



**Town of Davidson
Planning Board Regular Meeting
Town Hall and Community Center
Community Room 120
251 South Street
Monday, July 27, 2026 at 6:00 PM**

I. CALL TO ORDER

II. SILENT ROLL CALL AND DETERMINATION OF QUORUM

III. CHANGES TO THE AGENDA

IV. REVIEW/APPROVAL OF MINUTES

- a. Review/Approval of the March 30, 2026 Minutes
Summary:**

V. NEW BUSINESS

- a. 261 South Main Street - Variance Request
Summary:**

- i. Explanation of Quasi-Judicial Proceeding
 - ii. Presentation of Evidence
 - iii. Deliberation and Decision by Board

VI. ADJOURNMENT



**Town of Davidson Board of Adjustment
Minutes
March 30, 2026**

I. Call to Order: The meeting was called to order by Chairman Waller Blackwell at 7:12 p.m. on March 30, 2026.

II. Roll Call, Determination of Quorum

Present Members: Waller Blackwell (Chair), Mendy McNeel (Vice Chair), David Lusk, Rick Pacious (ETJ), Janice Lewis, Heather McClow, Sara Cummings (ETJ), Tom Watson, & Katie Zager

Town Representatives: Andrew Golden (Staff)

III. Changes to the Agenda: None

IV. Review/ Approval of Minutes

A. Review/Approval of the February 23, 2026 Minutes

Motion to recommend approval of the minutes:

- Motion: David Lusk
- Second: Rick Pacious
- Vote: 9-0 (All in Favor, Motion Passed Unanimously)

V. Old Business

A. 14327 E. Rocky River Road – Written Decision

i. Vote on Findings of Fact and Conclusions of Law

Motion to approve the Findings of Fact and Conclusions of Law for 14327 E. Rocky River Road Variance Request:

- Motion: Janice Lewis

- Second: Sara Cummings
- Vote: 5-0 (All in Favor, Motion Passed Unanimously)

VI. Adjournment

Motion to adjourn the March 30, 2026 Board of Adjustment meeting:

- Motion: Janice Lewis
- Second: Katie Zager
- Vote: 9-0 (All in Favor, Motion Passed Unanimously)

There being no further business before the Board, the meeting was adjourned at 7:13 p.m.

Approved:

Waller Blackwell

Chair of the Board of Adjustment



MEMO

Date: 07/16/2026
To: Board of Adjustment
From: Andrew Golden, Transportation Planner
Re: 261 South Main Street – Variance Request for Permitted Use

1. INTRODUCTION

APPLICANT INFO

- **Applicant:** Davidson United Methodist Church (DUMC) Board of Trustees, Represented by: Andrea Venus & Leslie Thomas
- **Owners:** Davidson Methodist Church
- **Location:** 261 South Main Street, Davidson, NC 28036, Parcel: 00701711
- **Area:** 2.50 Acres
- **Planning Area:** Village Infill, Local Historic District Overlay

The subject site is currently occupied by a church and single family home.

2. DESCRIPTION OF REQUEST

DUMC owns the single-family residence at 261 South Main Street or “Goodrum House” (property). The DUMC Board of Trustees intend to rent said property to a long-term business, operating under the Professional Services use definition in the Davidson Planning Ordinance (DPO). In the Village Infill Planning Area, Professional Services are only allowed on corner lots. Because the property is not situated on a corner, the applicants seek relief through a variance from the corner lot location requirement per **DPO Section 3.2.28** and **Table 2-13**.

3. ANALYSIS

Below is a summary of the relevant standards, along with an explanation of how the proposal seeks to modify those standards:

SECTION 16: DEFINITIONS

“Professional Services: *Services that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical service to others. Uses include accounting, tax, bookkeeping, and payroll services; advertising media, and photography services and studios, architectural, engineering, and related services; broadcast facilities (without towers); consulting services; employment agencies; financial consulting, including investment banking, securities, brokerages and insurance related services but excluding banks, credit unions or financial institutions; graphic, industrial and interior design services; legal services; personal trainers; real estate services; travel agencies; and tutoring services.*”

3.2.28 PROFESSIONAL SERVICES

"1. In the Village Infill Planning Area professional services shall be permitted in storefront and detached house building types, but only in locations where storefront building types are allowed."

TABLE 2-13 VILLAGE INFILL ALLOWED BUILDING TYPES

"Storefront buildings shall be permitted on vacant corner lots only and shall not exceed 2,500 square feet per story. A corner lot must be vacant for 12 months before a storefront building would be permitted."

The applicant filed a variance request per Section 14.21 of the DPO. This section grants the Board of Adjustment the right to hear and decide requests for variances from the DPO pursuant to these regulations and in accordance with NCGS 160D-705(d). To grant a variance for the applicant, the Board of Adjustment must determine, based on the evidence provided, that all four findings of fact are in the affirmative:

1. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

NCGS 160D-705(d) also indicates that "appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance."

Other relevant facts:

1. The Goodrum house currently lies within the same parcel as the DUMC building (PID: 00701711). The applicant intends to submit a recombination and move the small adjacent parcel (PID: 00701719) to create a separate lot encompassing only the Goodrum house.
2. The property is a contributing structure to the National Register of Historic Places. This does not impact uses.
3. The property lies in the Local Historic District. This overlay district does not impact uses.
4. Allowed uses for the property include Place of Assembly, Residential, and Family Care Home. Bed & Breakfast and Day Care Home are allowed with additional requirements.

