
ARTICLE 6 – GENERAL DEVELOPMENT STANDARDS AND SPECIFICATIONS:

Sec 6.1 In General

- A. The Town of Unionville promotes quality development that conforms to infrastructure standards, enhances the visual appearance of the community and sustains the environment. This Article provides the requirements associated with site design, appearance, infrastructure and other project elements.²¹⁵
- B. Flexibility is provided in this ordinance to promote quality development using exceptional design principles and best management practices. The intent is to promote the use of exceptional design methods to achieve quality development without imposing financial or regulatory burdens on projects.²¹⁶

Sec. 6.2 Establishment of Dimensional Requirements:

The required minimum lot size, minimum lot width, required front, side and rear setbacks, maximum building height and maximum lot coverage and permitted intensity of development for each of the conventional general use districts shall be as shown in Article 4 ²¹⁷ of this Ordinance or as modified herein.

Sec 6.3 Split Jurisdiction:

If a parcel of land lies within the planning and development jurisdiction of more than one local government, the local governments may, with the written consent of the landowner, assign exclusive planning and development jurisdiction for the entire parcel to any one of those local governments, in accordance with the intent and process prescribed in NCGS 160D-203.²¹⁸

Sec. 6.4 Lot and Building Standards²¹⁹

6.4.1 As detailed in **Section(s) 1.14 inclusive²²⁰** of this Ordinance, no building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained, permitted, or moved, and no land use shall be commenced, maintained, permitted, or modified except as authorized by this Ordinance.

- A. Lot Size: Lots shall comply with the dimensional standards detailed in Article 4 of this Ordinance. Required lot size shall be based on the type of development review (i.e., conventional versus flexible development subdivision) and the applicable standards detailed within this Ordinance. No lot or parcel, even though it may consist of one or more

²¹⁵ Language outlining the overall intent of this chapter of the proposed new UDO.

²¹⁶ As a reminder, current regulations to provide for flexibility as part of the development review process (cluster subdivisions, planned developments, etc.).

²¹⁷ Article 4 is the intended location in the revised Ordinance for the definition of zoning districts for Unionville.

²¹⁸ With the adoption of 160D, state statutes now include a planning and development process for parcels split by jurisdiction. Staff is not spelling out the exact process in the UDO, in case the statutory language were to change in the future (and, therefore, necessitate a UDO text change) but the general process is that each local government would have to formally adopt a resolution regarding the planning jurisdiction for the parcel(s) in question and the resolution is recorded with the register of deeds. Taxation and other non-regulatory matters would not be affected.

²¹⁹ NFOCUS Staff definitive standards concerning lot and building standards.

²²⁰ References to current standards detailing 'what' has to be done to comply with this Ordinance.

adjacent lots of record, shall be reduced in size such that the requirements for building and lot type cannot be met, or the standards for spacing of structures and street frontage cannot be respected. This prohibition shall not be construed to prevent the purchase, dedication, or condemnation of narrow strips of land for public utilities and/or street and/or sidewalk right-of-way purposes.

B. Lot Width: The required width of a lot shall be in accordance with the provisions of Article 4 of this Ordinance and shall be measured at the required front setback line. Please refer to Section(s) 6.4.10 *Zero-lot Line* and 6.4.13 *Rules of Measurement* for additional information.

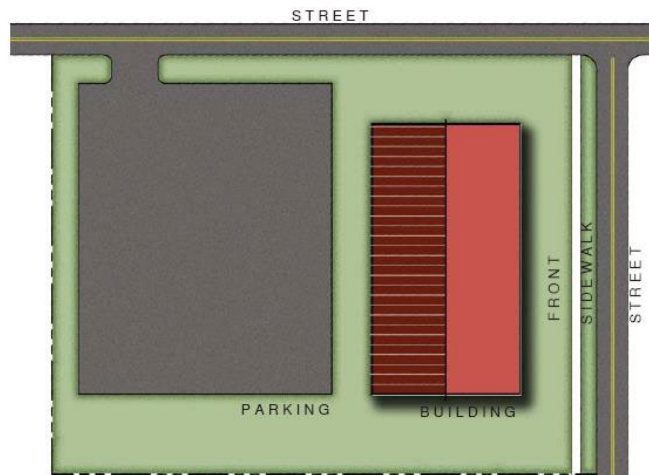
C. Yard Designation – Corner Lots:

1. In General: Any corner lot of record abutting a side street shall meet the minimum required setbacks of the zoning district in which it is located as detailed in Article 4 of this Ordinance. Under no circumstances may the width of area suitable for building activities be less than 25 feet. Refer to Section 6.4.13 *Rules of Measurement* and Section 6.4.14 *Visibility at Intersections* for additional requirements.
2. Single Structures: Lots that abut more than one street, the building and lot shall generally front upon the more pedestrian oriented street given the arrangement of existing and proposed streets and drives, and the orientation of buildings on adjoining lots.

Example:

LOTS ABUTTING MORE THAN ONE STREET

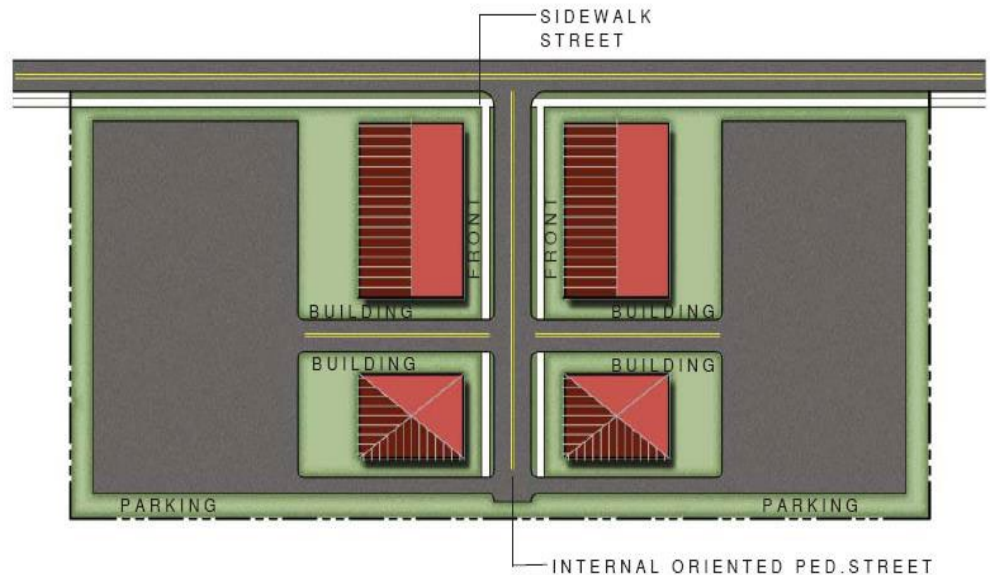
One Building Lot



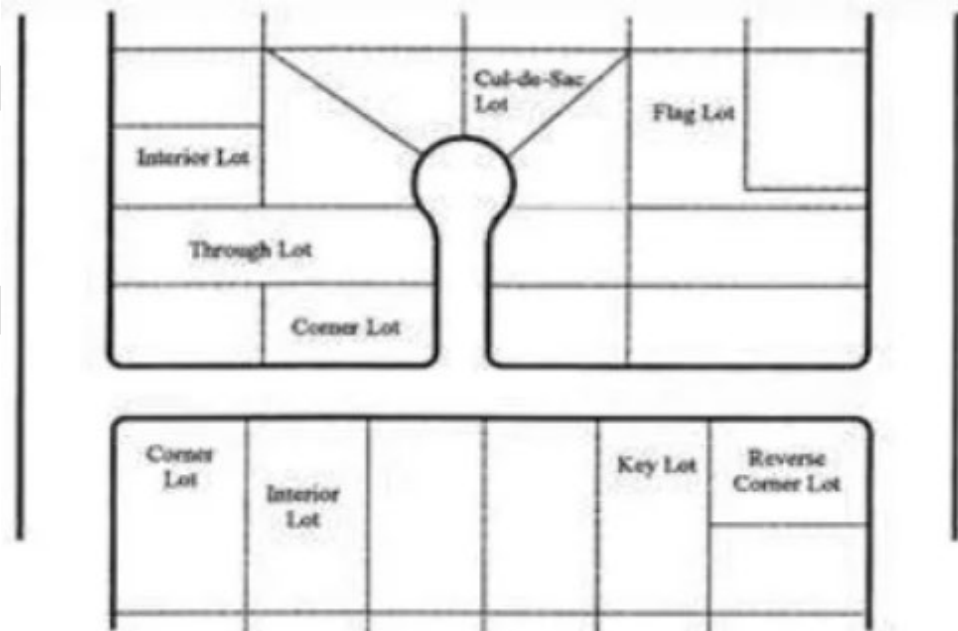
3. Multiple Structures: Where multiple buildings are permitted on a single platted lot, each building shall generally front upon a pedestrian oriented street, external or internal to the development. Side and rear yard designations shall be determined based on building orientation consistent with the dimensional standards for the district as detailed in Article 4 of this Ordinance.

Example:

Multiple Buildings on a Lot



4. Through Lots/Reverse Frontage Lots: Depth of through lots shall be measured as follows: Lines constructed at street right-of-way lines corresponding to one or more side lot lines on interior lots, and lines constructed at street frontages corresponding to rear lot lines on interior lots shall conform to straight-line extensions or connections of the edges of the lot where radii have been established at intersections or streets are curvilinear. Please refer to Section 6.4.13 *Rules of Measurement* for more information.



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- D. Height: Allowable building height shall be in accordance with the standards of Article 4 of this Ordinance. For more information on height measurement, please refer to Section 6.4.13 *Rules of Measurement* of this Ordinance.
 - E. Provision of Potable Water Supply and wastewater Disposal Infrastructure: All development shall be connected to an approved potable water supply system and an approved wastewater collection and/or treatment system. Please refer to Section 6.17 for additional requirements for connection to public potable water and/or wastewater systems.

6.4.2 Structures and Use Limited in Required Yards:

- A. No Principal Structure in Setback. No principal building or structure shall be located within any required setback or yard, forward of the build-to line for a principal structure, within any setback or yard established by a recorded plat, nor in any required buffer or screen.
- B. No Accessory Structure in Setback. Except as otherwise provided in this article, no accessory structure shall be located within an established setback or required side yard, nor within five (5) feet of a side or rear lot line. Fences, walls, security gates, paths, walkways, mailboxes, utility poles, lighting fixtures, patios at grade, and similar features may be located in an established setback or required yard, so long as the sight triangle on corner lots is protected according to the provisions of Section 6.4.14 *Visibility at Intersections* of this Ordinance.
- C. Public Transit Shelters. Public transit shelters may be in any setback or yard which abuts a public street provided the sight triangle on corner lots is protected according to the provisions of Section 6.4.14 *Visibility at Intersections* of this Ordinance.
- D. Off-street Parking. Off-street parking areas, maneuvering areas for parking, and loading areas are prohibited in the established front building setback areas, which shall be landscaped, in any established side yard abutting a street, which shall be landscaped, and in any required buffer or screen except as detailed herein:
 - 1. A driveway which crossing a required front yard to provide access from the street to a parking area;
 - 2. Plazas or courtyards areas that have been designed and approved for occasional use as secondary parking areas;
 - 3. Frontage roads running parallel with public roadways as required by this Ordinance for reduction in individual curb cuts for non-residential and mixed-use developments for which specific streetscapes are required;
 - 4. Maneuvering areas for loading or delivery activities in the established setbacks and yards of buildings in non-residential zoning districts where the location of buildings that were legally constructed without the provision of these areas preclude them from being located out of established setbacks and yards. Maneuvering areas for parking, loading, or delivery activities are prohibited in the public right-of-way in residential and commercial districts.
- E. Outdoor Storage: Neither outdoor storage of goods and materials or refuse containers shall be located in any established setback or established side yard abutting a street, nor in any required buffer or screen, except for the temporary placement of refuse for scheduled curb side collection.

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1. Article 5 establishes setback requirement(s) for outdoor storage for identified land uses.²²¹

F. Architectural Features: Please refer to Section 6.4.12 of this Ordinance.

G. Accessory Uses and Structures: Please refer to Section _____ of this Ordinance.

H. Utility Infrastructure: Nothing in this Ordinance shall be construed as regulating the location of utility infrastructure (i.e., wells, septic infrastructure, public utility infrastructure/backflow preventers, etc.) within required yards.

