Assessment on page 46, provide rules for cases where multiple uses are established on a lot, and standards for determining whether proposed uses not explicitly listed in the use table may be interpreted as allowable or not.

4.2.3. STANDARDS FOR SPECIFIC PRINCIPAL USES

This section carries forward Section 5.3 of the current Zoning Ordinance, with refinements

discussed in Section II.3.4.C on page 47 of the Assessment. Standards for specific uses will be organized based on the revised organization of the use table.

4.3. ACCESSORY USES AND STRUCTURES

This section carries forward Section 5.4 of the current Zoning Ordinance. It includes three subsections described below.

4.3.1. GENERAL STANDARDS FOR ACCESSORY USES AND STRUCTURES

This section includes general standards that apply to all accessory uses and structures.

4.3.2. ACCESSORY USE TABLE

This section includes an accessory use table that identifies specific accessory uses that are allowed in particular zoning districts.

4.4. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

This section sets out standards that apply to specific accessory uses and structures.

4.5. TEMPORARY USES AND STRUCTURES

This section carries forward Section 5.5 of the current Zoning Ordinance. It is organized into three subsections.

4.5.1. GENERAL STANDARDS FOR TEMPORARY USES AND STRUCTURES

This section includes general standards that apply to all accessory uses and structures.

4.5.2. TEMPORARY USE TABLE

This section includes temporary use table that identifies specific temporary uses that are allowed in each zoning district.

4.5.3. STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

This section includes standards that apply to specific temporary uses and structures.

CHAPTER 5. DEVELOPMENT STANDARDS

As discussed in Section II.4 of the Assessment, the new UDO consolidates into this chapter the standards (other than the subdivision standards) that relate to the physical layout of new development.

5.1. ACCESS AND CONNECTIVITY STANDARDS

See discussion in Section II.4.1, Strengthen the Access and Connectivity Standards, of the Assessment.

5.2. OFF-STREET PARKING, BICYCLE PARKING, AND LOADING STANDARDS

See discussion in Section II.4.2, Modernize Off-Street Parking and Loading Standards, of the Assessment.

5.3. LANDSCAPE AND BUFFER STANDARDS

See discussion in Section II.4.3, Refine Landscaping and Tree Protection Standards, of the Assessment.

5.4. TREE PROTECTION STANDARDS

See discussion in Section II.4.3, Refine Landscaping and Tree Protection Standards, of the Assessment.

5.5. FLOOD DAMAGE PREVENTION

This section incorporates the provisions of the existing flood damage prevention ordinance in Section 15.3 of the current Zoning Ordinance.⁵

5.6. OPEN-SPACE SET ASIDE STANDARDS

See discussion in Section II.4.4, Strengthen the Open Space Set-Aside Requirements, of the Assessment.

5.7. FENCE AND WALL STANDARDS

This section builds upon the existing fence and wall standards in Section 9.3 of the current Zoning Ordinance with minor refinements.

5.8. EXTERIOR LIGHTING STANDARDS

See discussion in Section II.4.7, Exterior Lighting, of the Assessment.

5.9. BUILDING FORM AND DESIGN STANDARDS

See discussion in Section II.4.5, Update and Refine the Building Form and Design Standards, of the Assessment.

5.10. NEIGHBORHOOD COMPATIBILITY STANDARDS

See discussion in Section II.4.6, Neighborhood Compatibility, of the Assessment.

5.11. SIGN STANDARDS

See discussion in Section II.4.8, Signage, of the Assessment.

5.12. GREEN BUILDING INCENTIVES

See discussion in Section II.4.9, Green Building Incentives, of the Assessment.

⁵⁵ **NOTE TO STAFF:** We see that a nearly identical Flood Damage Prevention ordinance is included in Chapter 11 of the Town's Code of Ordinances.

CHAPTER 6. SUBDIVISION STANDARDS

This chapter contains the substantive standards for the subdivision of land. It carries forward the existing standards in Chapter 10 of the current Zoning Ordinance, with a revised organization and minor refinements.

