

Town of Elm City Unified Development Ordinance (UDO)

Table of Contents

Articles	Page
ARTICLE 1: General Provisions (Purpose and Applicability)	
Section 1.1 Authority and Enactment	1
Section 1.1.2 Title	1
Section 1.1.3 Territorial Jurisdiction	1
Section 1.1.4 Purpose	1
Section 1.1.5 Relationship to Comprehensive Plan	3
Section 1.1.6 Interpretation, Abrogation, and Relationship with Other Laws	3
Section 1.1.7 Severability	2
Section 1.1.8 Statue of Limitations	4
Section 1.1.9 Fees	4
Section 1.1.10 Relationship to Existing Ordinances in Progress	4
ARTICLE 2: Administrative Agencies	
Section 2.1 Board of Commissioners	6
Section 2.1.1 Duties and Responsibilities	6
Section 2.2 Planning Board	6
Section 2.2.1 Establishment	6
Section 2.2.2 Organization	7
Section 2.2.3 Duties and Responsibilities	7
Section 2.2.4 Advisory Committees	9
Section 2.3 Board of Adjustment	9
Section 2.3.1 Establishment	10
Section 2.3.2 Minutes, Written Decisions	10
Section 2.3.3 Quorum	10
Section 2.3.4 Conduct of Meetings and Hearings	11
Section 2.3.5 Voting	11
Section 2.4 Zoning and Subdivision Administration	12
Section 2.4.1 Administrative Officer	12
Section 2.5 Technical Review Committee	13
Section 2.5.1 Designation and Purpose	13
Section 2.5.2 Responsibilities	13
Section 2.6 Conflicts Of Interest	13
Section 2.6.1 Purpose	13
Section 2.6.2 Applicability	14
Section 2.6.3 Participation in Decisions Affecting Personal Interests	14
Section 2.6.4 Quasi-Judicial Decisions	14
Section 2.6.5 Legal Opinions and Disqualification	15
Section 2.6.6 Enforcement	15
ARTICLE 3: Development Review Procedures	
Section 3.1 Administrative Permit Procedures	16
Section 3.1.1 Zoning, Sign, and Special Use Permits	16

Section 3.2 Subdivision Plat Review Procedures	20
Section 3.2.1 Plat shall be required on any Subdivision of Land	20
Section 3.2.2 Approval Prerequisite to Plat Recordation	20
Section 3.2.3 Major and Minor Subdivisions Defined	20
Section 3.2.4 Sketch Plan	20
Section 3.2.5 Minor Subdivision Review Procedures	22
Section 3.2.6 Major Subdivision - Preliminary Plat Review Procedures	24
Section 3.2.7 Major Subdivision – Final Plat Review Procedures	26
Section 3.2.8 Improvement Guarantees Requirements	29
Section 3.2.9 Recordation of Final Plats	31
Section 3.2.10 Permits	33
Section 3.2.11 Re-subdivision Procedures	33
Section 3.2.12 Vacation of Plats and Recombination of Land	33
Section 3.3 Quasi-Judicial Procedures	34
Section 3.3.1 Applicability	34
Section 3.3.2 Written Application and Required Information	34
Section 3.3.3 Power and Duties of the Board of Adjustment	36
Section 3.3.4 Notice of Hearing	39
Section 3.3.5 Appeals from the Board of Adjustment	39
Section 3.4 Legislative Procedures	40
Section 3.4.1 Amendments in General	40
Section 3.4.2 Initiation of Amendments	40
Section 3.4.3 Planning Board Review and Recommendations	41
Section 3.4.4 Board of Commissioners Review and Adoption	41
Section 3.4.5 Public Hearing Requirements	42
Section 3.4.6 Ultimate Issue before Board of Commissioners on Amendments	43
Section 3.4.7 Protests to Zoning District Changes	44
Section 3.4.8 Withdrawal of Amendment Petition	44
Section 3.4.9 Petition Re-submittal	44
Section 3.4.10 Notification of Decision	45
Section 3.4.11 Judicial Review	45
Section 3.5 Vested Rights	45
Section 3.5.1 Purpose	45
Section 3.5.2 Definitions	46
Section 3.5.3 Establishment of a Zoning Vested Right	47
Section 3.5.4 Approval Procedures and Approval Authority	48
Section 3.5.5 Duration	49
Section 3.5.6 Termination	50
Section 3.5.7 Limitations	51
Section 3.6 Voluntary Annexation and Extension of Utilities	51
ARTICLE 4: Zoning District Provisions	
Section 4 Establishment of Zoning Districts	53
Section 4.1 Zoning Districts Established; Purposes Set Forth	53
Section 4.2 Official Zoning Map	57
Section 4.3 Rules Governing Boundaries	58
Section 4.4 Table of Uses	58
Section 4.4.1 Determining Types of Uses	58
Section 4.4.2 Table of Uses	61
Section 4.4.3 Table of Permitted Uses	62
ARTICLE 5: Use and Dimensional Standards	