6.4.3 Regulations Encumbering Land Required to Satisfy Ordinance Requirements

No portion of a lot, building, structure, or use, necessary for compliance with the dimensional regulations of this Ordinance shall, through sale or other means of transfer, be used to satisfy the lot or building requirements of another parcel of property.²²²

6.4.4 Street Frontage Required:

Any lot/parcel on which a building (or buildings) are to be erected or land use established shall abut a public street or a previously approved private street with the following exceptions:

- A. Any lot for which a residential use has been legally established prior to the effective date of this Ordinance provided the lot is served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be used as if it abutted a street, if it is served by a driveway located on said easement. A driveway accessible by emergency equipment must be located on said easement. Lots created under these provisions shall be known as "easement-access lots."
- B. Any lot for which a non-residential use has been legally established prior to the effective date of this Ordinance, provided the lot is served by a private, exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.
- C. Up to _____ residential lots may be served by a private street meeting the standards set forth in Article ____ of this Ordinance.

COMMENTARY: This presumes approval of the project through the appropriate subdivision review process as detailed in Article(s) 3 and 10 of this Ordinance.

- D. A site specific development plan may be considered for approval through the Conditional Zoning (CZ) process where residential and/or non-residential lots and/or structures front upon a private courtyard, carriageway, mid-block private alleyway with courtyard, or pedestrian way, or urban open space where adequate access by emergency vehicles is maintained by way of a street or alley and where

²²¹ Article 5 will be the location of the permitted use table.

²²² Proposed language to ensure property necessary to allow a development to be classified as 'conforming' cannot be conveyed independently of the overall parcel area.

the off-street placement of uses does not diminish the orientation of building fronts to the public street.

COMMENTARY: *Streets shall comply with the design standards detailed in Article _____ Streets of this Ordinance.*

- E. Nonresidential Interior Lot Access: Interior lot access may meet private street standards detailed in Article _____ Streets of this Ordinance so long as business and emergency access is furnished to all interior building sites and proposed buildings at the perimeter of the development front upon a public street or approved access road consistent with the provisions of this Ordinance. Non-residential subdivisions should be primarily served by public streets and use of private drives should be minimal. Private drives may be appropriate where property configuration or environmental constraints make their use a practical alternative.
- F. To access a lot or lots in various districts where factors beyond developer control, such as a "limited access" highway along the divided cross-sections, an existing development, or the location of an existing intersection, prohibit completing a street connection, a private drive may be substituted for the interior street which cannot be connected to the public network.

No parcel shall be developed without conforming deeded access as recorded within the County Registrar of Deeds Office.

6.4.5 Modifications of Dimensional Requirements

Except as provided herein as well as Article 10 (subdivisions and planned development), all structures shall conform to the dimensional requirements established in Article 4 of this Ordinance:

6.4.6 Clustering

Minimum lot area, lot width, and setback requirements as specified in Article 4 of this Ordinance may be reduced for lots created as part of a Flexible Development/Cluster subdivision or through the Planned Development Conditional Zoning process as provided in Article 3 of this Ordinance.

6.4.7 Irregular Lots

Any irregular lot of record at the time these regulations became effective may be subdivided in compliance with applicable subdivision regulations and improvement requirements, to create additional regular lots, provided that such lots meet all requirements of the district and that no residual substandard lots remain because of such action.

6.4.8 Principal Uses

There shall be no more than one principal use on any zoning lot except where:

- A. Permitted as a Conditional Zoning District; or
- B. Multi-family development(s) as detailed within this Ordinance; or

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- C. The parcel is located within an _____ area as designated by the Comprehensive Plan;²²³ or
 - D. The parcel is less than 2 acres in size, and non-residential multiple uses are proposed within a single principal structure; or ²²⁴
 - E. One of the uses is an unstaffed telecommunications tower subject to a year-to-year or other short-term lease; or
- COMMENTARY:** *This does not include the co-location of antenna, which shall be treated as a customary accessory use to a non-residential development or designated residential land uses.*
- F. The use is located on a bona fide farm, and is in accordance with the use-specific standards in Article 5 which allow for more than one principal use in such cases.²²⁵

6.4.9 Principal Structures

A. Residential

- 1. There shall be no more than one principal structure permitted on any residential zoning lot, except for:
 - a. Multi-family developments based on the general zoning district allowance or which have received approval as a Planned Development District, or
 - b. Temporary use of mobile homes for custodial care approved in accordance with the provisions of the Ordinance, or ²²⁶
 - c. Temporary Health Care structures as detailed in NC General Statute 160D-915, or
 - d. During the installation or construction of a permanent unit on the same lot, as provided in Section 5.____ of this Ordinance, or
 - e. Duplexes meeting minimum lot area requirements as detailed in Article 4 of this Ordinance., or
 - f. Auxiliary Dwelling Units (ADU) developed as an accessory land use to a single-family detached residential use of property.

B. Non-Residential

²²³ Comprehensive Plans will reference areas of suburban or urban style development. This section of the UDO will reference this land use category/categories as part of the required linkage between the UDO and the adopted Comp. Plan.

²²⁴ Some communities may wish for a square footage limit. For example, we may wish to suggest a 100,000 sq.ft. building size limit and/or a structure limited to no more than 4 to 5 individual tenants requiring everything larger have to go through a different development review process.

²²⁵ NOTE: Municipal clients will have to have this section re-written to only reference ETJ areas.

²²⁶ NFOCUS has heard from some county clients they wish to allow this regardless of the State law allowing the temporary care facility by right as they want the option of allowing a larger unit.

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1. There shall be no more than one principal structure permitted by right on any non-residential zoning lot greater than two acres in size, unless:
 - a. As part of a development project within the Mixed-Use (MU) general use zoning district or permitted as a Planned Development District, or
 - b. The parcel is located within _____ land use categories as designated by the adopted Comprehensive Land Use Plan, or
 - c. The use is located on a bona fide farm, and is in accordance with the use-specific standards in Article 5 which allow for more than one principal use in such cases.

6.4.10 Zero Lot Line Development²²⁷

- A. Any planned development/flexible development in any district may make use of the zero lot concept, specifically no minimum lot size or yard requirements, provided that:
 1. The total area of the development meets the minimum lot size in its district.
 2. The planned development remains under single control through a property owners' association or similar means.
 3. Minimum yards and buffers, as required in its district, are preserved around the entire perimeter of the planned development.
- B. Such projects are classified as a subdivision and shall be approved as such through the requirements of the subdivision regulations, as well as meeting the requirements of this Ordinance.
- C. Nothing within this section shall be deemed as modifying or contradicting the requirements of this of the State of NC Building Code or the Fire Code. In instances where a conflict exists, the most restrictive standard(s) shall apply.

6.4.11 Housing Types:

The following housing types are established to provide common terminology for housing the Town of Unionville . All drawings are for illustrative purposes only:

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²²⁷ NFOCUS is creating standards for use within the County as either a conservation cluster/planned unit development project per Article 10.

a. Single-family detached: A dwelling unit located on a single lot with private yards on all four sides	
Graphic	Sample Picture: 
b. Single-family Semi Attached: Two attached single-family units located on two independent lots sharing a common wall along the lot line, providing for fee-simple ownership. Difference between a Single-family Semi Attached and a Duplex is a duplex are two (2) single-family residences in one (1) structure on a single lot of record while a Semi Attached structure is on two (2) separate lots. Three (3) or more attached single-family houses are classified as a Single-family Attached (Townhome) as detailed herein.	
Graphic	Sample Picture: 

- c. Duplex: Two attached dwelling units in a single structure on a single lot. The two units can be located on separate floors or side-by-side.

Graphic

Sample Picture:



- d. Single-family Attached (Townhome): Three or more attached single-family units located on separately owned lots where the units are lined up in a row and share side walls, individual units can be mixed vertically.

Graphic

Sample Picture:



- e. Multi-family housing: Three or more units in a single structure on a single lot. Multifamily can vary in height from two to four stories (or higher subject to conditions); individual units can be mixed vertically

Graphic

Sample Picture:



- f. **Zero Lot Line:** A dwelling unit located on a single lot with private yards on three sides. The unit has only a single side yard comprising the equivalent of two side yards of a single-family detached house. Typically, a building is constructed directly on or very near the property line, meaning at least one wall of the structure sits on the edge of the property.

Graphic

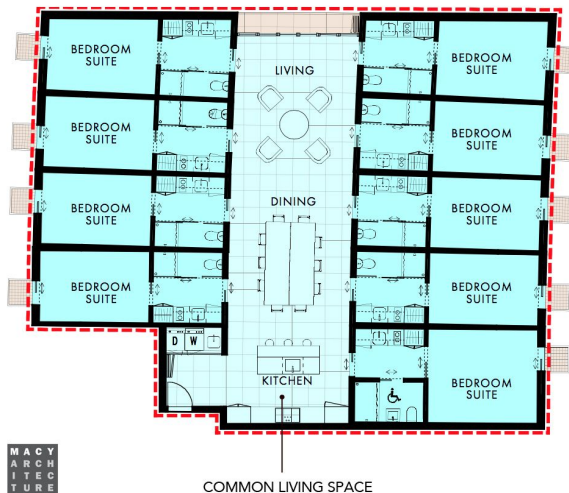
Sample Picture:



- g. **CO-Living:** A residential model involving individual sleeping facilities for unrelated individuals (rented or owned through the condominium process defined under State law) where residents share common facilities including but not limited to: bathroom, kitchen, dining, and living areas.

Graphic:

Sample Picture:



- h. Cottage Court: Residential development containing detached single-family dwelling units clustered around shared common outdoor areas. Development is characterized by shared courtyard, clubhouse, playground, or garden areas. A Cottage Court can be part of a conservation cluster subdivision or planned development project as detailed in Article 10 of this Ordinance.

Graphic:

Picture:



6.4.12 Permitted Projections into Required Yards/Open Space²²⁸

- A. Certain architectural features, such as cornices, eaves and gutters, may project into the required open space as follows:
 - 1. Two feet into required front open space,
 - 2. One foot into the required rear open space, and
 - 3. One foot into required side open space.
- B. An unenclosed balcony or porch, fire escape, or metal awning may project into the required open spaces as follows:
 - 1. A distance not to exceed Two feet into the required front or rear open space, or
 - 2. A distance not to exceed One foot into the required side open space
- C. A porch which is screen or glass enclosed shall be considered an enclosed porch
- D. An enclosed vestibule, containing not more than 40 square feet, may project into the required front open space for a distance not to exceed three feet.
- E. A handicapped ramp shall be permitted to encroach into a required yard by Three feet without a variance as detailed within this Ordinance.
- F. Under no circumstances may an encroachment be located within 5 feet of a side or rear property line based on the setback requirements of Article 4 of this Ordinance.

6.4.13 Rules of Measurement

A. Measurement of Height²²⁹

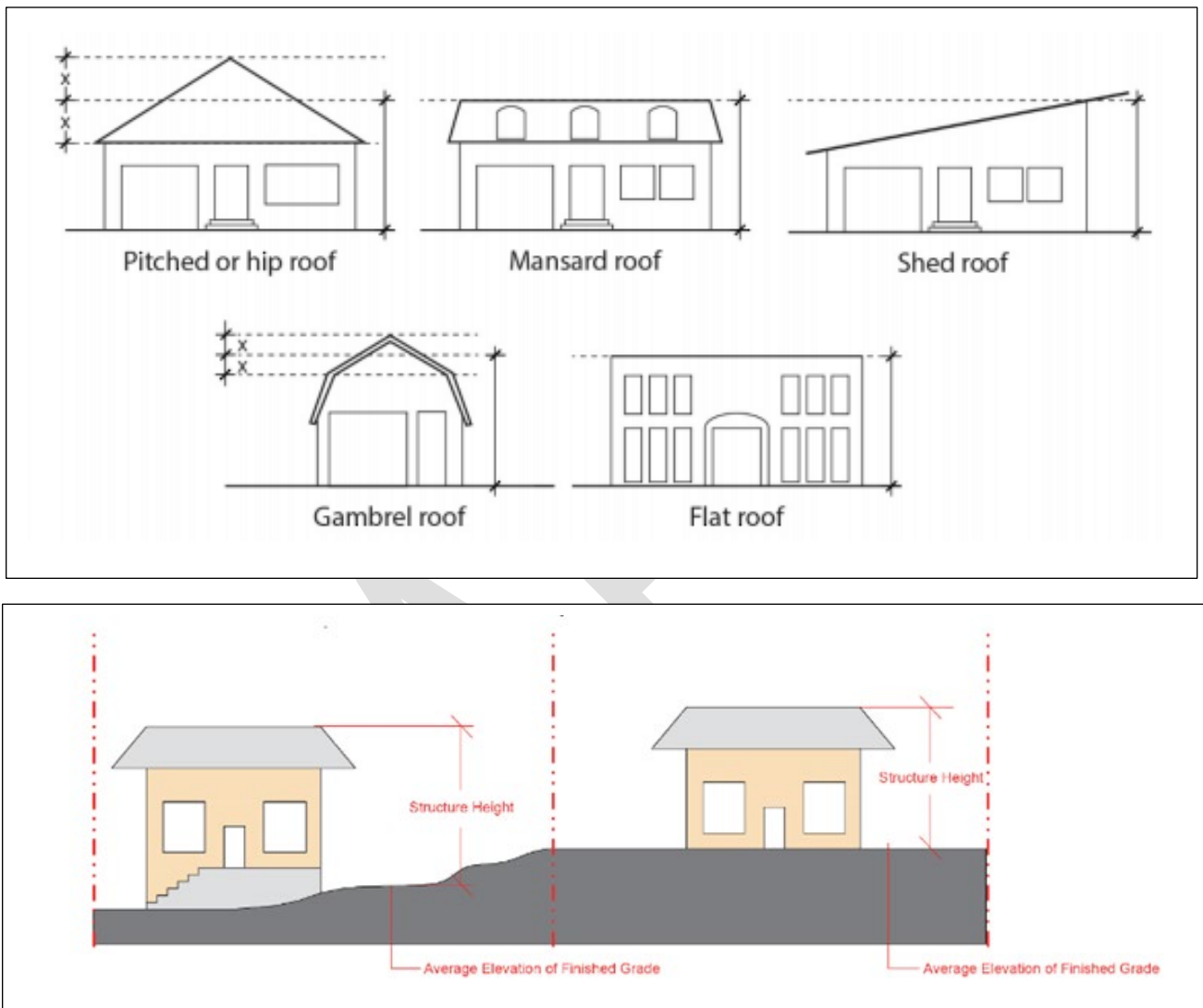
Unless otherwise specified within this Ordinance, height shall be measured as follows: the elevation at the finished grade of all the sides of a building to:

- 1. The midpoint of each side to the highest point of a flat roof,
- 2. The deck line of a mansard roof,
- 3. The average height level between eaves and ridges for gable, hip, gambrel, and pitch roofs.

²²⁸ NFOCUS language to ensure ease of application of the standard with definitive requirements/limits.

²²⁹ Section designed to explain how local staff will determine the height of a structure.

Examples:



4. Structure Height Restrictions – Airports: ²³⁰

- a. As required by Title 14 of the Code of Federal Regulations (CFR), Chapter 1, Part 77, and determined by the Federal Aviation Administration (FAA), no structure may be constructed or existing structure altered in a manner or at a height that constitutes a safety hazard to aerial navigation. Structures at or exceeding the following heights shall require FAA approval prior to construction:
 - i. Any structure 50 feet and higher above ground level between 5,000 feet and under 10,000 feet of the closest runway;

²³⁰ NFOCUS Staff is including general height limits associated with development near an airport in this section of the proposed UDO. If there is no airport within the community, this section can be eliminated.

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- ii. Any structure 100 feet and higher above ground level between 10,000 feet and 20,000 feet of the closest runway; and
 - iii. Any structure over 200 feet above ground level.
- b. It is the responsibility of the applicant to obtain FAA approval from the _____ and provide it to the Planning and Development Director prior to the commencement of construction.
 - c. No permit or plan approval shall be granted in the absence of FAA approval.
 - d. Lighting or electronic signals that interfere with air traffic communications or navigational aids are prohibited as determined by the FAA.
5. Height Limitations – Structure Appurtenances: Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles and masts, church spires, silos, grain elevators, and conveyors, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structures, necessary mechanical appurtenances, and/or other architectural embellishments not intended for human inhabitation may be erected to any height, unless otherwise regulated herein.

Unless expressly permitted within Article 5²³¹ of this Ordinance, structures shall not exceed 75 ft. in height.

B. Measurement of Setbacks and Lot Dimensions: ²³²

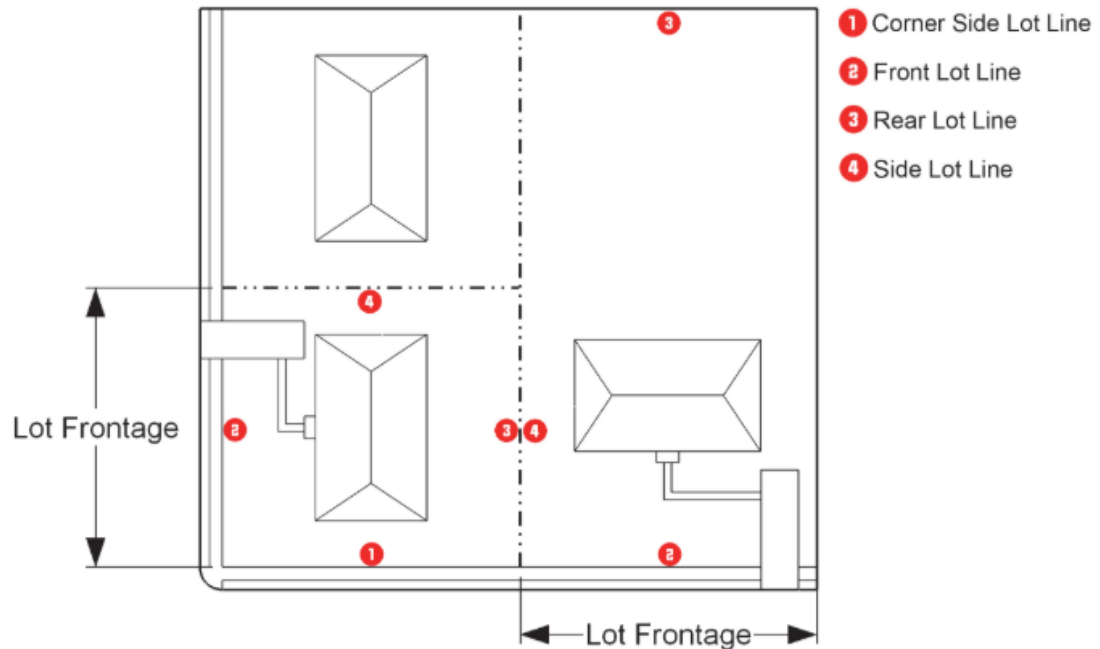
- A. The front setback shall be measured from the right-of-way or from the edge of the pavement, whichever is closer to the proposed building site.
- B. Side and rear setbacks shall be measured from the applicable property lines.
- C. From the structure, the setback shall be measured from the outer wall at the point where the structure meets the ground.
- D. Attached, permanent porches or decks shall be included, but eaves and handicapped ²³³access ramps shall not be included in the building footprint for the purpose of measuring the setbacks. Eaves and handicapped ramps shall be permitted to encroach into required setbacks as detailed in Section 6.4.12 *Projections into Required Yards/Open Space* of this Ordinance.

See example illustration below for additional detail(s):

²³¹ As a reminder, Article 5 contains development requirements for individual land uses. NFOCUS Staff is also recommending unit of local government consider an overall height limit for those structures deemed 'exempt' from height requirements.

²³² Staff has added language clarifying what type of access ramp is exempt.

²³³ Per Federal Law (Americans with Disability Act) handicapped access ramps and other similar facilities designed to ensure universal access to a structure by an individual needing assistance are not subject to 'setback' requirements. Local governments typically are also not encouraged to require variances as such actions are seen as being overly restrictive.



C. Density and Intensity ²³⁴

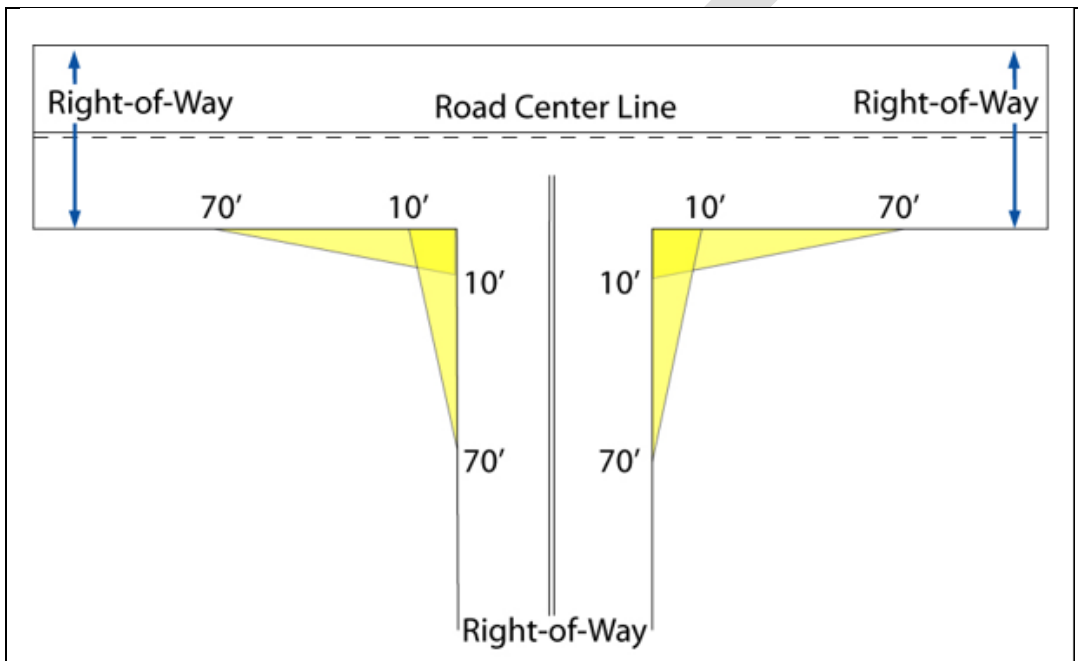
1. **Maximum Density** The maximum number of residential dwelling units permitted per acre of land area. Density is determined by dividing the number of dwelling units by the total amount of land area within a particular lot or tract.
 - a. Allowable density shall be permitted in accordance with the provisions of Article 4 unless modified in accordance with Section 6.19 of this Ordinance.
 - b. Density limits shall also be observed for parcels located within the Watershed Overlay District as detailed in Article 4 in accordance with the applicable regulations in Article 12.
2. **Maximum Density Calculation:**
 - a. Land area that is dedicated to the (county/town) for public facilities, stormwater control measures, and open space on the final plat may be included in the lot area for the purpose of determining the maximum number of dwelling units permitted.
 - b. Within a mixed-use development the density is determined by dividing the total number of dwelling units by the total acreage of the mixed-use development.
 - c. Maximum density amounts do not apply to student housing or lodging on college or university campuses when the housing is owned or operated by the college or university. In these instances, residential land uses are considered as an accessory to the college or university principal use.

²³⁴ NFOCUS Staff is providing a detailed explanation on 'how' density and development intensity is calculated/determined.

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3. Rounding: When computation of density results in a fraction, the fraction shall be rounded down to the next lowest whole number.
 4. Built-Upon Area
 - a. The portion of a development that is covered by impervious or partially impervious cover including buildings, pavement, gravel, recreation facilities like courts, but not wooden slat structures such as decks or boardwalks.
 - b. BUA limits are detailed in Article(s) 4 and 12 of this Ordinance.
 - c. Exemptions are detailed in the definition of Built-upon Area as noted in Article 18 of this Ordinance.
 5. Gross Floor Area The sum of the gross horizontal areas of the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 buildings.
- D. **Measurement of Days:** Unless specifically stated otherwise, all provisions stating a required number of days shall mean calendar days, inclusive of weekend days.
- E. **Fractional Requirements:** When any requirement of these regulations results in a fraction of a dwelling unit or other measurement, that fraction shall be disregarded and the next highest whole number shall apply.

6.4.14 Visibility At Intersections: ²³⁵

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially block vision between a height of three and ten feet above the center line grades of the intersecting streets in the area inscribed by triangles formed by connecting the point ten feet from the corner of right-of-way along the street with lesser traffic volume and 70 feet from the corner of right-of-way along the street of higher traffic volume unless otherwise required by the NCDOT. The area of the sight visibility triangle shall be included in the dedicated right-of-way. Setbacks shall be measured from the edge of right-of-way defined by the triangle.



²³⁵ NFOCUS staff providing illustration to detail the requirement.

6.4.15 Fences and Walls²³⁶

- A. Height: The maximum height of a fence or wall shall consistent with the table below, unless a higher fence or wall is required by other provisions of this Ordinance.

	FRONT YARD	ALL OTHER YARDS	
Residential Districts			
	6 ²³⁷	6	
	4 ^{[1]2}	6	
Commercial Districts			
	4	8	
	6	8	
Industrial Districts			
All Industrial Districts	8 ¹	8	
	8	8	
Note: Fences and walls over 50 feet from the right-of-way are subject to the "All Other Yards" standards			
1. Under no circumstances shall a fence be located within 10 feet of a front property line to ensure vehicular visibility.			
2. Fences that meet the required setback standards for the subject district shall be permitted to be 6 feet in height.			