4. CONCLUSION & PROCESS

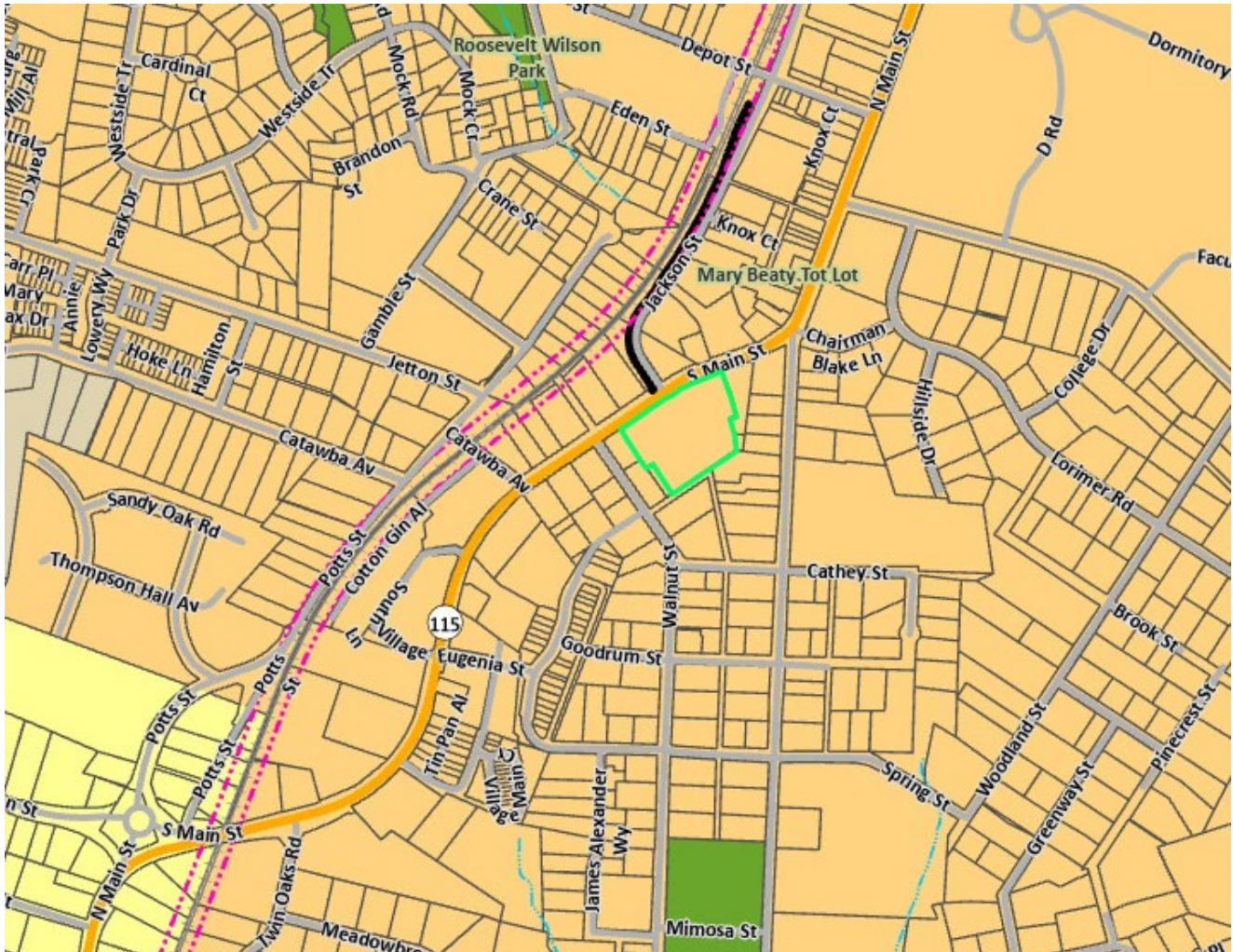
The applicant is requesting a variance to permit Professional Services use within a detached house situated on a non-corner lot in the Village Infill Planning Area. Because Professional Services use is permitted only in locations where storefront building types are allowed, and storefront buildings are restricted to corner lots, a variance from the Board of Adjustment is required in order to legally lease the property for Professional Services use.

Should the Board approve the variance, the property would still be subject to all applicable Mecklenburg County building codes.

5. EXHIBITS

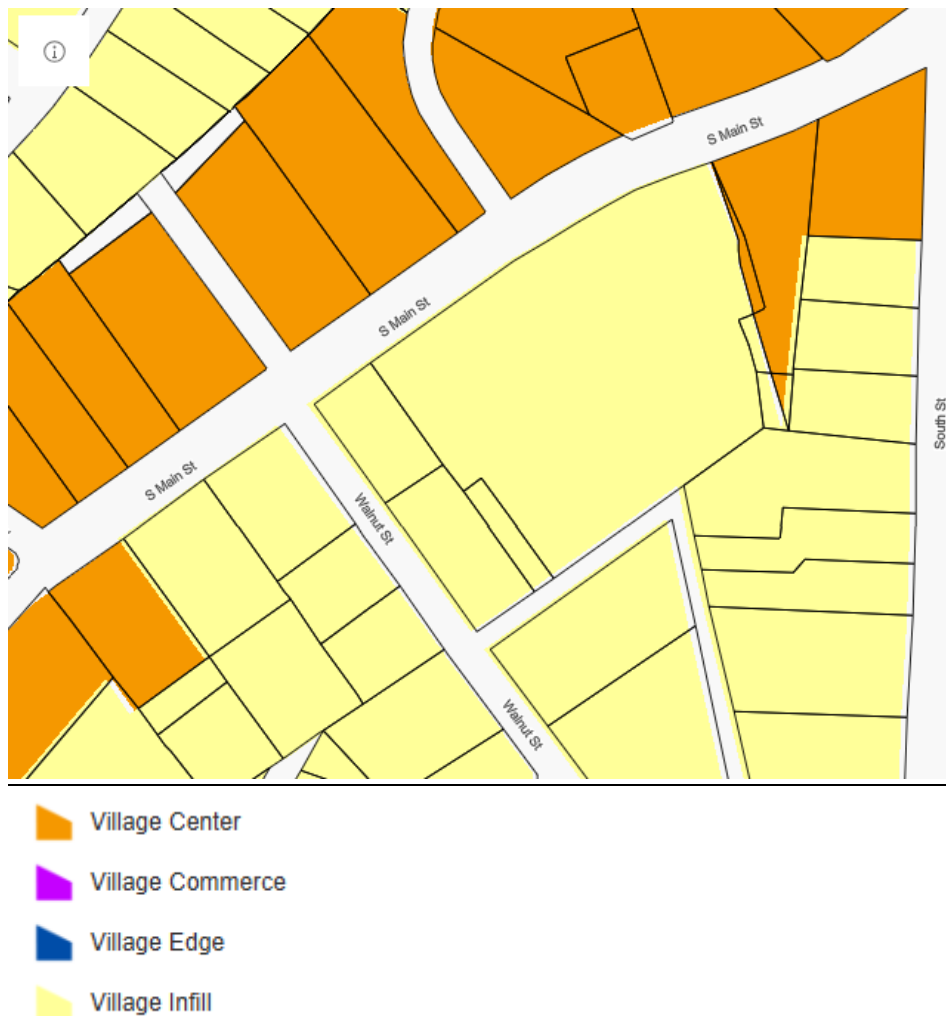
Exhibit A:	Variance Application
Exhibit B:	Site Plan
Exhibit C:	DPO Section 2
Exhibit D:	DPO Section 3
Exhibit E:	DPO Section 16

6. Vicinity Maps





Planning Areas



Village Center: DPO 2.2.1

The Village Center Planning Area is established to protect and cultivate the unique environment of Davidson's historic downtown. It is the community's commercial, civic, cultural, and transportation hub. The Village Center should include places for public gatherings, civic and cultural events, and public art. Infill development must complement the traditional built environment and encourage small, independent retailers. New development in the Village Center Planning Area should be multi-story, multi-use, and transit supportive.

Village Infill: DPO 2.2.4

The Village Infill Planning Area comprises Davidson's traditional, residential neighborhoods and provides for infill development surrounding the historic town center. Streets, sidewalks and greenways in the Village Infill Planning Area must be interconnected. A range of housing types is encouraged: For Master Plan projects on lots over three acres a mix of at least two different building types is encouraged.

Additionally, small retail establishments are permitted on corner lots, with restrictions. This encourages the provision of small-scale retail and service uses for surrounding residential areas. Buildings are restricted in size to promote a local orientation, to be pedestrian-oriented, to be compatible with the scale of surrounding residences, and to limit any adverse impacts on residential development.



Board of Adjustment

Application for Variance from the Davidson Planning Ordinance

Appeals and Variances shall follow the rules and procedures set out in NCGS Section 160D-705. Additionally, see Section 14.21 of the Davidson Planning Ordinance (DPO).

Davidson United Methodist Church Trustees
I/We _____, hereby petition the Board of Adjustment for a variance from the requirements of the Town of Davidson Planning Ordinance, because pursuant to the Planning Director's interpretation, I am prohibited from using the parcel of land described in this application in a manner I have proposed.