6.1. GENERAL PROVISIONS

This section carries forward and builds on Sections 10.1.1 and 10.1.2 of the current Zoning Ordinance. It states the purpose and intent of the section, identifies what development activities the subdivision requirements apply to, and references the subdivision procedures in Article 2.

6.2. GENERAL SUBDIVISION STANDARDS

This section carries forward standards in Sections 10.1.3 through 10.1.7 of the current Zoning Ordinance. It includes standards for monuments, lots, blocks, easements, and functional fire protection.

6.3. CONSERVATION SUBDIVISIONS

This section carries forward Section 10.2 of the current Zoning Ordinance, with modifications discussed in Section II.4.10 on page 63 of the Assessment.

6.4. REQUIRED IMPROVEMENTS

This section carries forward Section 10.3 of the current Zoning Ordinance. It will reference the performance guarantee provisions in Article 2.

CHAPTER 7. NONCONFORMITIES

This chapter carries forward rules pertaining to nonconformities, largely retaining the existing nonconformity provisions in Chapter 11 of the Zoning Ordinance.

7.1. GENERAL APPLICABILITY

This section carries forward Section 11.1 of the current Zoning Ordinance. It states the purpose and scope of the chapter, authorizes the continuation of nonconformities if they comply with the applicable provisions in the chapter, states that the landowner has the burden of establishing nonconformity status, and states that minor repairs and maintenance are allowed.

7.2. NONCONFORMING USES

This section carries forward Section 11.2 of the current Zoning Ordinance, which establishes rules for nonconforming uses.

7.3. NONCONFORMING STRUCTURES

This section carries forward rules that apply to nonconforming structures in Section 11.3 of the current Zoning Ordinance.

7.4. NONCONFORMING LOTS OF RECORD

This section carries forward provisions pertaining to nonconforming lots in Section 11.4 of the current Zoning Ordinance.

7.5. NONCONFORMING SIGNS

This section carries forward Section 11.5 of the current Zoning Ordinance. It includes rules for nonconforming signs.

7.6. NONCONFORMING SITE FEATURES

This section carries forward Section 11.6 of the current Zoning Ordinance, with modifications described in Section II.5.6 on page 67 of the Assessment.

CHAPTER 8. ENFORCEMENT AND REMEDIES

This chapter establishes the procedures and standards that ensure compliance with the provisions of the UDO, along with remedies and penalties that apply to violations of the regulations.

8.1. GENERAL PROVISIONS

This section carries forward Section 12.1 of the current Zoning Ordinance, which states the purpose of the chapter.

8.2. COMPLIANCE REQUIRED

This section carries forward the general compliance requirement in Section 12.2 of the current Zoning Ordinance.

8.3. VIOLATIONS

This section carries forward Section 12.3 of the current Zoning Ordinance, which identifies what constitutes a violation of the UDO.

8.4. RESPONSIBLE PERSONS

This carries forward Section 12.4 of the current Zoning Ordinance, with refinements. It identifies what persons are subject to penalties and remedies for violations that are set out in the chapter.

8.5. ENFORCEMENT GENERALLY

This section carries forward Section 12.5 of the current Zoning Ordinance, which establishes responsibilities for enforcing the UDO and a procedure for providing notice of a violation and applying remedies and penalties.

8.6. REMEDIES AND PENALTIES

This section carries forward Sections 12.6, 12.7, and 10.5 of the current Zoning Ordinance, with refinements. It identifies remedies and penalties available to the Town to address violations of the UDO.

CHAPTER 9. DEFINITIONS, RULES OF MEASUREMENT AND INTERPRETATION

This chapter includes a comprehensive updated set of definitions of terms and uses in the UDO, as well as general rules for interpretation and for measurement.

9.1. RULES OF INTERPRETATION

This section carries forward Section 13.1 of the current Zoning Ordinance, with refinements. It establishes rules for interpreting the terms and provisions in the UDO.

evaluated, and then refined and modernized, with new definitions added as appropriate, so the rewritten UDO has a clear, modern, and workable set of definitions.