B. In General

1. No fence or wall shall impede the visual locating of 911 emergency street addresses.
2. No fence or wall shall block access from doors or windows. Fences must have a clearance of at least two feet (from building walls, except where fences project from or to a building wall).
3. Fences or walls shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.
4. A finished side shall face off site.
5. Pedestrian connections through fences and walls that connect to adjoining neighborhoods or other uses are encouraged.
6. Fences and walls should be designed and constructed to prevent damage to the fence or wall and nearby structures during hurricane events.
7. Additional wall or fence requirements applicable to a particular activity or use may be specified elsewhere in this Ordinance. Except where specifically modified (such as a specific height requirement), this Section shall take priority.

C. Location:

²³⁶ Central Section of the UDO detailing construction of fencing.

²³⁷ NFOCUS Staff would recommend a fence height limit in the 'front yard' of 4 feet to preserve visibility. NOTE: NFOCUS is recommending no fence shall be located within 10-feet of the front property line to ensure visibility for motorists.

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1. Fences or walls may not be located within the required sight triangle (see Section 6.4.15).
 2. When located in between the structure and a street, the fence or wall may be placed anywhere between the edge of the structure and the street right-of-way or easement line.
 3. Along all other boundaries, the fence may be placed anywhere between the edge of the structure and the property line, generally at a distance that allows pedestrian access within the property.
 4. Fences and walls may be located within an easement, subject to any additional restrictions imposed by the easement agreement and with the written permission of the easement holder. The property owner shall remain solely liable for any repair or replacement if any portion of the fence or wall damaged during maintenance or construction activities within the easement by the easement owner or their agent..
 5. Vehicle stacking spaces are required for gates associated with fences or walls (refer to Section 6.12 of this Ordinance).

D. Construction and Design Standards:

1. Fences

- a. The following types of fences are permitted in all zoning districts:
 - i. Masonry/Stone wall;
 - ii. Ornamental iron;
 - iii. Chain-link or woven wire (although the use of chain link fences in yards fronting on public streets is strongly discouraged);
 - iv. Wood or similar material;
 - v. Vinyl or similar material;
 - vi. Framed welded wire; and
 - vii. Slats in chain-link fence for non-residential land uses only.



a. Masonry or Stone Wall



b. Ornamental Aluminum, Iron, or Steel



c. Chain Link



d.1 Wood



d.2 Wood



e. Vinyl Picket and/or Slat



f. Framed Welded Wire



- b. In addition to the fences permitted above, the following types of fences are permitted within residential zoning district associated with a Bona-Fide Farm operation:
 - i. Fences constructed primarily of barbed or razor wire, when specifically for the purpose of enclosing livestock. On fences topped with barbed wire, the bottom strand must be at least six feet above grade with vertical supports slanting inward away from the property line;

-
- ii. Fences carrying electrical current, when specifically for the purpose of enclosing livestock;
 - c. The following types of fences are prohibited in all zoning districts:
 - i. Fences constructed primarily of barbed or razor wire, when not for the purpose of enclosing livestock when not on a bona-fide farm.
 - ii. Fences carrying electrical current, when not for the purpose of enclosing livestock when not on a bona-fide farm;
 - iii. Fences constructed in whole or in part of readily flammable material such as paper, cloth or canvas;
 - iv. Fences topped with barbed wire or metal spikes except those serving an institution requiring a security fence for public safety purposes.



a. Barbed or Razor Wire



b. Electric Fence for Non-Farm Purposes



c. Flammable Material



d. Concertina Wire

2. Additional Requirements - Walls

- a. Walls shall be constructed of one or a combination of the following materials: stucco over concrete block, exposed aggregate concrete, brick, stone, or architectural block in a structurally safe and attractive condition.
- b. No walls of exposed, painted-only, plain concrete cinder block shall be permitted.

-
- c. No wall shall be located within any required drainage, utility or similar easement.

3. Retaining Walls

- a. Retaining walls up to four feet in height may be located within required yards.

4. Maintenance

- a. Any fence or wall which, through neglect, lack of repair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal or property is hereby deemed a nuisance. If such conditions exist, the Planning Director shall require the owner or occupant of the property upon which the fence or wall is located to repair, replace or demolish the fence causing the nuisance.

Sec. 6.5 Manufactured Housing ²³⁸

- A. Age, installation and use of manufactured homes. Manufactured homes which are not HUD-approved, or were constructed before 1987, may not be brought into the Town of Unionville from another jurisdiction to be placed on a private lot or within a manufactured home park. However, a manufactured home located in the Town of Unionville which is not HUD approved may remain in use until such home is removed from the original lot.
 - i. Notwithstanding the provisions of this Section, nothing herein shall be construed as waiving or not requiring compliance with State wind zone requirements for the placement of a Manufactured Home in the county.²³⁹
- B. Skirting of masonry or other suitably durable and attractive material shall be installed and maintained around all manufactured home foundations. Such skirting shall be installed in accordance with State building code.
- C. Pursuant to recommendations of the state fire marshal and HUD standards for manufactured home safety and construction, no manufactured home shall be used in any manner other than for a single-family residence, except when used for a sales office on a manufactured home sales lot, or for temporary use approved by Staff.
- D. Owners of manufactured home parks shall conform to the standards for manufactured home park maintenance set forth within this Ordinance.

Sec. 6.6 Standards for Construction. Developer Responsibility:

- A. In General: Where standards and responsibility for infrastructure construction, including but not limited to streets, sidewalks, and landscaping, are specified in this Ordinance or other Ordinances of the Town of Unionville, those standards shall control. Where standards are not specified, construction shall be in conformance with the standards set forth in the _____ (design manual or construction manual if applicable).
- B. Applicants/developers are solely responsible for the construction of all required infrastructure serving a project including, but not limited to: utilities, streets/roadways, stormwater control

²³⁸ Proposed new language for local staff consideration.

²³⁹ This language is typically for counties but could be useful in a municipality.

measures, parking/loading areas, landscape/street yards, etc. unless otherwise agreed to by a utility holder or established within a Development Agreement with Town of Unionville .

Sec. 6.7 General Performance Standards:²⁴⁰

After the effective date of this Ordinance, any use established or changed to, and any building structure, or land developed, constructed or used for, any permitted principal use or special use, shall comply with all of the general performance standards contained herein. These performance standards shall apply in all commercial, industrial, planned development, and conditional districts.

If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use, building, or other structure.

- A. Electrical Disturbance or Interference: No permitted, special, or accessory use shall:
 - i. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or
 - ii. Otherwise cause, create, or contribute to the interference with electronic signals (including television, and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.
- B. Noise: Uses shall comply with applicable Town of Unionville noise regulations.
- C. Air Pollution:
 - i. Any use emitting an air contaminant as defined under NC General Statute 143-213 , shall comply with applicable State of North Carolina standards concerning air pollution, as set forth in Article 21B of Chapter 143 of the North Carolina General Statutes.
 - ii. No zoning compliance permit or building permit shall be issued with respect to any development covered by Subsection (i) until the State Division of Environmental Management has certified to Staff that the appropriate State permits have been received by the applicant (as provided in G.S. 143-215.108) or that the applicant will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution control regulations.
- D. Liquid Waste:
 - i. No permitted use in any district shall discharge any waste contrary to the provisions of N.C. General Statute 130A (Provisions for Sanitary Sewage Disposal) or the VTown of Unionville Solid Waste Ordinance.
 - ii. No land use shall discharge into sewage treatment facilities any waste that cannot be adequately treated by biological means.
- E. Hazardous Materials: Each permitted use, special use, and accessory use, and conditional use is required to comply with all applicable federal, state, and local rules and regulations governing the storage, use, and disposal of hazardous materials.
- F. Solid Waste:

²⁴⁰ Regulation attempting to address potential development impacts on adjacent land uses.

-
- i. All uses and activities must provide secure, safe, and sanitary facilities for the storage and pickup of solid waste and recyclables. Such facilities must be convenient to collection and must be appropriate to the type and size of use or activity being served.
 - ii. All solid waste and recyclables storage facilities must be screened in accordance with this Ordinance and any applicable standard noted in the Town of Unionville Solid Waste Ordinance.

G. Service and Outdoor Storage:

- i. Building service and loading areas must be conveniently located and accessible for normal service and maintenance needs, including the provision of adequate turning radii and parking areas for service vehicles. Such areas are to be located at the side or rear of the principal building(s), and designed so that all service and loading operations occur within the confines of the building site.
- ii. Outdoor storage shall be located only to the side and rear of a building. No outdoor storage is permitted along the front of a building.
- iii. If located adjacent to residentially zoned property, outside storage areas shall be screened from view of the residentially zoned property and shall be located a minimum of 100 feet from the property line.

Sec. 6.8 Architectural Design Standards:²⁴¹ OPTIONAL

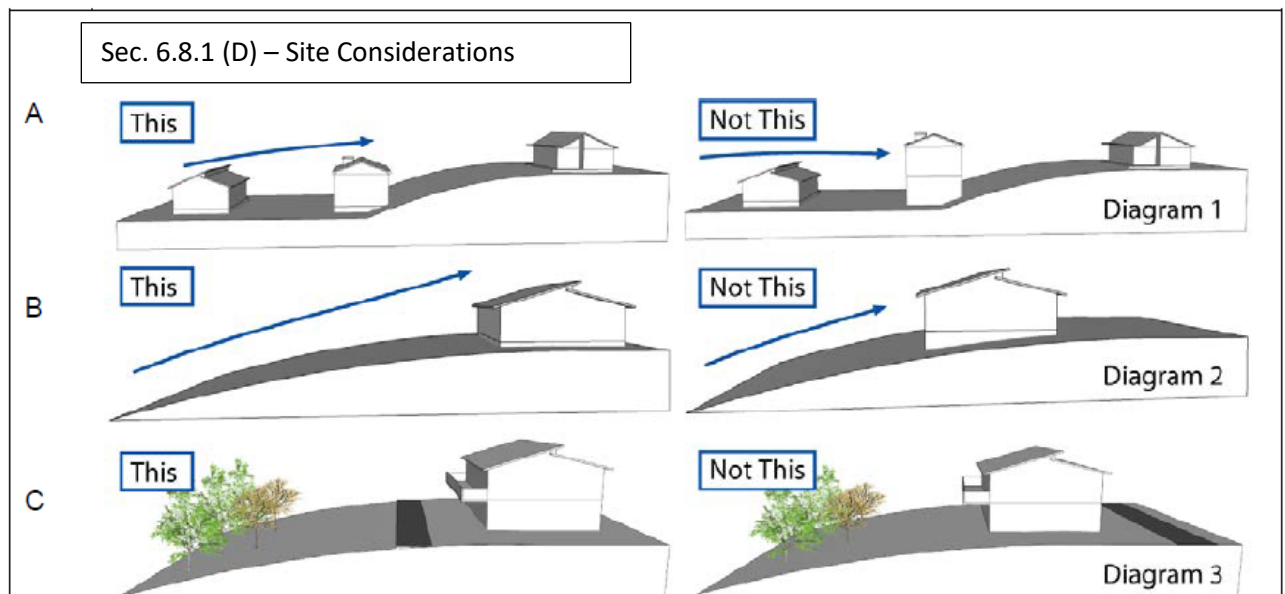
A. Purpose and Intent:

1. The purpose of the architectural design criteria is to produce development which provides a strong visual relationship between the building[s], the site, and adjacent development. It is the intent of these criteria to encourage innovative architectural design which relates to the surrounding environment in terms of texture, scale, mass, proportion, and color. High standards of construction and quality materials must be incorporated into each new development.
2. This Section is intended to:
 - a. Promote high standards in architectural design and the construction of creative, innovative, aesthetically pleasing structures;
 - b. Encourage landowners, designers and developers to look closely at local conditions and the development site, and produce new development that enhances and complements both the built and natural environment;
 - c. Ensure that development and building design is sensitive to the specific site, consistent with the existing and proposed character of the area, including residential and nonresidential uses in the surrounding area, and does not detract from the positive elements existing neighborhood characteristics.
3. The Town of Unionville's goal is to create and maintain a positive ambiance and community image and identity by providing for architectural and site design treatments that will enhance the visual appearance of certain non-residential and multi-family development and the quality of life.