Project Information

Please attach additional documentation if necessary

Name of Project: Historic Goodrum House Planning Exception

When completing this application, please keep in mind the following are not cause for a variance: 1) Other nonconformities or conforming uses of land or structures in the same or other planning areas; 2) A request for a particular use expressly, or by inference, prohibited in the planning area; 3) The fact the property may be used more profitably with a variance; or 4) The need for the variance is self-created.

Tax Parcel(s): 00701711 currently parceled with our main campus, we are seeking a recombination and a separate parcel number

Acreage: 2.5 acres inclusive of our main campus

Existing Planning Area (and Overlay District, if applicable): Village Infill Planning Area

Master Plan or Conditional Plan (if applicable):

VARIANCE: I/We, request a variance from the following provisions of the Planning Ordinance:
Please see attached.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

FINDINGS OF FACT: The Board of Adjustment ("The Board") is a quasi-judicial board, which means it functions similarly to a court or judge. The Board has limited discretion in deciding whether to grant a variance, and must determine a case based on four findings of fact presented as sworn evidence or testimony at the hearing. Calls or conversations with board members outside the hearing are not permitted and must be disclosed if they occur, and may be grounds for overturning any decision made by the board.* Below are findings of fact the Board must determine in the affirmative before it can issue a variance from the ordinance. The applicant bears the burden of providing competent, substantial and relevant evidence to convince the board that the property meets the statutory standards for a variance. When completing the findings of fact questions keep in mind the following are not cause for a variance: 1) Other nonconformities or conforming uses of land or structures in the same or other districts; 2) A request for a particular use expressly, or by inference, prohibited in the planning area; 3) The fact the property may be used more profitably with a variance; or 4) The need for the variance is self-created.

- 1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Please see attached.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

Please see attached

- 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Please see attached.

- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Please see attached.

*Meeting packets may be distributed to the applicant and board prior to the hearing.

TRANSCRIPT NOTICE

If a verbatim transcript of the Board of Adjustment hearing on this matter is requested, the production of said transcript shall be at the expense of the applicant.

APPEAL OF THE DECISION OF THE BOARD OF ADJUSTMENT

Any decision made by the Board of Adjustment may be appealed to Superior Court within thirty (30) days of the date of receipt of the Order of the Board by the applicant.

I/We hereby dispose and say that the information contained herein and herewith is true and accurate to the best of my/our knowledge and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Planning Department.

DUMC Board of Trustees, Leslie Thomas, Chair

Signature of Applicant

May 26, 2026

Date

Signature of Property Owner (if different from applicant)

Application Requirements

Name of Project: Historic Goodrum House Planning Exception

Date Received	Item
5/26/26	Application fee per Town of Davidson Fee Schedule (Due upon submittal of application).
//	Contact Information (Included in Form).
//	Application Request (Included in Form).
//	Description of the Request (Included in Form).
	Findings of Fact (Provided by the Board of Adjustment to the applicant, following the public hearing).
	Scaled Site Plan on 11"x17" media, including notations of all variance requests (Due upon submittal of application).
	Names, mailing addresses and tax parcel identification of all adjacent property owners, including properties either abutting or directly across a street, alley, or other vehicular right-of-way.
	Notice to neighboring property owners (Unsealed, stamped, addressed letter containing notices to all property owners due upon submittal of application, with the town as the return address).
	Additional requirements as listed below:

As the applicant, I hereby confirm that all the required materials for this application are authentic and have been submitted to the Town of Davidson Planning Department.

DUMC Board of Trustees, Leslie Thomas, Chair

Applicant's Signature

May 26, 2026

Date

Contact Information

Name of Project: Historic Goodrum House Planning Exception

Applicant's Information

Name: Andrea Venus, For DUMC Board of Trustees

Email: avenus@davidsonumc.org

Mailing Address: 233 South Main Street
Davidson, NC 28036

Business Phone: 704 892 8277 Mobile Phone: 704 728 2576

Property Owner's Information

(If different from applicant)

Name: Davidson United Methodist Church

Email: _____

Mailing Address: _____

Business Phone: _____ Mobile Phone: _____

Attorney's Information

(If parties have legal representation)

Name: _____

Email: _____

Mailing Address: _____

Business Phone: _____ Mobile Phone: _____

Hearing Process

Name of Project: Historic Goodrum House Planning Exception

This process is drawn from GS 160D-705, the State Statute governing appeals and variances.

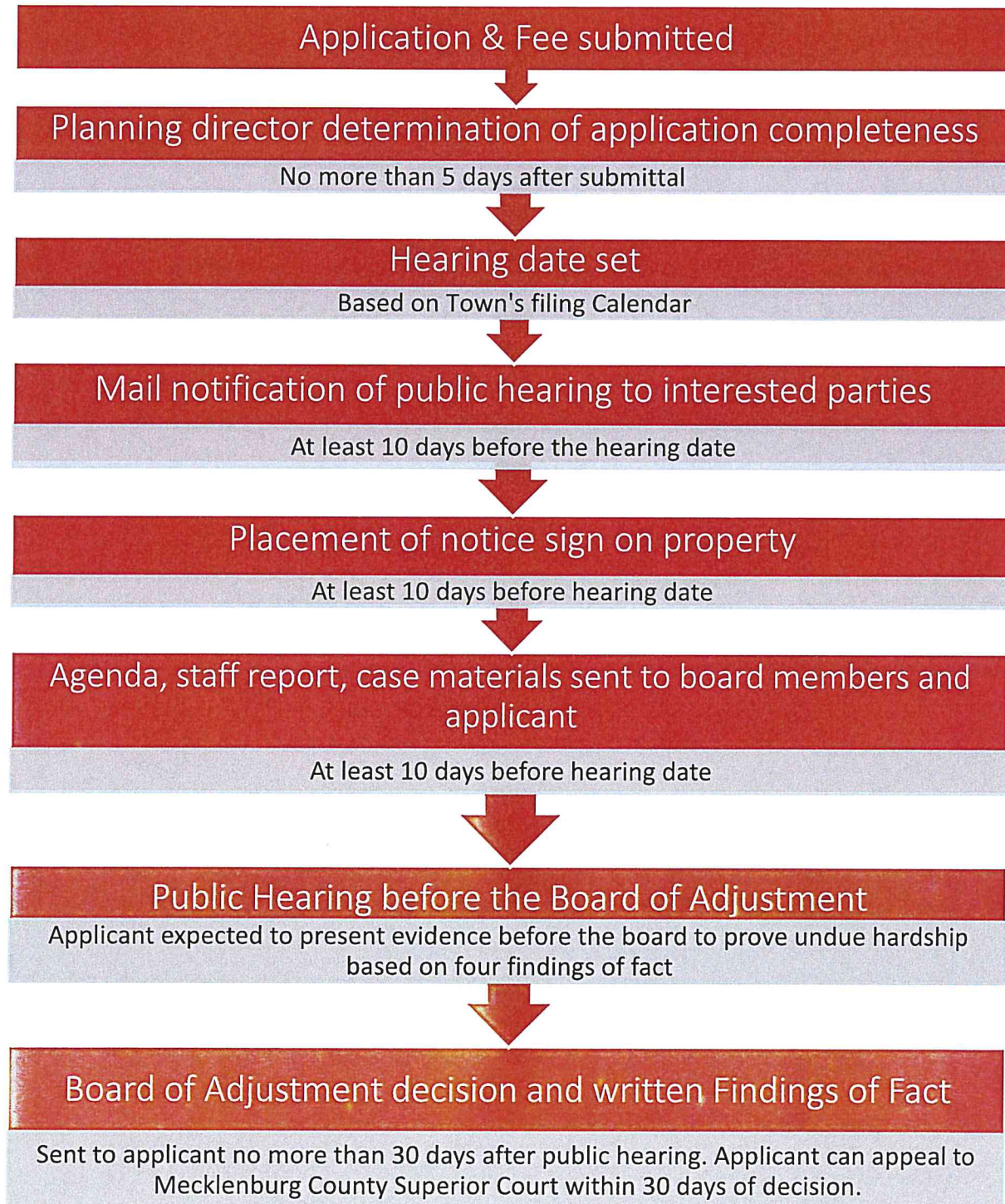
Date Completed	Action
	Application and Fee submitted
	Planning director determination of application completeness (no more than 5 days after initial submittal).
	Hearing Date Set (based on filing calendar, see Board of Adjustment webpage).
	Mail notification of Public Hearing to Interested Parties (Between 25-10 days before the hearing date)
	Placement of notice sign on property (Between 25-10 days before the hearing date)
	Agenda, Staff Report, Case Materials sent to board members and applicants (At least 10 days before the hearing date)
	Board of Adjustment Public Hearing: Applicant is expected to present evidence to the board to prove undue hardship, based on the four findings of fact laid out in GS160D-705. Anyone presenting evidence at the public hearing shall be sworn in by the chair.
	Board of Adjustment Decision and Written Findings of Fact (Sent to applicant no more than 30 days after the public hearing).