Section 5.1 Dimensional Standards	75
Section 5.1.1 Applicability	75
Section 5.1.2 Schedule of Dimensional Standards by Residential Zoning District	75
Section 5.1.3 Schedule of Dimensional Standards by Nonresidential Zoning	77
Section 5.2 Modifications and Special Standards	77
Section 5.2.1 Exception for New Building on Existing Developed Block	77
Section 5.2.2 Measuring Setbacks	78
Section 5.2.3 Lot Frontage Requirements	78
Section 5.2.4 Multi-family Conversions Density	79
Section 5.3 Accessory Uses, Buildings or Structures	79
Section 5.3.1 General Standards for Accessory Uses, Buildings and Structures in all Zoning Districts	79
Section 5.3.2 Accessory Uses, Buildings and Structures in all Residential Districts – General	81
Section 5.3.3 Specific Development Standards for Common Accessory Uses, Buildings or Structures in any Residential District	82
Section 5.3.4 Accessory Uses, Buildings and Structures for Commercial and Industrial Districts	85
Section 5.3.5 General Standards for Accessory Uses, Buildings or Structures in All Commercial and Industrial Districts	86
Section 5.3.5 Specific Standards for Accessory Uses, Buildings or Structures in any Commercial District	86
Section 5.4 Temporary Uses, Buildings and Structures	88
Section 5.4.1 Temporary Uses, Buildings and Structures in all districts	88

ARTICLE 6: Development Standards

Section 6.1 Application and General Standards for All Uses	89
Section 6.1.1 Application of Development Standards	89
Section 6.1.2 General Standards for All Uses	89
Section 6.2 Development Standards for Temporary Uses	91
Section 6.2.1 Temporary Uses, Buildings and Structures in all districts	91
Section 6.2.2 Cessation of Use	106
Section 6.3 Development Standards for Accessory Uses and Structures	106
Section 6.3.1 Caretaker Dwelling	106
Section 6.3.2 Communication Tower – Government or Under 60 Feet in Height - Not Wireless, TV or Cellular	107
Section 6.3.3 Home Occupations	107
Section 6.3.4 Rural Family Business (RFB)	113
Section 6.3.5 Satellite Dish Antennas (Large)	115
Section 6.3.6 Swimming Pool, Accessory - Permanent	115
Section 6.4 Uses That Require Special Use Permits	117
Section 6.5 Developments that Require a Conditional Use Permit	116
Section 6.5 General Standards for Planned Developments (Planned Residential, Mixed-Use, and Office/Commercial/Industrial Development)	119
Section 6.6 Development Standards for Individual Uses	125
(See Pages 125 – 183 for conditions for specific uses in alphabetical order as indicated below)	
Agricultural Chemicals, Pesticides or Fertilizers	126
Airport or Air Transportation Facility	126
Amusement or Water Parks, Fairgrounds	127
Animal Specialty Services	127
Athletic Fields	128
Automobile Repair Services	128