- B. Applicability: Design standards established herein shall be applicable to all new non-residential development constructed after (date of Ordinance adoption) defined as follows:

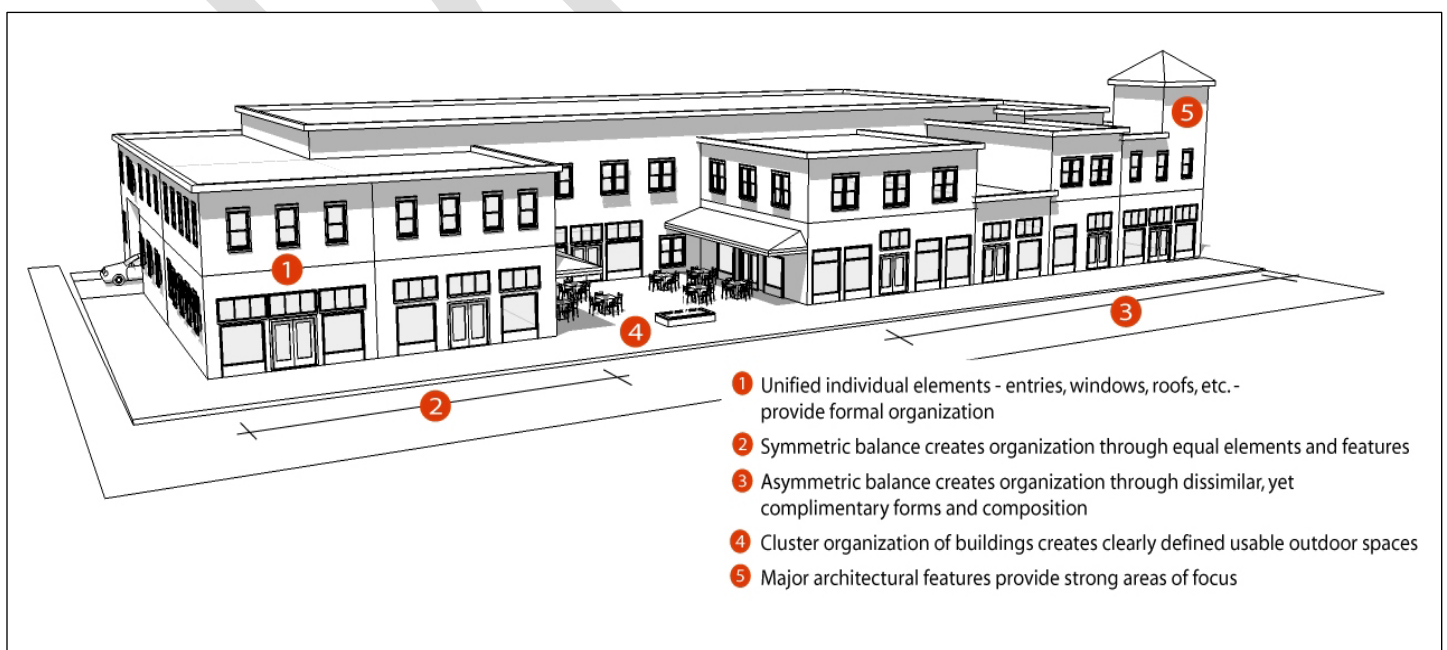
²⁴¹ To be incorporated into a UDO at the request of the local jurisdiction.

1. Large-Scale Commercial Development defined as: Any structure or group of structures that share common walls that have an enclosed heated gross floor area of 100,000 square feet or more. The term large-scale commercial includes commercial, professional, service, and office land uses.
 2. All industrial development when located within 100 feet of a public roadway.
 3. Mixed-use developments within the MU general use district or the Planned Development Conditional Zoning District.
 4. All non-residential or multi-family Conditional Zoning Districts including Planned Development districts.
 5. All development located within the _____ land use categories as defined within the adopted Comprehensive Land Use Plan.²⁴²
- C. Design Standards: The project applicant shall submit materials that document the existing architectural character of the area and/or adjoining neighborhood and define those aspects determined to be most important. The project plans must identify the ways the project improves upon or incorporates those aspects.
1. Site Considerations:
 - a. To ensure that new development is designed to respect the specific conditions of its site, the design of a building, its location on the site, and its layout must respect the topography of the site and be consistent with significant landforms.
 - b. The architectural form of building[s] must reflect the underlying topographic form and retain the integrity of a natural slope.
 - c. Architectural form at the base of a hill must provide a natural transition between the intersecting slope and the base. [A – Figure 6.8.1.(D) below]



²⁴² NFOCUS Staff will update the section to reflect those districts established within the community adopted Comprehensive Plan encouraging mixed use development, high intensity commercial or industrial areas of the community.

- e. On a hilltop, ridgeline or crest building forms must not break or detract from the natural lines of the hillside. Building[s] must be provided with sufficient setbacks to maintain the integrity of the natural slope and minimize the impact on scenic views (Figure A above)
 - f. Where neighboring buildings have responded to similar topographic conditions on their sites in a consistent and positive way, similar treatment must be considered for a new structure (Figure B above).
 - g. Where buildings are to be located near natural features such as scenic vistas, stands of trees, and open space, views and pedestrian access must be provided to these amenities (Figure C above).
2. Compatibility with Adjacent Development: Unless there are overriding concerns, poorly defined aspects, or a difference in development type (multi-family versus commercial development) a new building should reflect the architectural character of surrounding buildings in the following ways:
- a. Similar unifying design concept,
 - b. Similar proportions, scale, and roof line,
 - c. Similar architectural style and exterior finish materials,
 - d. Similar patterns and proportions of windows,
 - e. Similar entry configuration and relationship to street, and
 - f. Similar architectural details or features.
3. Unified Design Concept: To unify the architectural character of a structure, individual elements such as entries, windows, pedestrian areas, and roofs all buildings should be visibly organized by clear design concepts, including:
- a. Symmetrical Balance: Organization of structural aspects of a structure balancing equal elements and features along the structures vertical plane.
 - b. Asymmetric Balance: Harmonious composition of numerous similar of complimentary forms. The composition reflects the surrounding area, site conditions, and building functions:



-
- c. Cluster Organization: Groupings of building elements help to clearly define usable outdoor spaces such as pedestrian plazas or malls and prevents long "barracks-like" rows of structures.
 - d. Major Architectural Element: Focus around a strong architectural element such as an arcade or major entry.
 - e. Environmental Response: Base the design on significant views, solar orientation, siting for usable outdoor space, etc.
4. Architectural Scale: Architectural scale generally refers to the size of a building relative to the buildings or elements around it.
- a. To ensure that new buildings do not overpower their neighbors, they should be designed to be compatible with existing neighboring structures as well as their general surroundings.
 - b. Architectural elements such as windows and entries must be given emphasis so that they create a complimentary pattern, dividing large buildings into smaller identifiable parts. This aspect of design is referred to as articulation.

Examples:

Diagram 1

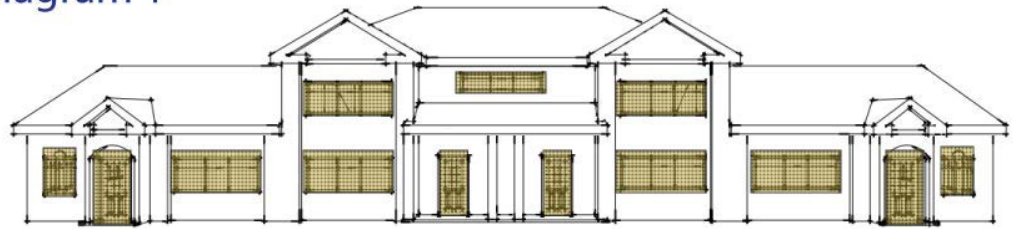
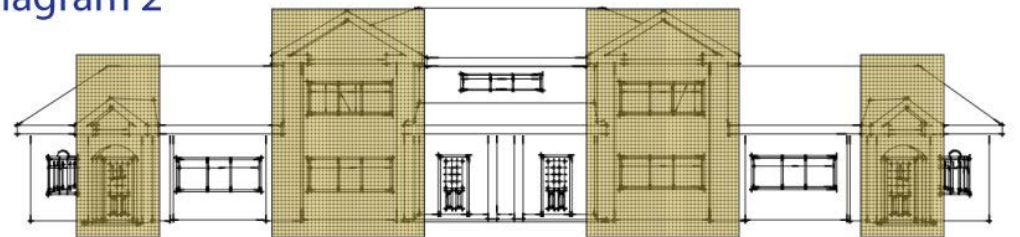


Diagram 2



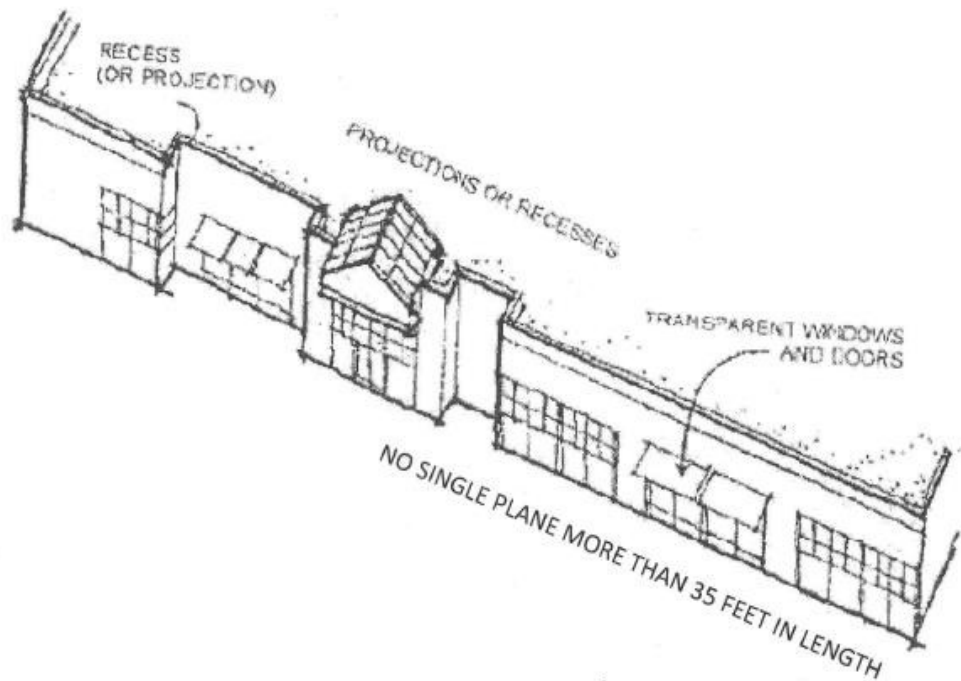
COMMENTARY: *Intervals are the measure of individual elements of a buildings architecture (i.e., the distance before a proposed architectural element has to be repeated to symmetry).*

Diagram 3



COMMENTARY: Modulation is measured and proportioned setback in a building's façade.

Diagram 4



COMMENTARY: The design shall integrate the development with its surroundings by breaking down the apparent mass and scale of the building on all sides.

No more than 50,000 gross square feet of the structure shall be designed as a distinct mass. Preferably, two or more building masses shall be expressed.

5. Building Setbacks and Height:

- a. A variety of building and parking setbacks shall be provided to avoid long monotonous building facades and to create diversity (refer to diagrams above for examples).

-
- b. Placement of structures which create opportunities for plazas, courts, or gardens is encouraged. Setback areas can be used to provide space for patio areas.

6. Exterior Finish Materials:

- a. Exterior finish materials must conform to and be in harmony with the exterior design of neighboring structures and the overall design of improvements described throughout these guidelines.
- b. Building exteriors must be constructed of materials which are sufficiently durable to guarantee low maintenance and a reasonable life span, and to withstand abuse by vandals or accidental damage from machinery.
- c. Exterior materials must have an attractive texture, pattern or quality of detailing. Acceptable building materials include those which appear natural in texture and color such as:
 - i. Unpainted brick;
 - ii. Natural decay resistant exterior wood siding;
COMMENTARY: Siding must reflect in texture and color that is typical of the area and region.
 - iii. Rock/Stone;
 - iv. Textured concrete;
 - v. Tinted and textured concrete masonry units.
- d. Window and Doors: transparent glass is preferred.
- e. Façade colors shall be neutral or earth tones.
- f. Trim and Access Areas may feature brighter colors, including primary colors, but these colors may not comprise more than 15% of any building facade.