APPEAL OF THE DECISION OF THE BOARD OF ADJUSTMENT

Any decision made by the Board of Adjustment may be appealed to Superior Court within thirty (30) days of the date of receipt of the Order of the Board by the applicant.

Board of Adjustment Hearing Process - Flowchart

Name of Project: _____



In the table below (or in an attached document), please list the names, mailing addresses and tax parcel identification of all contiguous property owners, including properties either abutting or directly across a street, alley, or other vehicular right-of-way.

[illegible]

Notice Letter Template



(Month, Year)

From: Mr. Jason Burdette, Planning Director
Town of Davidson
251 South Street
P.O. Box 579
Davidson, NC 28036

Re: (Address)
Name of Project

(Acreage) acres located at (Address), Davidson, NC; Tax Parcel Number (Tax Parcel Number).
Project Location

The Board of Adjustment of the Town of Davidson will hold a public hearing pursuant to NC General Statute 160D-705 on **(Date)** immediately following the Planning Board meeting (scheduled start **(time)** p.m.) at Davidson Town Hall and Community Center, 251 South Street, Davidson, North Carolina, to hear public comments on a request for a variance.

The variance requests relief from **(Briefly list and describe ordinance sections)**. You are being notified as an adjacent property owner.

Information about the proposal can be found on the Board of Adjustment webpage on the Town of Davidson Planning Department's website.

Jason Burdette, AICP
Planning Director
Town of Davidson

Application for Variance Exception for Historic Goodrum House, 261 South Main Street

Request for Variance:

The Trustees of Davidson United Methodist Church request a variance exception for the property at 261 South Main Street, "The Goodrum House." Currently, the 1920 historic property, which is part of the Village Infill, is eligible to serve as a Place of Assembly. The requested exception would be to allow the property to house a Professional Services Business, defined in section 3.2.28. Since the property is located on Main Street between the Downtown and South Main business districts and amongst a row of buildings that are business and retail establishments, the property is well-suited to house a Professional Services Business. This exception, if granted, is also in keeping with our understanding of the Town's vision to activate and develop the business districts of South Main Street and North Main Street. The church seeks to rent to a locally valued business as a long-term occupant, which will benefit the community and allow the church to gain rental income to defray the costs of maintaining the now vacant historic property.

Question 1)

Strict application of the current planning designation as a Place of Assembly would make a school the natural occupant of the Goodrum house. However, town planning has indicated that a school would raise additional issues due to traffic and other concerns. The entrance's front door is in close proximity to the street, which is heavily trafficked, and therefore introduces safety concerns for children. Therefore, a business that creates only modest traffic, utilizes our off-street parking, and presents an attractive presence on the historic Main Street property is better suited to the location.

With a shortage of locations for professional business expansion on Main Street, the Town of Davidson Economic Development Director Kim Fleming referred a respected local business to the church as a prospective tenant. We are seeking to accommodate that referral, or another similar business, with this request. Neighboring properties are used similarly to our request, Knotty and Board, Artisan Builders, and Whits.

Question 2)

Positioned facing Main Street with retail business Knotty and Board on one side of the property and the church driveway/parking lot entrance on the other, the location shares its off-street parking with the church lot. The church drive and lot also connect with Walnut Street, which makes the location function much like a corner property. Further, most of non-church buildings in similar positions on Main Street are businesses- Knotty and Board, Whit's, and Artisan Builders. We seek to allow the same uses as the current trends of South Main Street.

Question 3)

The 261 South Main Street location was originally surrounded by residential properties, but now it sits on the bridge between Davidson's business districts. The property is contributing to the NC Historical Registry and

benefits the Town. Davidson has changed and grown around its historic buildings – many which were once a residence; now they are mostly businesses. Thus, the character and use of the district has changed.

261 South Main Street has been held in the Davidson United Methodist land portfolio for decades, during a time that the church has also experienced significant changes. Like most American churches, Davidson UMC has experienced a decline in membership, as well as a decline in financial giving. With a smaller church staff, the location is no longer required for office workers, which was its previous purpose. The Church is choosing to rent the building so that the cost of properly maintaining a historic property may be offset by rental income. The Trustee's desire is to keep this circa 1920's structure in excellent repair and to use the property in a manner that benefits the community. If this variance exception is granted, the church's LLC will also begin paying local taxes on the property, contributing to the town's tax base.

Question 4)

The Town of Davidson has a beautiful historic Main Street with a growing pedestrian presence. Extending the business district from Downtown North Main to the South Main district will encourage citizens and visitors alike to visit our local businesses, traversing the entire developed area. A professional business housed at the Goodrum House would allow the church to maintain and preserve the historic property, and its visitors and participants will visit our restaurants, support our local shops, and contribute to the prosperity of our community.

In the spirit of equity, we request that the Trustees be permitted to host a professional service business since other buildings in the proximity house businesses like Artisan Homes, Whits, Knotty and Board, and the proposed Tapas bar. Further, as aforementioned, the location seems far better suited for businesses in the professional services category, rather than a school or day care for which the traffic on Main Street might represent an additional safety concern for participants and residents.