9.2. RULES OF MEASUREMENT

This section consolidates and establishes the rules for all types of measurement used in the UDO (e.g., how to measure bulk and dimensional requirements like height, width, setbacks, lot area, how encroachments into required yards will be determined and regulated, and the other measurements that are required to interpret standards). It consolidates and builds on definitions in Section 13.2 of the current Zoning Ordinance, and provisions in Sections 3.4 and 3.5 that deal with determining lots and frontages and allowable height extensions and encroachments into required setbacks. The result is a central location where the user can go if there is a need to apply a rule of measurement. Graphics will be included in this section to assist in the explanation of the different rules of measurement.

9.3. DEFINITIONS

This section will include an alphabetical listing of definitions of terms in the UDO, including principal, accessory, and temporary uses. Clear definitions of important words and phrases not only make life easier for those who must interpret and administer the regulations and for those who must make decisions and consider appeals — they also make it much easier for the public to know what is required. All current definitions will be reviewed,

Appendix A

Appendix A includes application-related materials in Chapter 15 of the current Zoning Ordinance.

APPLICATION SUBMISSION REQUIREMENTS

As discussed in Section II.1.6 on page 10 of the Assessment, we recommend that the Administrative Manual include all application requirements. If it does, the material in Chapter 15 of the current Zoning Ordinance will be included in the manual, otherwise, it will be included in this appendix.

IV. Appendix A: District Layout Examples

The following pages include examples of page layouts for zoning district regulations, as described in Section II.3.3 on page 45 of the Assessment.

2.9. RM-2: Medium-High Density Multifamily³⁵

A. Purpose

The RM-2 district is intended to accommodate medium- to high-density multifamily residential uses, including limited single-family uses and duplexes. The RM-2 district may include limited community and educational uses, and incidental or accessory uses. This district can also serve as a transition between medium- to high-density single-family and multifamily, commercial, and/or mixed-use zoning districts.

B. RM-2 Lot and Building Standards

Lot Standards		
A	Width (minimum)	100 feet
	Area (minimum)	10,000 sq. ft. [1]
	Density (maximum)	12 du/acre
Setbacks (minimum)		
B	Front	20 feet
C	Side [2]	10 feet
D	Rear	25 feet
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	40 percent [3] ³⁷
	Total coverage	65 percent

C. Other Standards

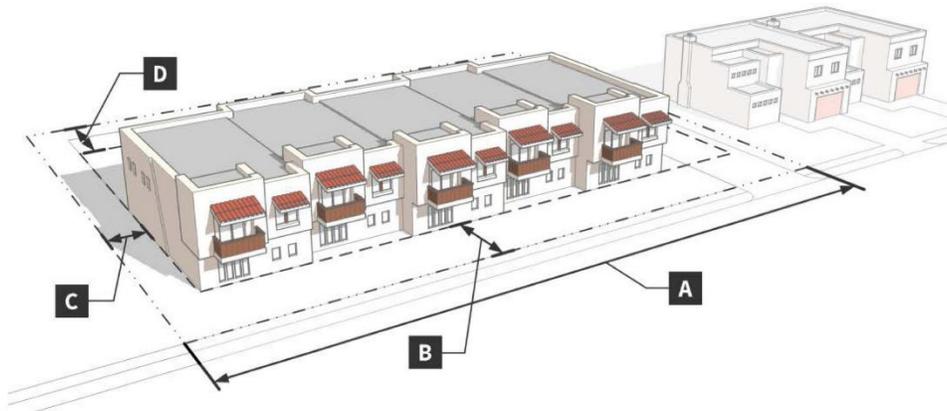
Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

Notes:

[1] Currently 21,780 sq. ft. (1/2 acre)³⁶

[2] Did not carry forward the side setback abutting a street, which is currently 15 feet

[3] Currently 25 percent



³⁵ This district is carried forward from the current RM-2 district, but renamed to reflect medium-high density.

³⁶ The current lot size requirement can act as a barrier to achieving higher densities than the lower intensity district RM-1.