7. Roof Lines and Materials:

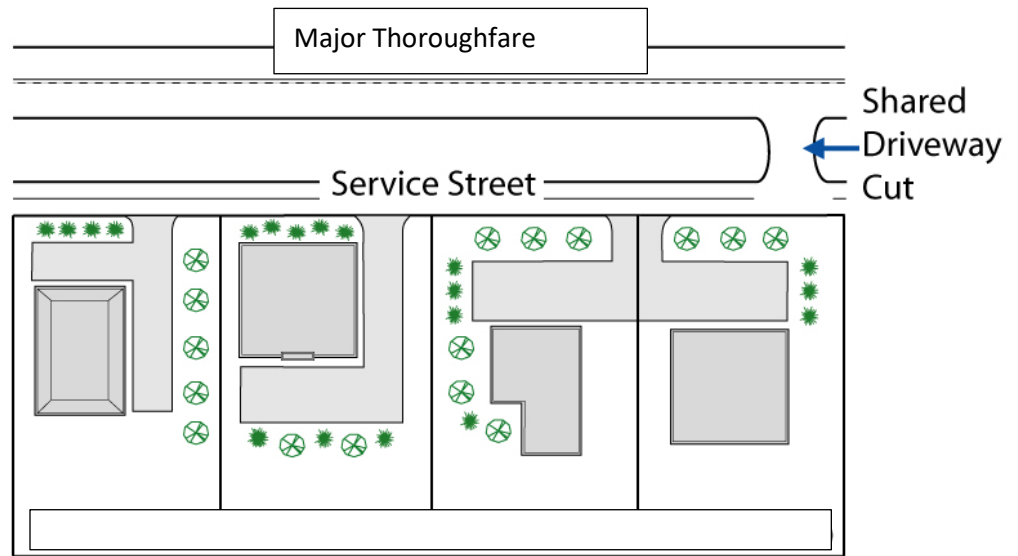
- a. The roof design must be considered as a component of the overall architectural design theme and must be taken into consideration during the initial design phase for the structure(s).
- b. Nearly vertical roofs (A-frames) and piecemeal mansard roofs (used on a portion of the building perimeter only) should not be utilized. Mansard roofs must wrap around the entire perimeter of the structure.
- c. All rooftop mechanical equipment, vents, ducts, and communication antennas and towers must be screened from view or designed and installed in a manner using materials and colors compatible with the building architecture. All such equipment must be located below the highest vertical element of the building, except for tower-type communication antennas which do not exceed a height of 25 feet from base to top.
- d. Except for standing rib metal roofs and copper roofs, corrugated metal, highly reflective surfaces, and illuminated roofing should not be used:

-
- e. Rooftop solar collectors, skylights, and other reflective rooftop building elements must be designed and installed in a manner which prevents reflected glare.
 - f. Solar panels must be integrated into the roof design, flush with the roof slope. Frames must be colored to complement the roof. Natural aluminum frames are prohibited.
 - g. Support solar equipment must be enclosed and screened from view.
8. Integration into Street Network(s):
- a. Internal and new streets shall connect to existing streets or be designed to facilitate future connections to the maximum extent practical.
 - b. Multiple Curb Cut Requirements:
 - i. All parcels with frontage on _____²⁴³ shall have a minimum of 1,000 feet of road frontage before two (2) curb cuts are permitted unless the project meets the following criteria:
 - 1. A mixed-use development where two curb cuts are approved as part of a Planned Development Conditional Zoning district by the Board of County Commissioners.
 - ii. Shared access:
 - 1. In instances where a non-residential land use is proposed next to another non-residential land use and each of the contiguous non-residential land uses will have direct frontage along _____²⁴⁴, then the County shall require shared driveway cuts for all such contiguous non-residential land uses.
 - 2. If shared driveway cuts are required, then the owners of the contiguous parcels shall execute reciprocal easement agreements between the separate property owners and have the same recorded in the Office of the County Register of Deeds prior to the issuance of a Zoning Compliance Permit. The easement agreement shall be sufficient to allow for the development of a service road to channel access to each property.

²⁴³ Major thoroughfares.

²⁴⁴ Major thoroughfares.

Example Below:



3. Non-residential developments that are not contiguous to other non-residential developments at the time they are approved shall be required to designate stub outs to adjoining properties on the site plan for the proposed development so that this shared access can be developed if and when the adjacent property is developed for non-residential purposes or in cases where an individual curb cut for a residential land use is deemed to be a traffic safety hazard by the County and NC DOT.
 4. The creation of offset driveways and/or intersections is not permitted, unless no practical alternative exists.
 5. All driveway entrances must have an approved NCDOT driveway permit and must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.
9. Outparcels shall be designed and integrated with the main project.
10. Exemptions: The following shall be exempt from the requirements of this Section:
- a. Telecommunication towers;
 - b. Industrial land uses located within the designated industrial park (Planned Development) shall only be required to observe architectural standards for the front of the façade.

6.9 Additional Standards for Overlay Districts ³¹

6.10 Additional Standards For Master Planned Development District ³²

A. Master Plan

1. All applications for the Master Plan Development Conditional Zoning (MPD-CZ) designation shall be prepared in accordance with Article 3 of this Ordinance and shall include a general development plan herein called the 'Master Plan'.
2. The Master Plan shall be prepared by an appropriately licensed professional and shall include the following:
 - a. **Map of the development site, including the following:**
 - i. Overall acreage of the site,
 - ii. Adjacent rights-of-ways,
 - iii. Zoning designation and current use of adjacent properties, including those across rights-of-ways,
 - iv. Streams, wetlands, special flood hazard area (i.e., floodway, 1% and 0.2% areas of annual inundation) and other environmental features on-site and within 1,000 feet, and
 - v. Any existing structures or improvements on-site.
 - b. **General layout of development, including the following:**
 - i. Each development lot/pod and acreage of each,
 - ii. Interior roadway plan, with cross section detail also showing drainage,
 - iii. Proposed access points, and
 - iv. Proposed on-site recreation and/or open space.
 - c. **Proposed Uses**
 - i. All uses proposed within the development shall be shown on the Master Plan.
 - ii. More than one use may be approved for each area of development.

³¹ If the community has overlay districts, standards are located here.

³² This is a new section to address review of master planned development projects (i.e., typically mixed use projects going through the Conditional Zoning review process that are 'master planned' in terms of development activity and land uses).

- iii. For residential uses, the Master Plan shall include the maximum density permitted.

d. Setbacks & Buffers

- i. All setbacks and buffers shall be shown on the Master Plan for the following:
 - 1. Development perimeter,
 - 2. Each development lot/pod,
 - 3. Streams, Special Flood Hazard Areas, and other environmentally sensitive areas, and
 - 4. Rights-of-ways, interior and adjacent to the development.

e. Maximum Building Heights

- i. Maximum building heights shall be provided on the Master Plan.
- ii. Maximum building heights may be established for each development lot/pod or for the development, as a whole.
- iii. Varying building height maximums, if established, shall be consistent with an approved compatibility matrix, if applicable.

- f. Utility Master Plan:** Applicants shall be required to prepare an Impact Analysis of the project on existing utilities to determine if they are available where the project is proposed, if there is capacity to support the project as proposed, can lines be extended to accommodate the project, and any cost analysis associated with connecting the project to a utility system.

Master Plan shall show proposed/anticipated of utility lines, structures, and accompanying easements including but not limited to:

- i. Sanitary sewer and potable water services;
 - ii. Stormwater management facilities;
 - iii. Electric, cable, telephone, fiber optic, etc.
 - iv. Other.
- g. Adequate Public Facility Analysis:** Applicants shall be required to prepare an Impact Analysis of the project on existing public facilities (i.e., schools, public safety agencies – Sheriff, Fire and Emergency Responders) to determine if a residential component within the proposed MPD-CZ project can be supported. The assessment shall identify if there is capacity to support the project as proposed, can services be upgraded, and in what context (expanding local schools, redistricting, dedication/reservation of property to support new public facilities, new staff, etc.).

h. Master Sign Plan

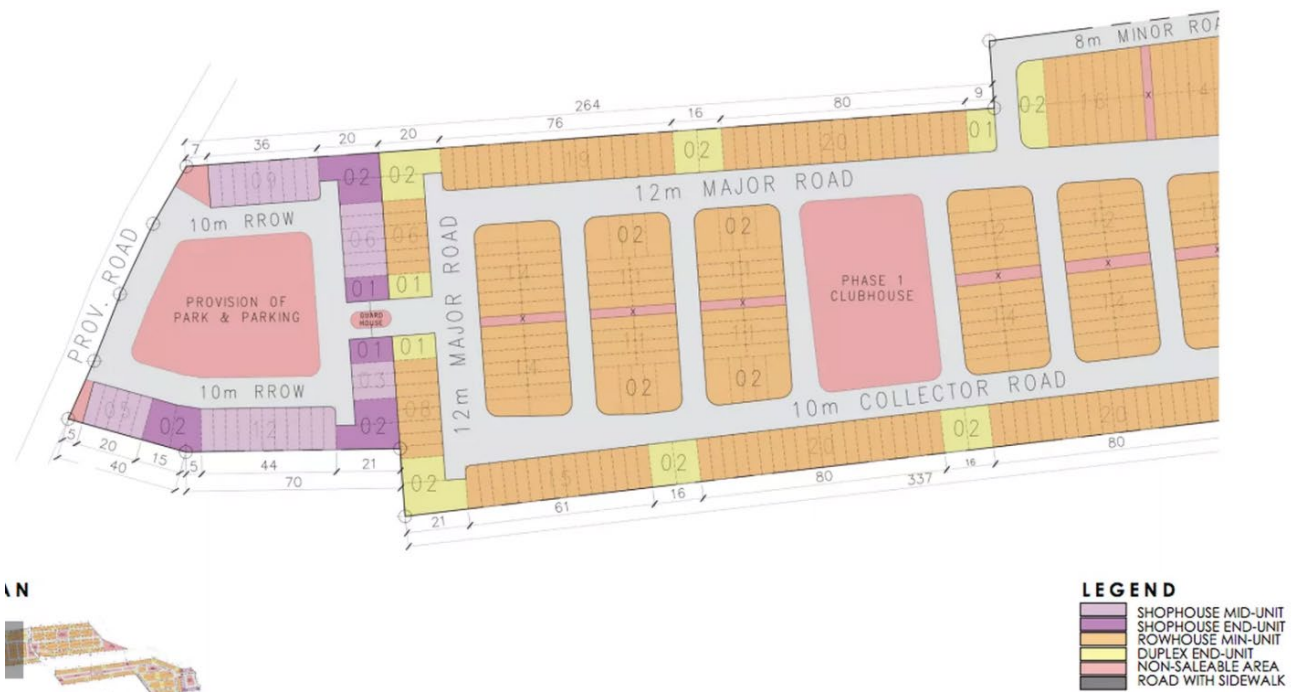
- i. A Common Sign Plan, consistent with the standards established within Article 9 Signage of this Ordinance shall be reviewed and approved as part of the Master Plan.
- ii. The sign plan shall include the following:

1. Location and size of all signs proposed on-site, including wall signs, identification signs, informational signs, etc.,
2. Illumination specifications of signs, if any,
3. Materials (signs and supports),
4. Planting details for ground and pole mounted signs, and
5. Any other information requested by the Planning Director and/or Board of County Commissioners.

i. Architectural Concept Plan

- j. An architectural concept plan shall be required for developments with multiple buildings and development lot/pods. The plan shall address the following:
 1. Architectural theme on-site, if any,
 2. Permitted color palettes,
 3. Acceptable building materials (i.e. siding, roofing, doors, trim, awnings, etc.),
 4. Specific design requirements, if any, and
- ii. Any other information requested by the Planning Director and/or Board of County Commissioners.
- iii. Architectural Concept Plans shall not be required for single-family residential subdivisions approved as a MPD-CZ. However, they may be approved with the Master Plan if proposed by the applicant.

Example Master Site Plan:



- B. The Master Plan shall be approved by the Board of County Commissioners in conjunction with the Conditional Zoning rezoning application.

Sec. 6.11 Outdoor Lighting.²³²

A. Purpose and Intent

The purpose of outdoor lighting standards is to balance the public safety need for outdoor lighting fixtures that are used to enhance lawful, permitted, nighttime use and enjoyment of property while at the same time promote nighttime vision, natural resource conservation, community values, and aesthetics by establishing standards for the designing, application, and use of outdoor lighting resources and fixtures.

Accordingly, the specific regulatory objectives of these standards are as follows:

1. Promote nighttime visibility by directing appropriate levels of illumination upon intended targets
2. Permit and promote the reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce,
3. Conserve energy and resources to the greatest extent possible,
4. Minimize adverse offsite impacts generated by outdoor lighting including, but not limited to, light trespass and obtrusive lighting.
5. Curtail and limit light pollution and preserve the nighttime environment.

B. Applicability

Except as described herein all outdoor lighting on public or private property, whether attached to structures, poles, the earth, or any other location including lighting installed by any third party, installed after the effective date of this Ordinance shall comply with these requirements including, but not limited to:

1. Newly installed outdoor lighting fixtures.
2. Replacement of existing outdoor lighting fixtures.
3. Modifications to existing outdoor lighting fixtures in instances where additional structural or site improvements to a parcel of property result in added square footage of building area or an increase in parking on property greater than 50% of the existing building square footage or parking lot increase. This shall be a cumulative impact based on property as it existed on (date of adoption of this Ordinance) with respect to determining compliance with this provision.
4. In the event of a conflict between the outdoor lighting standards contained herein and any other section of this Ordinance, the more stringent requirement shall apply.