Automobile Towing Services	129
Bar, Night Club or Tavern	129
Batting Cages	130
Bed and Breakfast	131
Blacksmith Farrier and Harness Shop	132
Boarding and Rooming House	132
Boat Repair	133
Building Supply Sales	133
Cemetery, Family	134
Cemetery, Pet	134
Cemetery or Mausoleum - Not on Same Property as Church	134
Church	135
Civic, Social, and Fraternal Associations (excluding bars and restaurants)	135
College, University, and Technical Institute	136
Communication and Telecommunication Towers, including Radio, Television, Wireless and Cellular Towers – Government (See Article 12 for wireless towers)	137
Communication Towers for Amateur (Ham) Radio (including Citizen Band Radio)	138
Congregate Care Facility	138
Contractors (no outside storage); Contractors (General Building); Contractors (Special Trade)	139
Convenience Store	140
Country Club with Golf Course	140
Day Care Center, Child or Adult	141
Demolition Debris Landfill	142
Elementary or Secondary School	143
Equipment Repair, Light	143
Equipment Rental with Outside Storage	144
Family Care Home	145
Farm Product Warehousing and Storage - Farm Supplies, Other	145
Film Productions	146
Food Store	146
Furniture Sales	147
Go-Cart Raceway	147
Golf Course	148
Golf Course, Miniature	148
Golf Driving Range	149
Government Office	150
Halfway Houses	150
Heliport	151
Homeless Shelter	151
Horse Show	152
Hospital Clinic	153
Kennels or Pet Grooming	154
Landing Strip, Flying Field	154
Library	154
Minerals (Wholesale Trade of)	155
Mining, Quarrying, Sand Pits, and Mineral Extraction	155
Miscellaneous Repair Shops	156
Multifamily Dwelling up to 6 units (including condominiums and conversion of existing units)	157
Museum or Art Gallery	157
National Guard and Military Reserve Center	158
Nursing and Convalescent Home	158
Orphanage	159

Outdoor Flea Markets/Outdoor Fruit and Vegetable Markets	159
Post Office	160
Pottery and Related Products Manufacture	161
Private Campground/RV Park	161
Private Recreational Club or Related Facility	164
Psychiatric Hospital	165
Public Park or Recreational Facility	166
Refrigerator or Large Appliance Repair	166
Restaurant (with or without drive-thru)	167
Retreat Center	168
Riding Academy	169
Satellite Dish Antenna (1 meter or larger in size)	169
Sawmill or Planing Mills	169
School Administration Office	170
Sewage Treatment Plant-Private	171
Sexually-Oriented Business	171
Shooting Range, Indoor	175
Shooting Range, Outdoor	175
Shopping Center	176
Single-Family Detached Dwelling with Accessory Apartment (Apartment within a Principle Dwelling)	177
Solid Waste Disposal (Non-hazardous) – Sanitary Landfill & Collection Sites, Etc.	178
Swim and Tennis Club	179
Theater (Outdoor)	180
Truck Stop	180
Turkey Shoots	181
Utility Related Appurtenances, Substations	182
Veterinary Service (other)	183
Vocational, Business or Secretarial School	184
Water Treatment Plant (Public or Private)	184

ARTICLE 7: Street, Parking, Driveway and Connectivity Standards

Section 7.1 Street Design Standards	185
Section 7.1.1 Purpose	185
Section 7.1.2 Application	185
Section 7.1.3 TND Road Guidelines Benefits	186
Section 7.1.4 Town of Elm City Street Network Design Principles	186
Section 7.1.5 Street Requirements and Standards	188
Section 7.2 Connectivity for Streets, Bicycle and Pedestrian Use	191
Section 7.2.1 Meaning and Purpose	191
Section 7.2.2 Connectivity Design Principles	191
Section 7.2.3 Connectivity Design Standards	193
Section 7.3 Parking, Driveways and Loading	194
Section 7.3.1 General	194
Section 7.3.2 Application of Regulations	195
Section 7.3.3 General Requirements for Off-Street Parking	196
Section 7.3.4 Dimensional Requirements	197
Section 7.3.5 Special Parking Requirements	197
Section 7.3.6 Combination of Required Parking Space	197
Section 7.3.7 Remote Parking Space	198
Section 7.3.8 Number of Parking Spaces Required	200
Section 7.3.9 Exceptions	201
Section 7.3.10 Table of Off-parking and Staking Requirements	201