³⁷ Revised to match the proposed limits of the RM-1 and RM-3 districts.

(j) RM-H: Residential Multi-Family High Density District¹

(1) Purpose²

The purpose of the RM-H: Residential Multi-Family High-Density District is to provide lands provide lands for a broad range of housing options at a maximum density of 16 dwelling units per acre in locations where adequate supporting public facilities are available. This district is intended to provide good access and connectivity for vehicles, bicycles, and pedestrians. Development allowed includes multi-family, two-family, and townhouse dwellings, as well as limited public, civic, and institutional uses that support surrounding residential development.

(2) Concept



(3) Use Standards

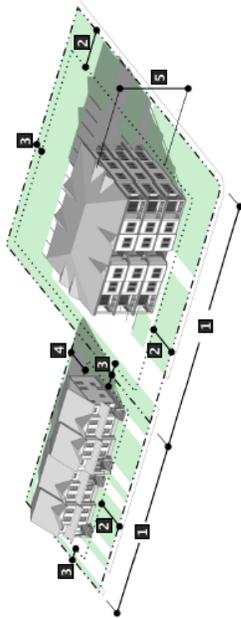
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

(4) Density and Dimensional Standards³

Standard	All Uses
Density, max. (du/acre)	16
1 Lot Width, min. (ft)	50
2 Front Yard Setback, min. (ft)	25
3 Side Yard Setback, min. (ft)	7 ¹⁾
4 Rear Yard Setback, min. (ft)	20
5 Building Height, max. (ft)	Taller of 3 stories or 45 feet / 5 stories / 6 stories ¹⁾

NOTES:

- [1] Unless modified in accordance with Sec. 26-3.1(f)(4), Zero Lot Line Development.
- [2] A building height of up five stories is allowed as a permitted use with special requirements, and a building height of six stories is allowed upon approval of a special exception permit, if 1) the building is located on a lot having a minimum area of one acre and a minimum width of 150 feet, 2) the building is set back at least 25 feet from all property lines, 3) the building does not project through imaginary planes leaning inward over the lot from the exterior lot lines of the parcel at angles at a slope of two feet vertical for each one foot horizontal, and 4) the building does not occupy more than 35 percent of the area of the lot upon which it is located, except the building may occupy up to 45 percent of the lot area if equivalent area over 35 percent is provided in the form of landscaped roof gardens, solariums, recreational spaces, and similar spaces.



(5) Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.7	Neighborhood Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.8	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.9	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.10	External Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.11	Water Quality
Sec. 26-5.5	Conservation Development	Sec. 26-5.12	Green Development Incentives
Sec. 26-5.6	Design and Form Standards	Article 26-6	Land Development (Subdivision) Standards

¹ This district carries forward the Residential Multi-Family High-Density (RM-HD) District in the current LDC, except single-family detached dwellings are changed from permitted to not allowed.

² This builds on and refines the purpose identified for the RM-HD District in the current LDC.

³ This carries forward the density and dimensional standards for the RM-HD District in the current LDC.

V. Appendix B: Administrative Adjustment Examples

The following pages include examples of administrative adjustment provisions from three communities in North Carolina.

PART II - CODE OF ORDINANCES

CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE

Article 30-2: Administration

30-2.C. Standards and Requirements for Development Applications

This section includes the individual review procedures, standards, and related information for each of the applications for development permits and approvals, as summarized in Table 30-2.A.2, Development Review Structure.