C. Exemptions

The following are exempt from the provisions of the outdoor lighting standards contained herein, but shall be implemented in a manner consistent with the overall purpose and intent of this Section:

²³² NFOCUS Staff are proposing simple lighting standards as detailed herein.

1. Single-family and duplex residential development on individual lots except for the installation of metal vapor luminaries, including mercury and sodium vapor luminaries, which are prohibited.
2. All outdoor lighting lawfully installed prior to the effective date of the outdoor lighting standards contained herein, except the replacement of mercury or sodium vapor luminaires. Mercury and sodium vapor luminaires must be replaced in conformity with the Outdoor Lighting Standards upon the earlier occurrence of the replacement of the fixture or the lamp.
3. Bona fide agricultural uses.
4. Traffic control signals and devices.
5. Temporary emergency lighting (i.e. fire, police, repair workers, highway maintenance and construction, etc.).
6. Moving vehicle lights.
7. Navigation lights (i.e. airports, heliports, radio/television towers, communication towers, etc.) as required by local, State, and Federal agencies for public safety purposes.
8. Celebratory lighting for seasonal and holiday observances using typical unshielded low- wattage lights, which are in place no longer than 60 days generating no more than 150 lumens.
9. Security lights that are controlled by a motion-sensor switch, which do not remain on longer than 15 minutes after activation, and do not exceed 1800 lumens per individual light fixture.
10. Temporary lighting for occasional or special events such as outdoor sporting contests, concerns, theater events, festivals, carnivals, social gatherings, celebrations, special promotions, or similar occasional events permitted in accordance with the provisions of this Ordinance.

D. Prohibitions

The following activities and/or use of lighting are specifically prohibited:

1. The installation, use, repair, or replacement of a mercury and/or sodium vapor lighting fixture(s) generating 1500 lumens or more per individual bulb,
2. The use of searchlights, beacons, laser source light or any similar high intensity light for outdoor advertising or entertainment,
3. The operation of searchlights for advertising purposes or to draw attention to an event or activity is specifically prohibited. This shall not include the use of searchlights in temporary emergency situations,
4. Electrical illumination of off-premise commercial signs,
5. Lights that are flashing, pulsing, moving, rotating, flickering, or that change in intensity or color, with the exception of emergency lighting, and
6. Fixtures that are designed to resemble traffic control or other similar public safety devices used for advertising or other similar purposes.

E. A lighting plan shall be prepared and sealed by an appropriately licensed professional providing foot-candle data demonstrating compliance with the following general standards:

1. Non-residential development(s), including multi-family development parking areas, shall observe a maximum light level along all common property lines of no more than:
 - a. 1.5 foot-candles adjacent to non-residential land uses or districts;
 - b. 1 foot-candle adjacent to multi-family residential land uses or districts;
 - c. 0.5 foot-candles adjacent to single-family, duplex residential land uses or districts.

COMMENTARY: *This does not include residential developments that are part of the project.*

- d. Development entrances may observe an average foot-candle limit of between 1.5 and 5-foot candles.

COMMENTARY: *District of a development entrance for determining compliance with light limits shall be no more than 25 feet on each side.*

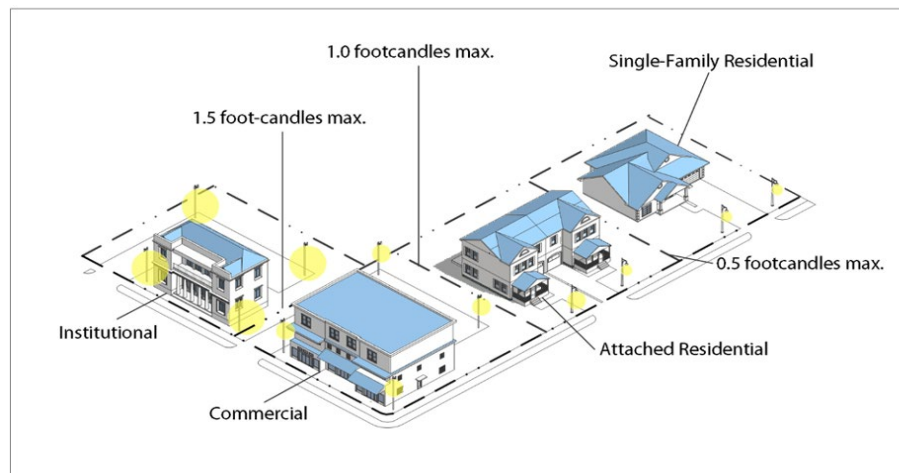
Nothing within this Section shall be construed or deemed to modify lighting requirements/limitations of the NC Department of Transportation (NCDOT) for public roads.

2. Residential development(s) shall observe a maximum light level along all common property lines of no more than 1 foot-candle.
3. Architectural Lighting shall average 1.0 to 1.5 foot-candles provided compliance with lighting limits for common property lines is maintained.

COMMENTARY: *The uplighting of flags shall comply with applicable local, State and Federal requirements.*

4. Walkways, landscape areas, or decorative lighting shall not exceed 1 foot-candle provided compliance with lighting limits for common property lines is maintained.

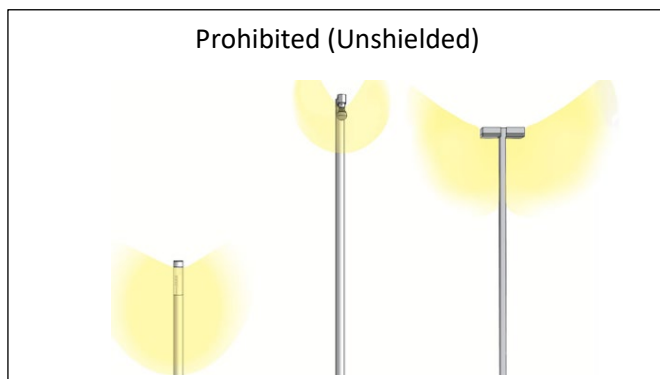
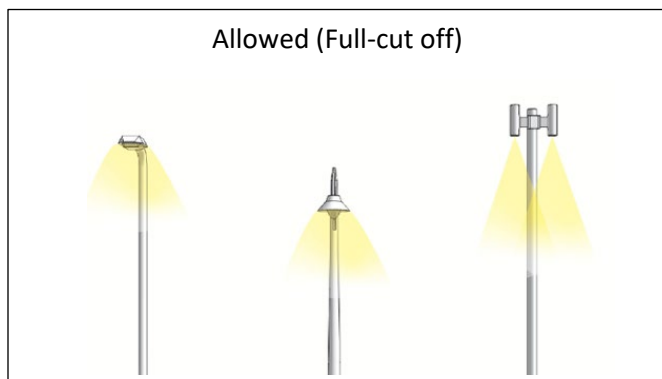
Example:



F. General Standards:

1. No light fixture shall create any glare or spillover lighting effects on any residential properties or streets.
2. All lighting shall be full cut-off fixtures and/or shielded in such a way as to direct light towards the Earth's surface and away from reflective surfaces, except as expressly exempted from the provisions of these regulations.

Examples:



3. Freestanding light fixtures along all public residential street systems and all internal privately maintained street systems shall not exceed forty feet in total mounted height and shall consist of a decorative fixture that shields the source of light away from neighboring properties.
4. If any street will be taken over by NCDOT for maintenance, roadway lighting must meet AASHTO requirements, and must be installed and maintained according to the NCDOT publication titled "Policies and Procedures for Accommodating Utilities on Highway Rights-of-way".
5. The light emitted by Light Emitting Diodes (LEDs) and fiber optics is preferred. Light emitted by incandescent, metal halide, or color corrected high-pressure sodium is acceptable. Non color corrected high-pressure sodium lamps are prohibited.
6. Lighting installations should include timers, dimmers, and /or sensors to reduce overall energy consumption and unnecessary lighting.
7. The same light source type must be used for the same or similar types of lighting on any one site throughout any development.
8. Energy Efficiency:
 - a. All outdoor light fixtures and light elements shall be energy efficient except where determined by the Planning Director:
 1. An energy efficient fixture or light element is not reasonably available that meets the necessary functional requirements;
 2. Available energy efficient fixtures or light elements are not cost effective over the life of the product, taking energy cost savings into account; or

3. The use of an energy efficient fixture or light element is unreasonable or impractical for other reasons.
- b. For purposes of this section, an energy efficient light fixture or light element shall meet one of the following criteria:
 1. Is in the upper 25 percent (25%) of efficiency for all similar products as designated by the U.S. Department of Energy's Federal Energy Management Program; or
 2. Meets Department of Energy and Environmental Protection Agency criteria for use of the Energy Star trademark label.

G. Specific Standards:

1. Canopy lighting: Areas under a canopy shall be designed so as not to create glare off-site or impede motorists visibility designed to the following standards:
 - a. All canopy lighting shall be fully recessed into the canopy (i.e., shall be flush with the bottom surface (ceiling) of the canopy and or shielded by the fixture or edge of the canopy).
 - b. Lighting levels shall not exceed 10 lumens at the edge of the canopy. Overall lighting limits for common property lines, as defined herein, shall also apply.
 - c. Canopies shall be constructed of non-light emitting material(s).
2. Sports Field Lighting:
 - a. Outdoor Sports Field/Outdoor Performance Area(i.e., sports field lighting, athletic fields, performance areas including amphitheatres, etc.) lighting shall only be allowed for those principal and accessory uses needing such fixtures to properly function as intended during evening hours.
 - b. Maximum Height: Maximum allowable height shall be limited to 100 feet as measured from grade.²³³
 - c. All outdoor sports field and outdoor performance area lighting fixtures shall be full cutoff fixtures and shall be equipped with a glare control package (louvers, shields, or similar devices). If the manufacturer does not have a glare control package, the fixture specification must be changed to a manufacturer that offers one.
 - d. All fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
 - e. Maximum allowable foot-candle levels at a common property line shall be limited to 1.0 foot-candles.
3. Wall Pack Lights: Wall packs on the exterior of the building shall be fully shielded (e.g., true cut off type bulb or light source not visible from off-site) to direct the light vertically downward.

²³³ NFOCUS would recommend an 80 foot height limit but has to determine if this will create nonconformities for the local jurisdiction.

4. Awnings: Awnings used for building accents over doors and windows shall not be internally illuminated (i.e., from underneath or behind the awning).
5. Pedestrian Lighting: Pedestrian light fixtures, when included, shall comply with the following:
 - a. Light fixtures for sidewalks, walkways, trails, and bicycle paths shall provide at least 1.0 foot candles of illumination, but under no circumstances may exceed 1.5 foot candles.
 - b. Fixtures shall be mounted no higher than four feet above grade and shall not exceed 900 lumens for any single lamp.
6. Vehicle Display Areas (automotive sales):
 - a. Lighting levels shall be limited to 25 lumens. Compliance with applicable common property line lumen limits shall also be observed.

Sec. 6.12 Stream Buffers

Required riparian buffer widths adjacent to perennial water features shall be consistent with State law consistent with the standards detailed in Article 15 of this Ordinance.

Sec. 6.13 Soil Erosion, Sedimentation Control:²³⁴

- A. Plan Required. No person shall initiate any land-disturbing activity exceeding one acre (43,560 sq.ft.) for residential or commercial purposes without a Soil Erosion and Sedimentation Control plan approved by the North Carolina Department of Environmental Quality (NCDEQ). A copy of the approved Soil Erosion and Sedimentation Control Plan shall be on file in the Town of Unionville Central Permitting office not less than ten (10) days prior to the initiation of such land disturbing activity.
- B. Protection of Property. Persons conducting permitted land-disturbing activity shall take all reasonable measures to protect all public and private property from damage or nuisance caused by such activity.
- C. **Basic Control Objectives**
 1. Zoning approval shall be withheld until such time as an officially approved Soil Erosion and Sedimentation Control plan is filed with Staff. At a minimum, the state-approved plan shall address the following control objectives:
 - a. Limit Time of Exposure. All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time;
 - b. Limit Exposed Areas. All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time;

²³⁴ This section will not alter this current erosion control practices, but will allow local staff some authority to compel compliance with minimum standards to address local concern(s) as complaints arise. Compliance is tied to the issuance of a Zoning Compliance Permit.

- c. Control Surface Water. Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure;
- d. Control Sedimentation. All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage and nuisances to adjacent properties, streets or streams;
- e. Manage Storm Water Runoff. When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream; and

COMMENTARY: Stormwater plans shall be designed in accordance with Article 14 of this Ordinance.