Section 7.4 Driveways	204
Section 7.4.1 Driveway Requirements and Sight Distance Triangle	204
Section 7.5 Off-Street Loading	205
Section 7.5.1 Off-Street Loading Requirements	205
ARTICLE 8: Open Space and Park Standards	
Section 8.1 Open Space Standards	208
Section 8.1.1 General Purpose	208
Section 8.1.2 General Requirements	208
Section 8.1.3 Application and Dedication of Land	211
Section 8.1.4 Authority to Sell and Use of Fee-in-lieu of	212
Section 8.1.5 Review procedures	212
Section 8.2 Park Land Facility Development	212
Section 8.2.1 Purposes of Park Facilities	213
Section 8.2.1 Park Land Facility Standards	213
Section 8.2.1 Park Facilities Requirements	214
ARTICLE 9: Environmental Standards	
Section 9.1 Flood Damage Prevention Ordinance	218
Section 9.1.1 Statutory Authorization, Findings of Fact, Purpose and Objective	218
Section 9.1.2 Definitions	219
Section 9.1.3 General Provisions	226
Section 9.1.4 Administration	228
Section 9.1.5 Provisions for Flood Hazard Reduction	237
Section 9.1.6. Legal Status Provisions	244
Section 9.2 Sedimentation and Erosion Control	244
Section 9.2.1 Acknowledgement	244
Section 9.2.2 Erosion Control Plan Requirements and Town Action	244
Section 9.3 Tar-Pamlico River Basin Buffer Requirements	245
Section 9.3.1 Acknowledgement	245
Section 9.3.2 Identification of Intermittent and Perennial Streams, Lakes, Ponds, and Estuarine Waters and Application of Rules	246
Section 9.3.3 Authorization Certificate Required, Uses Permitted, and Town Action	246
ARTICLE 10: Appearance/Aesthetic Standards (Landscaping and Buffering, Signs, and Historic Preservation)	
Section 10 Bufferyards/Landscaping Requirements	247
Section 10.1 General	247
Section 10.2 Bufferyards-Site Plan Required, Approval, Timing of Permits	247
Section 10.3 Bufferyard Use Classification List	247
Section 10.4 Land Use Classifications and Bufferyard Specifications	249
Section 10.5 Barrier and Vegetation Standards	253
Section 10.6 Maintenance of Bufferyard Areas	255
Section 10.7 Nonconforming Bufferyards	256
Section 10.8 List of Acceptable Vegetation	257
Section 10.2 Signs	260
Section 10.2.1 Purposes and Applicability	260
Section 10.2.2 Permit Required	260
Section 10.2.3 Design and Maintenance Standards	261

Section 11.2.5 Easements	293
Section 11.2.6 Type of Street Required	293
Section 11.2.7 Subdivision Streets Disclosure Statement	294
Section 11.2.8 Half-Streets	294
Section 11.2.9 Marginal Access Streets	295
Section 11.2.10 Access to Adjacent Properties	295
Section 11.2.11 Nonresidential Streets	295
Section 11.2.12 Intersections	295
Section 11.2.13 Cul-de-sacs	296
Section 11.2.14 Through Traffic Discouraged	296
Section 11.2.15 Sidewalk Standards	296
Section 11.2.16 Street Names and Name Signs	296
Section 11.2.17 Permits for Connection to State Roads	297
Section 11.2.18 Wheelchair Ramps	297
Section 11.2.19 Private Road Design Criteria	297
Section 11.2.20 Storm Water Drainage	298
Section 11.2.21 Street Lights	299
Section 11.2.22 Water Supply and Sanitary Sewer Disposal System	299
Section 11.2.23 Standards for roads and other utility installation and certification required	299
Section 11.2.24 Other Requirements	300
Section 11.2.25 Required Information	301
Section 11.2.26 Other Documents and Written Information	306
Section 11.2.27 Guarantee of Improvements (Bond Requirements)	308
Section 11.2.28 Wording of Plat Certificates and Statements	309
Section 11.3.Cluster Subdivision	314
Section 11.3.1 Purpose	314
Section 11.3.2 Criteria for Developing a Cluster Subdivision	314
Section 11.3.3 Open Space Areas	316
Section 11.4 Planned Village Development	316
Section 11.4.1 Definition and Purpose	316
Section 11.4.2 Objectives	317
Section 11.4.3 Types of Planned Village Developments	317
Section 11.4.4 Design Concepts	318
Section 11.4.5 Location and Size Requirements of a Planned Village Development	320
Section 11.4.6 Zoning, Master Plan Requirement and Land Use	320
Section 11.4.7 Sketch Plan	321
Section 11.4.8 Preliminary Master Plan	322
Section 11.4.9 Final Master Plan	324
Section 11.4.10 Review Requirements and Conditions of Approval	325
Section 11.4.11 General Requirements	327
Section 11.4.12 Design and Improvement Standards	329