30-2.C.16. Administrative Adjustment

a. **Purpose**

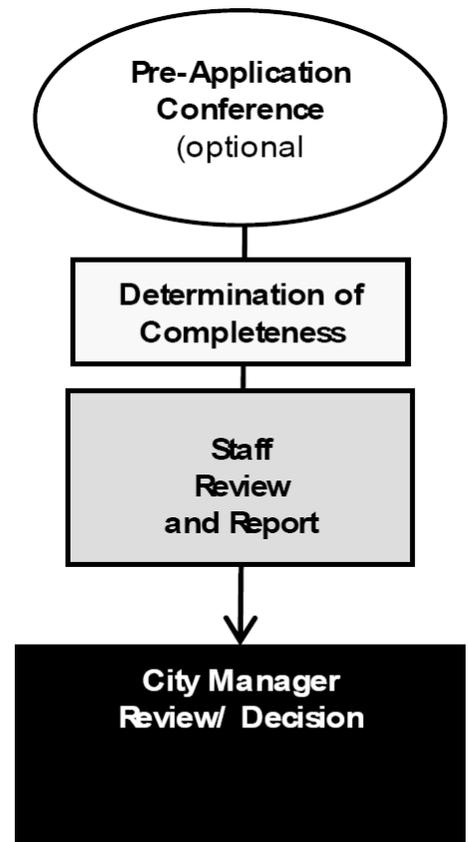
The purpose of this section is to provide an administrative mechanism for allowing minor variations, or adjustments, to certain numerical or other standards of the zoning provisions based on very specific criteria, with the intent of providing relief where application of a standard creates practical difficulties in allowing development that otherwise advances the purposes served by the standards and is compatible with the area. Administrative Adjustments of numerical standards shall not exceed ten percent unless explicitly provided for in this Chapter. Administrative Adjustments may include any adjustment necessary to effectuate reasonable accommodations for persons with disabilities.

b. **Applicability**

Administrative Adjustments may be requested and granted for deviations from numerical standards of up to ten percent in accordance with Section 30-2.C.16.e, Administrative Adjustment Standards. Furthermore, this section is intended to provide for consideration of alternative designs, solutions or plans to address unusual circumstances, adjustments needed to support critical utility emergency services, and to promote creative design in the pursuit of excellence in development. As applied to utilities and provision of critical services during emergencies, an Administrative Adjustment may be requested for such standards as outdoor storage and other requirements impacting the ability to provide or restore service during emergencies; conditions to assure safe and attractive facilities relative to surrounding development may be part of the approval. As applied to separation standards, except when a reduction in the separation standard is explicitly precluded by Section 30-4.C, an administrative adjustment may be requested to include up to a ten percent reduction in separation standards when natural or man-made elements achieve the same intent and effects of the required separation and the requested adjustment are in accordance with Section 30-2.C.16.e.

c. **Initiation**

An application for an Administrative Adjustment may be initiated by any person who may submit applications in accordance with Section 30-2.B.1, Authority to File Applications.



Administrative Adjustment

d. Procedure

1. Basic Procedures

- a. Except as modified by Sections 30-2.C.16.d.2—6 below, procedures and requirements for the submission, completeness determination, review, recommendation, and decision on applications are as established in Section 30-2.B, Common Review Procedures.
- b. *Review by Technical Review Committee*
Before completion of the staff report, the Administrative Adjustment application shall be reviewed by the Technical Review Committee, who may suggest revisions consistent with the provisions of Section 30-2.C.16.e, Administrative Adjustment Standards.
- c. *Review and Action by City Manager*
The City Manager shall review and take action on the application in accordance with the procedures of Section 30-2.B.9, Decision by Technical Review Committee or City Manager, and the standards in Section 30-2.C.16.e, Administrative Adjustment Standards.
- d. *Conditions of Approval*
In approving an Administrative Adjustment, the City Manager may grant a lesser modification than the maximum allowed by this section or requested by an applicant, and may impose appropriate conditions on the approval in accordance with Section 30-2.B.16, Conditions of Approval.
- e. *Appeal*
An appeal from the City Manager's decision on an Administrative Adjustment shall be reviewed and decided by the Zoning Commission in accordance with Section 30-2.C.18, Appeal.
- f. *Expiration*

1. In cases where a maximum time frame for development is established as a condition of approval, the Administrative Adjustment shall expire upon the lapse of the allowable time frame, regardless of (b) and (c) below.
2. If a Building Permit is required, the Administrative Adjustment shall automatically expire if the Building Permit is not issued within six months after the date of issuance of the Administrative Adjustment.
3. In cases where a Building Permit is not required, the Administrative Adjustment shall automatically expire if the activity authorized by the Administrative Adjustment is not commenced within six months of the date of approval of the Administrative Adjustment.

e. **Administrative Adjustment Standards**

Administrative Adjustments shall be approved only upon a finding that the following standards are met:

1. *General*

The requested Administrative Adjustment is not inconsistent with the character or intent of development in the surrounding area, and will not result in incompatible uses or unreasonable negative impacts.