Vendor: The Town of Davidson
For: variance request application fee - Goodrum
Date: 05/26/2026
Amount: 500.00
OGB-555518-000 Property Develo

#0 500.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER



DAVIDSON UMC
PO BOX 718
DAVIDSON, NC 28036
(704) 892-8277

UNITED COMMUNITY BANK
64-1284/611

1229

PAY
TO THE
ORDER
OF

FIVE HUNDRED DOLLARS AND NO CENTS
The Town of Davidson

DATE	AMOUNT
05/26/2026	500.00

VOID AFTER 90 DAYS

Shaun A. Payne

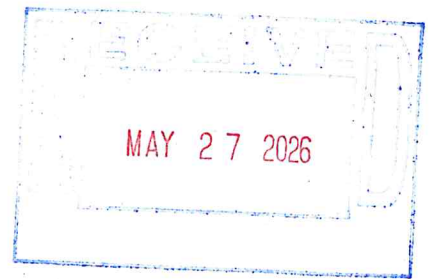
MP

MP

For: variance request application fee - Goodrum

VOID WHEN MADE
FADING WITH HEAT

⑈001229⑈ ⑆061112843⑆ 2528961038⑈



Security Features Included Details on back

Chapel 304
1926 S Main St
0.55 acres
3771 sf



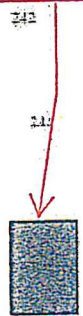
Molly McKay House 260
1911 S Main St
.56 acres
4716 sf



Goodrum House 261
1936 S Main St
?? acres
1824 sf



Personage 252
1900 South St
0.518 acres
1872 sf



Dale House 215
1940 Walnut St
0.305 acres
1585 sf



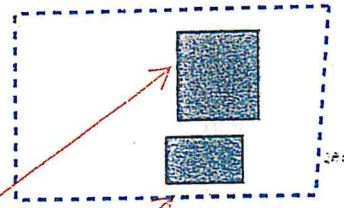
White House 241
1901 Walnut St
0.517 acres
1318 sf



Congregational Care 262
1900 South St
0.42 acres
1922 sf



Rental
1901



USES WITH ADDITIONAL REQUIREMENTS

3

3.1 PURPOSE & APPLICABILITY

There are certain uses which, by their nature, have the potential to create adverse impacts on nearby properties. It is the purpose of this section to allow such uses by establishing standards that mitigate the impacts of their design or operation. The specified standards are intended to ensure that these uses fit the vision of the planning areas in which they are permitted, and that these uses are compatible with other development permitted within the planning area.

3.1.1 USES PERMITTED WITH ADDITIONAL STANDARDS

- A. Uses listed in the Permitted Uses Tables in Section 2 as Uses Permitted with Additional Requirements (AR) shall comply with the additional criteria set forth in this section for such uses in addition to other applicable criteria contained in this ordinance. Such uses are permitted by-right provided they meet the specific additional standards set forth in this section.
- B. Approval procedures for uses permitted with additional requirements are found in Section 14.

3.1.2 TEMPORARY USES

- A. Uses listed in the Temporary Use Table in Section 3 shall comply with the additional criteria set forth in this section for such uses in addition to other applicable criteria contained in this ordinance. Such uses are permitted by-right provided they meet the specific additional requirements set forth in this section.
- B. Approval procedures for uses which require a Temporary Use Permit are found in Section 14.

SECTIONS

3.1 PURPOSE & APPLICABILITY	PAGE 3-1
3.2 ADDITIONAL REQUIREMENTS	PAGE 3-2
3.3 TEMPORARY USE STANDARDS	PAGE 3-14

3.1.3 GENERAL PROVISIONS

A. Separation Requirements

1. Separation requirements are included in this chapter for certain uses which, by their nature, tend to have a blighting effect upon surrounding properties when they are permitted to cluster in groups of more than one such use, or when they are located too near adjacent sensitive uses.
2. When separation requirements are established, the distance specified shall be measured as a straight line on a map, not street distance.
3. When separation requirements are established from specific uses, the distance specified shall be enforced from any buildings used for the purpose identified and any off-street parking areas associated with such uses.
4. Any use lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a different use from which a separation requirement is established in this chapter.

B. **Conflict with Other Regulations:** If there is a conflict between the standards set forth in this chapter and any other requirements of this ordinance, the most restrictive standard shall control, except that in the event of any inconsistency between this chapter and the use listings found in Section 2, then Section 2 shall control.

C. **See additional requirements:** In Section 4 for each building type, including accessory structures.

3.2 ADDITIONAL REQUIREMENTS

3.2.1 ACCESSORY DWELLING

1. The principal use of the lot shall be a detached house or townhouse built to the standards of this ordinance, the North Carolina State Building Code and all other applicable state and local ordinances.
2. The accessory dwelling shall be in an accessory structure subject to the requirements of Section 3 and clearly subordinate in size to the principal structure.
3. No more than one accessory dwelling shall be permitted on a single lot.
4. The accessory dwelling shall be owned by the same person as the principal dwelling unit.
5. In the Village Infill, the accessory dwelling shall not be served by a driveway different from the one serving the principal dwelling unit. A driveway serving the principal dwelling unit may be extended to the accessory dwelling.
6. A minimum of 10 feet shall be maintained between the principal structure and the accessory dwelling.
7. If the principal dwelling is a group home, use of an accessory dwelling shall not increase the number of residents otherwise permitted in a single group home.
8. An accessory dwelling may also include other uses by the resident, including but not limited to, a garage, a workshop, a home occupation and other accessory uses permitted within the applicable planning area.
9. In the Rural Reserve Planning Area such uses are only permitted if there is an

accessory structure in conjunction with a detached house or townhouse at the time of the adoption of this ordinance.

3.2.2 ADULT ESTABLISHMENT

1. No adult establishment shall be located within 1000 feet of any other adult establishment.
2. No adult establishment shall be located within 500 feet of any single family home, religious institution, elementary/secondary school, park or day care center.
3. For the purposes of this section, measurement shall be made in a straight line, from the nearest property line on which an adult establishment is located to the nearest property line of the premises of any use listed above.
4. No adult establishment can be located within the following planning areas: Central Business District, Conditional, Employment Campus I, Employment Campus II, Lakeshore, Neighborhood Center I, Neighborhood Center II, Neighborhood Edge, Neighborhood General, Neighborhood Services, Rural, Rural Reserve, Special Use, Village Center, Village Commerce, Village Edge, and Village Infill.

3.2.3 AUTOMATIC TELLER MACHINE (ATM)

1. Such uses shall be permitted as accessory use to a commercial or institutional use only.
2. ATMs shall be incorporated within the primary structure and not within a standalone accessory structure.

3.2.4 BED AND BREAKFAST

1. Such uses shall be located in a detached house (excluding duplex) building type only.
2. An owner/manager of a bed and breakfast shall reside on the property.
3. Such use shall not employ more than two full time employees in addition to the owner/manager.
4. Such uses shall only serve meals to guests staying at the bed and breakfast.
5. Signage shall be limited to a single post and arm style sign with a maximum height of 6 feet with a sign board not to exceed six square feet or a projecting sign or hanging sign not to exceed six square feet. Such sign may be indirectly lighted.
6. No detached house less than 2,500 square feet may be used as a bed and breakfast.
7. One car parking space shall be provided per bedroom. Permitted on-street parking along frontage of the property may count toward this total.
8. The requirements for landscaping and buffering off-street parking in Section 9 shall not apply to bed and breakfasts. Off-street parking must be screened from adjacent residential uses by a six foot high wall or fence, or by evergreen shrubs at six feet on center and a minimum three feet high at planting with a maturity height of not less than six feet, or by a combination of these options.

3.2.5 BREWERY, LARGE

1. Structure must be a minimum of 300 hundred lineal feet from any residential dwelling unit on a residentially zoned property, as well as 300 hundred linear feet from any school or religious institution.
2. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed 25 percent of the gross floor area of all buildings on a lot.
3. Outdoor storage uses shall be screened from view from any public right-of-way and from all abutting properties by a landscape screen in accordance with the provisions of Section 9.