- f. Preservation of riparian buffers as required under applicable State policy and Article 15 of this Ordinance.

This shall become a condition on the issuance of a Zoning Compliance Permit authorizing initiation of land disturbing activity.

- D. Responsibility for Maintenance:** During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan, by any provision of this Ordinance, or by any ordinance adopted pursuant to this Ordinance.

After site development, the landowner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

Abandoned and/or deteriorating erosion and sedimentation control measures required by an applicable NCDEQ permit shall be deemed a nuisance and violation of this Ordinance upon discontinuation of maintenance.

Violation(s) shall result in enforcement action taken in accordance with the provisions of this Ordinance and may result in the revocation of the Zoning Compliance Permit authorizing commencement of land disturbing activity.

- E. Enforcement:** Enforcement of erosion control regulations is the sole purview of the State of North Carolina, specifically NCDEQ staff. Violation of a NCDEQ permit, however, shall constitute a violation of the Town of Unionville County Zoning Compliance Permit and subject the developer to enforcement action consistent with the provisions of this Ordinance.

Sec. 6.14 Environmental Assessments OPTIONAL

Sec. 6.14.1 Purpose and Intent

- A. Pursuant to the North Carolina Environmental Policy Act, the (town/county elected officials) adopted the regulations and standards included herein to:
 - 1. Encourage the wise and productive use of the communities natural resources;
 - 2. Encourage a public and governmental awareness of our environment and of the consequences of development which affect it;

3. To require that a full disclosure be made as to the anticipated effect of proposed development on the resources of the Town of Unionville ; and
 4. Permit and facilitate full enforcement of all ordinances and regulations concerning the environment in an efficient, coordinated and comprehensive manner.
- B. The intent of the regulations and standards included in this Section is to provide a mechanism for full disclosure of anticipated impacts of developments as herein defined and to make such information publicly available so that citizens of the county may have input into developmental issues before they become moot.
- A. Specifically, the intent of the regulations and standards included in this Section is to require the preparation and evaluation of environmental impact documents for projects that either require certain state permits, or require a local land use permit for development within environmentally sensitive areas, as provided herein.

Sec. 6.14.2 Exemptions

The following projects and uses are exempt from the requirements set forth herein and no environmental documentation is required:

- A. Any project involving a total area of two acres or less.
- B. Routine repairs and housekeeping projects.
- C. Routine grounds maintenance and landscaping.
- D. Bona-fide farming operations, not including sludge disposal.
- E. Single-family residential development, except those reviewed as a Conditional Zoning District.

Sec. 6.14.3 Environmental Assessment

A. Applicability: Environmental Assessment is required for non-exempt projects that:

1. Qualify as a small or large generator of hazardous waste as defined by the North Carolina Department of Health and Human Services (Hazardous Waste Branch of Solid Waste Management Section); and/or
2. Involves as an integral part of the operation of a commercial or industrial activity more than 10,000 gallons per day of water usage, exclusive of domestic water (25 gpd per employee), and water used for climate control (air conditioning and heating); and/or
3. Require grading more than 40,000 square feet, exclusive of roads, for non-residential or attached residential development; and/or
4. Require grading more than 40,000 square feet, exclusive of roads, for non-residential components of residential development (golf courses, recreation facilities, and the like); and/or
5. Require any of the following Environmental permits:
 - (a) A Mining Permit pursuant to the NC Mining Act.
 - (b) A State NPDES (National Pollutant Discharge Elimination System) Permit, as administered by the NC Division of Water Quality.
 - (c) A Non-Discharge Permit for a land application waste disposal system.
 - (d) A permit for sludge disposal site.

6. Require Environmental Documentation by a State or Federal agency.

Sec 6.14.4 Requirements of an Environmental Assessment

The Environmental Assessment (EA) shall consist of a document supplied to the Planning Department to address issues of environmental concern to the County, and completed by the applicant. Those issues include:

- (1) Topography of site and slopes;
- (2) Drainage issues, such as on-site streams or easements and location relative to special flood hazard areas;
- (3) Natural or Cultural Resources;
- (4) Mining of Earth products;
- (5) Generation or storage of hazardous or toxic wastes;
- (6) Wastewater treatment methods and sludge disposal; and
- (7) Water usage.

Sec. 6.15 Traffic Infrastructure Analysis and Sufficiency:²³⁵ OPTIONAL

A. **Purpose:** The purpose of this Section of the Ordinance is:

1. Overall: Manage and/or reduce congestion in existing street networks and facilitate the efficient and adequate provision of transportation.
2. Traffic impact analysis (TIA): Ensure proposed developments do not adversely affect existing roadway networks and identify any traffic constraints/opportunities associated with access. The TIA shall identify solutions to potential problems and present improvements for incorporation into the proposed development.

B. **Applicability:** Town of Unionville shall require a TIA for the following projects:

1. Any project requiring a TIA by the NC Department of Transportation.²³⁶

C. **Scoping Meeting:**

1. Prior to the preparation of the TIA, a scoping meeting shall be held, including Staff, the applicant, the preparer of the study, and representatives of NC Department of Transportation.
2. The discussion at this meeting should set the study parameters, including the following:
 - a. Study area,
 - b. Planned and committed roadway improvements (by NCDOT or others),
 - c. Road links and intersections to be analyzed,
 - d. Preliminary traffic distribution,

²³⁵ There are development activities requiring the completion of a traffic impact analysis. Staff is recommending tweaks to existing minimum standards detailing 'how' this analysis is to be completed.

²³⁶ Staff is not of the opinion the Town wants to impose any requirement above and beyond what NC DOT would require a TIA for. We will defer to State standards for projects having to complete a TIA based on their traffic models. Why? The roadways will more than likely be maintained by NC DOT. If we have a higher standard/threshold for a traffic impact assessment, it is not likely the County will have the backing of DOT officials.

- e. Other planned or approved developments to be considered,
 - f. Traffic growth rate,
 - g. Available data,
 - h. Periods for which analysis is to be performed, and
 - i. Other staff concerns.
3. The qualifications of the preparer may be discussed at or prior to this meeting.
- D. General Requirements and Standards – TIA Preparation:**
- A traffic impact study shall be prepared by a qualified professional traffic engineer and/or certified transportation planner consistent with guidelines/standards of NC DOT.
- a.
- E. Submission:** A TIA shall be submitted as part of the required application package consistent with the provisions of Article 3 of this Ordinance.
- F. General Improvement Standards:** Traffic improvements shall be deemed necessary when a proposed development impacts existing publicly maintained traffic networks as follows:
- 1. Reduces existing transportation infrastructure below a D level of service as defined by the NC Department of Transportation for the identified roadways;²³⁷
 - 2. The overall intersection level of service for signalized intersections, or level of service for the critical movement of unsignalized intersections falls, to a F level of service as defined by the NC Department of Transportation; or
 - 3. There is an increase of 100 or more feet in queuing length resulting from the project or queuing exceeds existing storage length.

Sec. 6.16 Public Utility Connection:²³⁸

All structures or properties, located in an area designated as being served by public utilities, used for human occupancy, employment, recreation, or other purposes are required, at the property owner's expense, to connect potable water and/or wastewater facilities directly to the public utility systems in accordance with the provisions of the governing ordinance or utility connection policy for Town of Unionville .

Sec. 6.17 Performance guarantees:²³⁹

²³⁷ NFOCUS recommends this subsection be reviewed in consultation with the community NCDOT district engineer. In many instances, NCDOT roadway will be the subject of this review. DOT staff will have to provide feedback to the community if they are willing to support this requirement given they are responsible for the maintenance and upkeep of their roadway network.

²³⁸ This standard is a reminder that there are areas of the local planning jurisdiction served by public utility services (i.e., water and sewer services). Development(s) within these areas are required to connect to these utility services consistent with applicable policies enforced by 'others'. This statement is a reminder that this 'requirement' exists.

²³⁹ New performance guarantee language designed to ensure consistency with State law. Appropriate references have been included in the body of the text. AS a general reminder, State law only allows the posting of financial securities for completion of required improvements and not for maintenance of same. Once the unit of local government accepts/acknowledges the improvements have been installed per approved plans, maintenance becomes the purview of whomever is ultimately responsible for said improvement (i.e. roadway, utility, etc.) such as a municipality, Department of Transportation, local homeowners association, etc..

- A. In accordance with N.C.G.S 160D-804.1, performance guarantees shall be required for the purpose of ensuring that:
1. Applicants/developers proposing divisions of property professionally install all required improvements (i.e., roads, road signs, utility lines other than individual wells and septic systems, recreation amenities, central mailbox facilities, fire suppression management facilities, landscaping, etc.) in a timely manner, in accordance with approved plats and construction plans.
 2. Applicant/developers proposing non-residential and/or multi-family developments through a site plan process as detailed in Article 3 of this Ordinance professionally install all required improvements (parking, landscaping, service roads, utility infrastructure, etc.) in a timely manner, in accordance with approved plats and construction plans.
- B. Type: The type of performance guarantee shall be at the election of the developer. The term shall mean any of the following:
1. Surety bond issued by any company authorized to do business in this State.
 2. Letter of credit issued by any financial institution licensed to do business in this State.]
 3. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
- C. Amount:
1. The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued.
 2. The estimated cost of required improvements, which shall include project management costs, must be itemized by improvement type and certified by the subdivider's licensed professional engineer.
 3. Cost estimates shall be based on industry norms within the City of Statesville and shall include the costs for labor and materials necessary for completion of the required improvements.
- D. Timing: Town of Unionville shall require the performance guarantee to be posted prior to the recordation of the final plat or issuance of certificate of occupancy.
- E. Duration: The duration of the performance guarantee shall initially be two years, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. Under no circumstances may a performance guarantee exceed 3 years.
- F. Extension:
1. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension.

If the improvements are not completed to the specifications of the Town of Unionville , and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period.

2. An extension under this subdivision shall only be for a duration necessary to complete the required improvements.
3. If a new performance guarantee is issued, the amount shall be determined by the procedure provided herein and shall include the total cost of all incomplete improvements.
4. Only 1 extension, not exceeding a 2-year period, shall be issued per project/phase by the Town of Unionville .
5. Approval of a performance guarantee shall be conditioned upon the performance of all work necessary to complete the required subdivision improvements within the time period specified at the time of preliminary plat or construction plan approval.

G. Release:

1. The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by Staff that the improvements for which the performance guarantee is being required are complete.
2. Staff shall return letters of credit or escrowed funds upon completion of the required improvements to its specifications or upon acceptance of the required improvements, if the required improvements are subject to local government acceptance.
3. All improvements shall be completed in accordance with the conditions associated with the approved plat(s) and the applicable standards contained in this Article. No financial guarantee may be released until all required certifications of completion have been provided.
4. When required improvements that are secured by a bond are completed to the specifications of the Town of Unionville , or are accepted if subject to its acceptance upon request by the developer, Staff shall timely provide written acknowledgement that the required improvements have been completed.

H. Default: If an applicant/developer fails to properly install required improvements within the term of the guarantee, the guarantee will be deemed in default. In the case of default, the (town/city) is authorized to use the guarantee funds to complete the required improvements or to sign a contract for installation of the required improvements.

I. Coverage. Consistent with State law, the performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

J. Guarantees for erosion control and/or stormwater control measures (SCMs) shall not be subject to the provisions of this Section.

K. Acceptance of Improvements: Upon acceptance of improvements, the developer shall submit final as-built drawings to the Town of Unionville for final review and certification.

- L. Maintenance Guarantees for Multi-Phase Development: For developments with multiple phases of construction, the Town of Unionville Engineer may require portions of a previously approved phase be placed under an extended maintenance performance guarantee consistent with the provisions of this Section.
- M. Site Clean-Up: The applicant shall be responsible for removal of all equipment, material, and general construction debris from the project and from any lot, street, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the Town of Unionville , other than an approved landfill, is expressly prohibited.
- N. Failure to Complete Improvements: If a final plat has been executed and recorded or a certificate of occupancy is issued authoring commencement of land use operation and a security has been posted, but required public improvements are not installed pursuant to the approved plans, the Town of Unionville may:
 - 1. Declare the development in default and require all public improvements be installed regardless of the extent of completion of the development;
 - 2. Collect funds pursuant to the guaranty and complete the public improvements;
 - 3. Assign its rights in the guarantee in whole or in part to any third party, including a subsequent owner of the subdivision, in exchange for that party's agreement to complete the improvements; and/or
 - 4. Exercise any other rights available under State law.
- O. Filing of Construction Plans: Approved construction plans shall be retained by the Planning Department of Town of Unionville Engineer until an 'as-built' set of plans are submitted.