2. *Mitigates Adverse Impacts*

Any adverse impacts resulting from the Administrative Adjustment will be mitigated, to the maximum extent practicable.

3. *Technical Nature*

The Administrative Adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is:

- a. Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
- b. Supporting an objective or goal from the purpose and intent statements of the zoning district where located;
- c. Meeting the intent and effect of the separation otherwise required between two uses due to topographical or other circumstances related to the specific situation; or
- d. Proposed to save healthy existing trees.

4. *Not Substantially Interfere with Convenient and Enjoyable Use of Adjacent Land*

The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety.

5. *Connectivity Index*

Adjustment to the minimum connectivity index score is allowable when it is demonstrated the landowner has attempted to develop a street design that complies with the connectivity index to the maximum extent practicable, but it is reasonably impossible, due to either:

- a. Topographical or environmental conditions; or
- b. The limited number of external connections to the site, and the physical features of the site.

6. *Commercial, Office, and Mixed-Use Design Standards and Large Retail Development*

Commercial, Office, and Mixed-Use Design Standards and Large Retail design standards may be adjusted when it is determined that the Administrative Adjustment will result in new development that is more consistent with the goals of the comprehensive plan and the purpose and intent of this Chapter than would otherwise result from a strict application of the design standards in Section 30-5.I., Commercial, Office and Mixed-Use Design Standards, and Section 30-5.J., Large Retail Design Standards.

f. **Subsequent Development**

Development authorized by the Administrative Adjustment shall not be carried out until the applicant has secured all other permits required by this Ordinance or any other applicable provisions of the City. An Administrative Adjustment shall not ensure that the development receiving an Administrative Adjustment receives subsequent approval for other applications for development unless the relevant and applicable portions of this Ordinance or any other applicable provisions are met.

g. Effect of Approval

Approval of an Administrative Adjustment shall authorize only the particular Administrative Adjustment that is approved. An Administrative Adjustment, including any conditions, shall run with the land and not be affected by a change in ownership.

h. Amendment

An Administrative Adjustment may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

(Ord. No. S2011-013, § 1.8, 11-28-2011; Ord. No. S2013-014, § 4, 7-22-2013; Ord. No. S2015, § 1, 3-23-2015; Ord. No. S2015-018, § 1, 12-14-2015; Ord. No. S2017-007, § 1, 6-26-2017; Ord. No. S2018-019, § 2, 6-25-2018)

Effective on: 6/26/2017

High Point, North Carolina Development Ordinance

2.5.2. - Administrative Adjustment

- A. **Applicability** This section provides an administrative mechanism for allowing minor adjustments to certain standards (e.g., setbacks) in this Ordinance, based on specific review criteria, with the intent of providing relief where application of a standard creates practical difficulties in allowing development that otherwise advances the purposes served by this Ordinance where the adjustment is compatible with the surrounding development.
- B. **Administrative Adjustment** An administrative adjustment is reviewed and decided by the Planning and Development Director and allows an adjustment of the standards in accordance with Section 2.5.2 C, Administrative Adjustment Amount.
- C. **Administrative Adjustment Amount** Table 2.5.2.C, Administrative Adjustment Amount, sets out the standards that may be adjusted through the administrative adjustment procedure and the maximum percentage of allowable adjustment.