3.2.6 CAMPER/TRAILER/RECREATIONAL VEHICLE

1. A camper/trailer/recreational vehicle shall be an accessory use used for temporary lodging in designated campgrounds only. One unoccupied camper/trailer may be stored in the rear yard.

3.2.7 CEMETERY

1. A cemetery in the Rural Planning Area shall only be permitted as an accessory use to a religious institution.

3.2.8 COLLEGE/UNIVERSITY

1. All principal structures shall meet the standards for institutional buildings set forth in Section 4
2. Permanent parking lots shall be placed and screened in accordance with the standards for off-street parking areas in Section 8.
3. Dust-free, pervious surface areas are encouraged for overflow or event parking. Such areas are not required to conform to the parking requirements of Section 8, if they are maintained in a natural condition (i.e. as a grass field).
4. A transportation impact analysis must be provided in accordance with Section 6 for all new colleges/universities.

3.2.9 COLUMBARIUM

1. A columbarium will be permitted as an accessory use or structure to a Religious Institution, with additional requirements.
2. Wall Columbarium: Shall not be located on a street facing façade.
3. Freestanding Columbarium:
 - a. Shall not be greater than six feet in height, including all structural borders and/or any ornamentation atop the columbarium.
 - b. The size of the columbarium site, including benches and walking paths around the columbarium, shall not exceed a total of 2,500 square feet. A columbarium site over 500 square feet shall require Design Review Board review.

3.2.10 COMMERCIAL, SECONDARY

For all kennel-commercial, the outdoor containment of animals shall be at least 250 feet from all abutting properties, street rights-of-way and greenway easements.

3.2.11 COMMERCIAL SERVICES

1. In Neighborhood General and Village Infill Planning Areas Commercial/Office/Retail Uses other than Home Occupations shall be permitted in a storefront building type only.
2. In Employment Campus I and Employment Campus II commercial services shall be permitted in storefront and workplace building types only and shall be permitted on the ground floor(s) only.

3.2.12 CONTAINMENT DEVICES

Containment devices for trash and recyclables (including compactors, dumpsters, roll-out containers and areas for storing cardboard) may be permitted as an accessory use to any principal use provided:

- a. Such uses must be screened in accordance with Section 9.
- b. Such uses must be located in accordance with Section 4.
- c. Such uses must conform to the Mecklenburg County Health Department regulations.
- d. Such uses must contain gates to allow for access and security.
- e. Such uses allocate equal space for garbage and recycling containers.
- f. Such uses may be distributed throughout the development.

3.2.13 CULTURAL/COMMUNITY CENTER

1. A cultural/community center property shall not exceed one acre in size. The area restriction shall include all contiguous property owned or controlled by the cultural/community center owner and all other property owned or controlled by the cultural/community center owner that is located within 1,320 feet (1/4 mile) of any portion of the cultural/community center property, including parking and accessory structures and uses.
2. A cultural/community center is a place of assembly, as defined.

3.2.14 DAY CARE CENTER

1. Any outdoor play space must be enclosed on all sides by building and/or permitted types of walls/fences and may not be located in the front yard. Outdoor play space may not include driveways, parking areas or land otherwise unsuited for children's play space.
2. There is no limit to the hours of operation for such facility, but such facilities shall not

serve any client on a continuous 24-hour basis.

3. Such facilities shall meet all applicable requirements of Mecklenburg County and the State of North Carolina.
4. All day care centers shall provide sufficient stacking lanes for drop-off and pick-up on the site so that traffic circulation is not impeded on any public right-of-way. An analysis of traffic and stacking areas is required.
5. A transportation impact analysis must be performed in accordance with Section 10.

3.2.15 DAY CARE HOME

1. Day care homes shall be an accessory use only and shall be located within a detached house, excluding duplex, occupied by the operator of the service.
2. The day care home use must be clearly incidental and secondary to the residential use of the dwelling and must not change the essential residential character of the dwelling. All building and lot standards for residential dwellings shall be maintained.
3. Any outdoor play space must be fenced or otherwise enclosed on all sides and may not be located in the front yard. Outdoor play space may not include driveways, parking areas or land otherwise unsuited for children's play space.
4. Such facilities shall meet all applicable requirements of Mecklenburg County and the State of North Carolina.

3.2.16 DAY TREATMENT CENTER

Such uses shall not operate between the hours of 10 PM and 6 AM.

3.2.17 ELEMENTARY AND SECONDARY SCHOOL

1. All principal structures, whether new construction or adaptive reuse shall meet the standards for institutional buildings set forth in Section 4.
2. Mobile classroom units may be permitted as accessory structures in the side yard or rear yard on a lot containing a principal structure.
3. Permanent parking lots shall be placed and screened in accordance with the standards for off-street parking areas in Section 8.
4. Dust-free, pervious surface areas are encouraged for overflow or event parking. Such areas are not required to conform with the parking requirements in Section 8, if they are maintained in a natural condition (i.e. as a grass field).
5. Elementary and secondary schools shall provide sufficient stacking lanes for drop-off and pick-up on the school site so that traffic circulation is not impeded on any public right-of-way. A transportation impact analysis must be performed in accordance with Section 6.
6. Pick-up and drop-off of students shall be designed so students do not have to cross parking lot lanes, driveways or streets.

7. An elementary or secondary school campus shall not exceed 5 acres in size. An elementary or secondary school campus shall include all contiguous property owned or controlled by the school and all other property owned or controlled by the school that is located within 1,320 feet (1/4 mile) of any portion of the school campus.
8. An elementary or secondary school not established at the time of this amendment may not be located within 1,320 feet (1/4 mile) of another elementary or secondary school.
9. An elementary or secondary school is a place of assembly, as defined.

3.2.18 ESSENTIAL SERVICES

1. Utility distribution lines, which deliver service to the end user, and utility transmission lines which deliver service to an area larger than an individual parcel, shall be installed underground, unless subsurface conditions make underground installation impossible or state or federal law preempts the enforcement of this provision.
2. Facilities used for the operation of essential services should, wherever possible be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.
3. Buildings and other structures which cannot adhere to the scale, volume, spacing, setback and typology of existing buildings along fronting streets shall provide an opaque landscape screen in accordance with the provisions of Section 9.7.1 to shield them from view of all public rights-of-way and from abutting properties.

3.2.19 GASOLINE SERVICE STATION

1. Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard abutting a street.
2. No visibly damaged or junk vehicle may be stored outdoors on the property overnight. No vehicle awaiting repair, maintenance, or pick-up may be stored on the property longer than 48 hours.
3. All outdoor areas where vehicles are stored temporarily shall be considered parking lots. Such parking lots must be located at the rear of the building and must comply with the applicable provisions of Section 8.
4. Gasoline service stations shall have a maximum of six pumping stations.
5. A car wash shall only be permitted as an accessory use to a gasoline service station and shall be placed and screened in accordance with the standards for off-street parking areas in Section 8.

3.2.20 HALFWAY HOME

1. No such use may be located within 2,640 feet (or 1/2 mile) of a residential/family care home, residential care facility, or other such use.