ARTICLE 12: Wireless Telecommunication Facilities

Section 12.1 Purpose and Legislative Intent	331
Section 12.2 Title	331
Section 12.3 Severability	331
Section 12.4 Definitions	331
Section 12.5 Overall Procedures and Desired Outcomes for Approving and Issuing Permits for Wireless Telecommunications Facilities	335
Section 12.6 Exceptions from a Special Use Permit for Wireless Telecommunications Facilities	335
Section 12.7 Exclusions	336

Section 12.8 Special Use Permit Application and Other Requirements for a New Tower or for Increasing the Footprint, Height of Profile or Number of Co-locations of the Structure to be Attached to	336
Section 12.9 Requirements for an Application for the First Antenna to be Attached to an Approved Wireless Telecommunications Structure within the Parameters of an Approved Special Use Permit	345
Section 12.10 Streamlined Requirements for an Application to Co-locate on an Existing Telecommunications Facility within the Parameters of an Approved Special Use Permit Location of Wireless Telecommunications Facilities	347
Section 12.11 Location of Wireless Telecommunication Facilities	352
Section 12.12 Shared Use of Wireless Telecommunication Facilities	353
Section 12.13 Type and Height of Wireless Telecommunications Facilities	354
Section 12.14 Visibility of Wireless Telecommunications Facilities	355
Section 12.15 Security of Wireless Telecommunication Facilities	356
Section 12.16 Signage	357
Section 12.17 Setbacks	357
Section 12.18 Retention of Expert Assistance Cost to be Borne by Applicant	357
Section 12.19 Procedural Requirements for a Special Use Permit	358
Section 12.20 Action of an Applicant for a Special Use Permit for Wireless Telecommunications Facilities	359
Section 12.21 Extent and Parameters of Special Use Permit for Wireless Telecommunications Facilities	360
Section 12.22 Application Fee	360
Section 12.23 Removal and Performance Security	360
Section 12.24 Reservation of Authority to Inspect Wireless Telecommunications Facilities	360
Section 12.25 Liability Insurance	360
Section 12.26 Indemnification	361
Section 12.27 Fines	362
Section 12.28 Default and/or Revocation	362
Section 12.29 Removal of Wireless Telecommunications Facilities	362
Section 12.30 Relief	364
Section 12.31 Periodic Regulatory Review by the Town of Elm City	364
Section 12.32 Adherence to State and/or Federal Rules and Regulations	364
Section 12.33 Conflict with Other Laws	365
Section 12.34 Effective Date	365
Section 12.35 Authority	365

ARTICLE 13: Nonconforming Situations

Section 13.1 Nonconforming Uses and Buildings	366
Section 13.1 Purpose	366
Section 13.2 Key Terms Defined	366
Section 13.3 Continuation of Nonconforming Situations	366
Section 13.4 Nonconforming Lots of Record	367
Section 13.5 Nonconforming Use of Land	367
Section 13.6 Nonconforming Structures	370
Section 13.7 Miscellaneous Nonconforming Situations	372
Section 13.8 Nonconforming Projects	372
Section 13.9 Nonconforming Signs	373
Section 13.10 Violations of Nonconforming Sign Provisions	374