TABLE 2.5.2.C: ADMINISTRATIVE ADJUSTMENT AMOUNT

STANDARD	MAXIMUM ADMINISTRATIVE ADJUSTMENT IN CORE CITY AREA	MAXIMUM ADMINISTRATIVE ADJUSTMENT OUTSIDE CORE CITY AREA
Maximum building height (except where increases in maximum height are prohibited in this Ordinance)	20%	10%
Minimum building setbacks	20%	10%
Maximum residential density	20%	10%
Minimum required lot width	20%	10%
Minimum lot area	20%	10%
Minimum required parking spaces	20% [1]	10% [2]
Average landscape yard width	20%	10%
Minimum open space amount	20%	10%
Minimum active recreational area open space	20%	10%
Remove or cover an existing window	2 [3]	n/a
NOTES		
[1] Allowed when other parking alternatives cannot be utilized. New construction and building addition space are not eligible for reduced parking.		

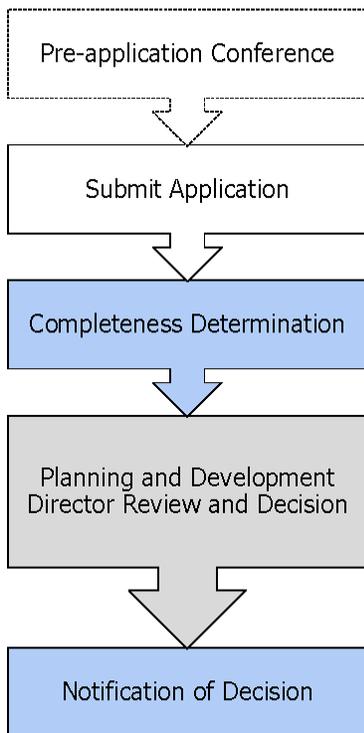
[2] Allowed for existing development to retrofit parking to conform to the landscaping regulations or to allow an existing or new development to preserve trees within or adjacent to a vehicular use area.

[3] Allowed for up to 2 windows for non-occupiable space in an existing building in the CB, MS or MX districts.

D. Administrative Adjustment Procedure

1. **Pre-Application Conference** Optional (see Section 2.3.2, Pre-Application Conference).
2. **Application Submittal and Acceptance** Applicable (see Section 2.3.4, Application Submittal and Acceptance).
3. **Staff Review and Action**
 - (a) Applicable (see Section 2.3.5, Staff Review and Action).
 - (b) The Planning and Development Director shall review and decide applications for an administrative adjustment in accordance with Section 2.5.2 E, Administrative Adjustment Review Standards.

**ADMINISTRATIVE
ADJUSTMENT**



- E. Administrative Adjustment Review Standards** An administrative adjustment shall be approved on a decision the applicant demonstrates all of the following:

1. The administrative adjustment is consistent with the thresholds for an administrative adjustment established in this section;
 2. The administrative adjustment is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;
 3. The administrative adjustment is either:
 - (a) Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
 - (b) Supports an objective or goal from the purpose and intent statements of the zoning district where it is located; or
 - (c) Saves healthy existing trees;
 4. The administrative adjustment will not pose a danger to the public health or safety;
 5. Adverse impacts resulting from the administrative adjustment will be fully mitigated; and
 6. The development standard being adjusted is not the subject of a previously approved administrative adjustment on the same site.
 7. The development standard being adjusted is not expressly prohibited by a condition of approval.
- F. **Conditions of Approval** Applicable (see Section 2.3.10, Conditions of Approval).
- G. **Effect** An administrative adjustment shall be reviewed and decided prior to the other applications with which it is submitted. (For example, if an administrative adjustment application is submitted in conjunction with a site plan application because the administrative adjustment is needed to achieve the plan for development in the site plan, the administrative adjustment application shall be reviewed and decided prior to the approval of the site plan application.)
- H. **Amendment** Amendment of an administrative adjustment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
- I. **Expiration** If an administrative adjustment is associated with another permit or development approval, the expiration of the administrative adjustment shall be the same as the permit or development approval with which it is associated.
- J. **Appeal** Applicable (see Section 2.4.3, Appeal).