2. Halfway homes shall accommodate a maximum of six residents and a maximum of one resident per bedroom.
3. Halfway homes shall meet all applicable North Carolina General Statutes, rules and regulations

3.2.21 HOME OCCUPATION

A home occupation is permitted as an accessory use to any dwelling unit in accordance with the following standards:

1. A home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
2. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure that meets the requirements of this ordinance.
3. The use shall employ no more than one person who is not a resident of the dwelling.
4. A home occupation housed within the principal dwelling unit shall occupy no more than 25 percent of the total floor area.
5. There shall be no display of stock in trade which is sold on the premises visible from the outside of the building.
6. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, unless the equipment or materials are of a type and quantity that could reasonably be associated with the principal residential use.
7. Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.
8. The home occupation shall not utilize mechanical, electrical or magnetic interference, noise, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
9. Home occupations shall be limited to those uses which do not draw multiple clients to the dwelling at the same time on a regular basis.
10. No signage is permitted.

3.2.22 MANUFACTURED/MOBILE HOME

1. Mobile homes are only permitted if they exist on the effective date of this ordinance. The existing mobile home may be replaced with another mobile home less than five years old, of comparable size or larger, and placed on a masonry foundation.
2. All wheels, axles, hitches, lights, and other mechanisms designed for transporting the manufactured/mobile home shall be removed.

3.2.23 MANUFACTURING AND ASSEMBLY, HEAVY

1. Structure must be a minimum of three hundred (300) linear feet from any residential dwelling unit on a residentially zoned property, as well as three hundred (300) linear feet from any school or religious institution.

2. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed 25 percent of the gross floor area of all buildings on the lot.
3. Outdoor storage shall be screened from view from any public right-of-way and from all abutting properties by a landscape screen in accordance with the provisions of Section 9.

3.2.24 MICRO-BREWERY OR MICRO-DISTILLERY

1. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed 25 percent of the gross floor area of all buildings on a lot and shall be screened from view from any public right-of-way and from all abutting properties by a landscape screen in accordance with the provisions of Section 9.
2. Such uses may include a beverage tasting facility if located in the Employment Campus I, Employment Campus II, Lakeshore, Neighborhood Center I, Neighborhood Center II, Neighborhood Services, Village Commerce or Village Edge Planning Areas.

3.2.25 OUTDOOR STORAGE

1. Permitted only as an accessory use in conjunction with a building, no storage area shall be placed in any building setback area or closer than 40 feet from a street right-of-way.
2. All areas established for outdoor storage shall be screened from view from any public right-of-way and from all abutting properties by an opaque landscape screen in accordance with the provisions of Section 9. Wherever security fencing is desired, it shall be placed on the interior side of the screen.
3. A maximum of two trailers, containers, pods or similar storage devices may be allowed as a temporary use. See Section 3.

3.2.26 PARKING AS A PRINCIPAL USE

1. All parking areas shall meet the requirements for parking in Section 8.
2. All parking areas intended to be used as Park and Ride lots must conform to the applicable Charlotte Area Transit System (CATS) standards.
3. Where an above-ground parking structure fronts a public street, the ground level shall be screened by retail, office, or multi-family uses, if permitted in the planning area, in such a way that cars are not visible from the sidewalk. See Section 4 for additional information.
4. In the Village Edge, Village Center and Village Commerce Planning Areas, parking as a principal use must be in a structure (deck/garage) and may not be a surface lot.

3.2.27 PLACES OF ASSEMBLY

All Places of Assembly shall be subject to the following restrictions which are also applicable to Elementary and Secondary Schools (see Section 3.2.16) and to Religious Institutions (see Section 3.2.30)

1. The size of the property used for a Place of Assembly, including all contiguous property and property located within 1,320 feet (1/4 mile) under common (or affiliated) ownership and having substantially similar uses, shall not exceed five acres.
2. No point of the property used for a Place of Assembly shall be located nearer than 1,320 feet (1/4 mile) from any other substantially similar Place of Assembly.
3. In circumstances where a Place of Assembly does not occupy the entire parcel of land under common ownership, the boundaries of property used for a Place of Assembly shall be the smallest area necessary to reasonably accommodate such use in conformity with the requirements of this Ordinance and other applicable laws and regulations.

3.2.28 PROFESSIONAL SERVICES

1. In the Village Infill Planning Area professional services shall be permitted in storefront and detached house building types, but only in locations where storefront building types are allowed.

3.2.29 RECREATION FACILITY, INDOOR

1. Indoor recreation facility shall not exceed 5,000 square feet.

3.2.30 RECREATION FACILITY, OUTDOOR

1. An outdoor recreation facility shall be permitted as an accessory use to a real estate development provided it is or will be controlled by the Home Owners Association.

3.2.31 RELIGIOUS INSTITUTION

1. A religious institution campus shall not exceed five acres in size. A religious institution campus shall include all contiguous property owned or controlled by the religious institution and all other property owned or controlled by the religious institution that is located within 1,320 feet (1/4 mile) of any portion of the religious institution campus, including ancillary cemetery.
2. Religious institutions not established at the time of this amendment may not be located within 1,320 feet (1/4 mile) of another religious institution campus.
3. The following accessory uses and structures are permitted as part of the religious institution campus: church offices, religious bookstores serving the immediate congregation, parking lots, family life centers, indoor and outdoor recreation facilities, accessory dwelling units for persons employed by the religious institution, elementary or secondary schools (must meet the additional requirements of Section

3 and all applicable state and federal regulations), and day care centers (must meet the additional requirements of Section 3 and all applicable state and federal regulations).

4. Applications for building permits for any principal use or accessory use shall include a comprehensive site plan which addresses the required standards and conditions for the entire religious institution campus.
5. Permanent parking lots shall be placed and screened in accordance with the standards for off-street parking areas in Section 6.
6. A transportation impact analysis must be performed in accordance with Section 8.
7. A religious institution is a place of assembly, as defined.

3.2.32 RESIDENTIAL CARE FACILITY

1. Residential Care Facilities designated as (AR) Additional Requirements shall not exceed 10,000 square feet of building area. This requirement does not apply to Residential Care Facilities designated as (P) Permitted by-right.

3.2.33 RESEARCH LABORATORY

1. Research Laboratories designated as (AR) Additional Requirements shall not exceed 10,000 square feet of building area. This requirement does not apply to Research Laboratories designated as (P) Permitted by-right.

3.2.34 RETAIL PRIMARY & SECONDARY

1. In the Neighborhood General and Village Infill Planning Areas retail secondary uses shall be permitted in storefront and detached house building types, but only in locations where storefront building types are allowed.
2. In Employment Center I and Employment Center II Planning Areas, retail primary and secondary shall be permitted on the first floor only.