(Ord. No. [7266/17-08](#), §§ 4, 6, 1-17-2017; Ord. No. [7287/17-29](#), § 1, 4-3-2017; Ord. No. [7476/18-105](#), § 7.A, 12-3-2018)

2.4.15. Administrative Adjustment

A. Purpose

The purpose of this section is to provide an administrative mechanism for allowing minor variations, or adjustments, to certain numerical standards (i.e., setbacks) of the zoning provisions based on specific standards, with the intent of providing relief where application of a standard creates practical difficulties in allowing development that otherwise advances the purposes served by the standards and is compatible with the area.

B. Timing

- (1) An administrative adjustment may be requested either as a stand-alone application or in conjunction with other application(s).
- (2) If an administrative adjustment application is submitted in conjunction with another application, it shall be reviewed and decided prior to the other application. (For example, if an administrative adjustment application is submitted in conjunction with a site plan application (because the administrative adjustment is needed to achieve the plan for development in the site plan), the administrative adjustment application shall be reviewed and decided upon prior to review of the site plan application.)

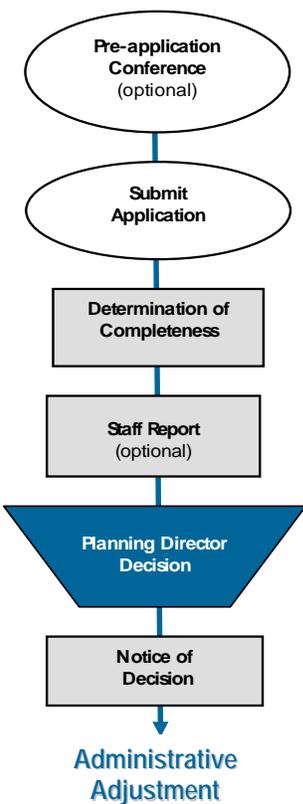
C. Applicability

Administrative adjustments may be requested and granted for the following standards in this Ordinance:

- (1) Modifications in building height by up to 15 percent;
- (2) Modifications in a building setback by up to 20 percent in Full Service areas designated on the future land use map of the 2006 Land Use Plan;
- (3) Modifications in building setbacks by up to 15 percent outside Full Service areas; and
- (4) Modifications in major arterial street setbacks by up to 40 percent.

D. Administrative Adjustment Procedure

- (1) **Pre-Application Conference**
Optional (see Section 2.3.2).
- (2) **Community Meeting**
Not applicable.
- (3) **Application Submittal and Acceptance**



Applicable (see Section 2.3.4).

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.15.E, Administrative Adjustment Review Standards.

(5) Public Hearing Scheduling and Public Notification

Applicable (see Section 2.3.6).

(6) Public Hearing Procedures

Not applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

E. Administrative Adjustment Review Standards

An application for an administrative adjustment shall be approved upon a finding the applicant demonstrates all of the following standards are met:

- (1)** The administrative adjustment does not exceed:
 - (a)** Modifications in building height by up to 15 percent;
 - (b)** Modifications in a building setback by up to 20 percent in Full Service areas designated on the future land use map of the 2006 Land Use Plan;
 - (c)** Modifications in building setbacks by up to 15 percent in all other areas in the county;
 - (d)** Modifications in major arterial street setbacks by up to 40 percent, provided the structure maintain a minimum distance of at least 20 feet from the major arterial street;
- (2)** The administrative adjustment is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;
- (3)** The administrative adjustment is either:
 - (a)** Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
 - (b)** Supports an objective or goal from the purpose and intent statements of the zoning district where it is located; or
 - (c)** Saves healthy existing trees;
- (4)** The administrative adjustment will not pose a danger to the public health or safety;
- (5)** Any adverse impacts will be mitigated, to the maximum extent practicable; and

- (6)** The site is not subject to a series of multiple, incremental administrative adjustments that result in a reduction in development standards by the maximum allowed.

F. Effect of Development Approval

Applicable (see Section 2.13.13)

G. Amendment of Development Approval

Applicable (see Section 2.3.14).

H. Expiration of Development Approval

Unless otherwise specified in the approval, an application for a building permit shall be approved within one year of the date of the approval of the administrative adjustment, or the administrative adjustment shall become null and void, and automatically expire. Permitted timeframes do not change with successive owners.