3.2.35 SOLAR FARM

1. In order to obtain a building permit for a solar farm the applicant shall provide the following:
 - a. Evidence of compliance with all governmental regulations applicable to a solar farm;
 - b. A site plan which includes dimensions of the parcel, proposed arrangement of solar panels, distance from the coverage area to all property lines, fencing, location of driveways and all structures (including, but not limited to, substations, inverters, transformers, and overhead and underground utility and transmission lines);
 - c. An environmental inventory, per Section 9;
 - d. A landscape plan meeting the requirements of this subsection; and

- e. Proof of ownership or control of the property (deed, lease agreement, etc.)
2. Placement of solar panels shall preserve existing features of the land to the extent possible. Special attention should be paid to hedge rows and specimen trees.
3. Solar farms are exempt from any parking requirements if there is no commercial or office building component, but there shall be location(s) suitable for the temporary parking of service and visitor vehicles.
4. The minimum lot size for a solar farm is 10 acres and the maximum land area covered by a solar panel array (including the spacing between solar panels) is 30 acres measured along the perimeter of the outermost solar panels.
5. Setbacks: Minimum setbacks shall be 0', however, a vegetative screen and/or buffer would be required as noted below.
6. Height: Solar farm panels shall have a maximum height of 15 feet, except for poles and overhead wiring. Underground wiring is encouraged. Any accessory structure associated with the solar farm may be one-story and may not be located forward the first row of solar panels.
7. Safety Fencing:
 - a. All solar farms shall be fenced around the exterior of the solar farm with an opaque or semi-opaque fence of earth tone colors which shall be at least 6 feet in height.
 - b. All fencing shall be constructed so as to substantially lessen the likelihood of entry into a solar farm by unauthorized individuals.
8. Screening: A continuous evergreen vegetative buffer shall be present and maintained at all times around the perimeter of the exterior of the fencing and gates fronting on a public road. The purpose of the vegetative buffer is not to screen the solar panels, but to adequately screen any fencing related to the project while preserving the character of the site along all property boundaries. Innovative natural landscaping is encouraged. All screening shall be approved by the Planning Manager.
9. Buffer: Where the property abuts a residential use, a continuous evergreen buffer is required to grow to at least six feet in height within three years, with at least 75 percent opacity at the time of planting. All required buffers shall be approved by the planning manager.
10. Grazing by farm animals is permitted.
11. All signage must comply with Section 11.

3.2.36 STABLES/RIDING ACADEMY

1. Stables must be located at least 100 feet from property boundaries and shall be a maximum of 200 square feet per boarded horse.

2. The maximum number of boarded horses is two horses per acre.
3. Off-street parking, service areas, and buildings which are not used for residential uses, farm purposes, or the stabling of horses, shall be separated by an opaque screen from the view from any street and from abutting properties. The screen may be a natural (landscape) screen in accordance with the provisions of Section 9.

3.2.37 TRANSIT SHELTER

1. Notwithstanding the setback requirements in Section 2, transit shelters may be located within any street right-of-way or within an established yard fronting a street, but may not be located so as to obstruct the sight triangle.
2. A schematic plan must be submitted and approved by the Planning Director and the Charlotte Area Transit System (CATS) Operations Manager. Such plan must comply with the requirements of Section 6 and CATS standards, and must include the following:
 - a. The location of the proposed shelter relative to street, property lines, and established building yards; and
 - b. The size and design of the shelter, including front, side and rear elevations, building materials, and any public convenience or safety features such as telephones, benches, lighting, heating, and/or trash containers.

3.2.38 VOCATIONAL SCHOOL

1. All principal structures shall meet the standards for institutional buildings set forth in Section 4.
2. Permanent parking lots shall be placed and screened in accordance with the standards for off-street parking areas in Section 10.
3. Notwithstanding the above, where the safe transport of students requires functional separation of parking and circulation areas (i.e. transit, auto drop-off, etc.) The location of parking and circulation areas may be modified, so long as those which abut a street are detailed as plazas.
4. Dust-free, pervious surface areas are encouraged for overflow or event parking. Such areas are not required to conform with the parking requirements of Section 8, if they are maintained in a natural condition (i.e. as a grass field).
5. A transportation impact analysis must be provided in accordance with Section 8 for all new vocational schools.

3.2.39 WHOLESALE ESTABLISHMENT

1. The wholesale establishment is not to exceed 10,000 square feet.
2. The wholesale establishment shall not be located within 500 feet of any residential property.

3.3 TEMPORARY USE STANDARDS

3.3.1 GENERAL STANDARDS FOR ALL TEMPORARY USES

The following general standards shall apply to all temporary uses.

- A. Storage of goods in or sale of goods from trailer(s) or vehicles longer than 30 feet on the site are prohibited unless expressly permitted in the table in Section 3.3.2, below.
- B. Temporary uses and all associated parking shall be conducted behind the average established setback line for structures within 300 feet in either direction on the same side of the street.
- C. Notwithstanding the provisions of Section 3.3.2 below, all temporary uses which include temporary off-street parking areas shall require a temporary use permit. Access and parking plans for such uses shall be approved by the Planning Director and made a part of such permit.
- D. Off-street parking areas are not required to comply with the provisions of Section 8; however off-street parking areas shall not be located in front of the temporary use and shall be a dust-free pervious surface.
- E. All signage shall comply with the provisions of Section 11.
- F. Landscaping will be required in accordance with Section 9 for temporary structures that are permitted for more than 6 months.
- G. Board of Health approval, if applicable as determined by the Planning Director, shall be required for certain uses requiring a temporary use permit. When required, such approval must be documented and made a part of the temporary use permit.
- H. At the conclusion of a temporary use, all areas used in conjunction with such use shall be adequately cleaned of all trash and debris.
- I. Notwithstanding the provisions of Section 3.3.2 below, all temporary uses which are proposed to encroach upon any public property or right-of-way shall require a temporary use permit. No temporary use permit shall be granted for such uses except where an encroachment agreement has been approved by the applicable governing agency.

3.3.2 STANDARDS FOR SPECIFIC TEMPORARY USES

In addition to the general standards applicable to all temporary uses set out in Section 3, above, the following table provides specific standards that apply to individual temporary uses.

Table 3-1: Temporary Uses Table				
Temporary Use	Permitted Planning Areas	Temporary Use Permit	Maximum Length of Time per Site and Applicant	Other Conditions
A. Art Market/Gallery Crawl	Village Center, Village Commerce, and College Campus Planning Area	Required	1 day a week for one year; permit may be renewed annually with administrative approval	Such uses must be located on the site of the sponsor business/ organization or on public property with the approval of the appropriate government body.
B. Carnival, Circus, Fair, Festival or Concert	Village Center, Village Commerce, College Campus, and Rural Planning Area	Required	7 days at a time, up to 15 days per year	- Such uses must be sponsored by a local nonprofit (501c3) organization; no such use shall be located within 500 feet of any residential property. - The hours of operation for such uses shall be limited to between 11 AM and 12AM (midnight). Lighting noise, traffic plans must be submitted as part of the temporary use permit.
C. Charitable Activities	All	Not Required	30 days per year	- Such uses must be sponsored by a public agency, religious institution, civic group, school or other charitable, non-profit (501c3) organization. - Such uses must be located on the site of the sponsor organization or on public property with the approval of the appropriate government body.

Table 3-1: Temporary Uses Table				
Temporary Use	Permitted Planning Areas	Temporary Use Permit	Maximum Length of Time per Site and Applicant	Other Conditions
D. Construction or Sales Office (or other structures associated with the development of property)	All	Required	1 year, may be renewed annually with administrative approval.	• Sales offices shall be removed upon the first sale of 90% of the lots or units in the project; AND • Construction offices, and all other structures associated with the development of the property, shall be removed upon completion of construction, the expiration of an unrenewed building permit, or the issuance of a final certificate of occupancy, whichever occurs first. • Such uses must be located on the same site as the development/ construction with which they are associated. • Such structures shall meet the required setbacks for the applicable planning area to extent practicable given the location of existing buildings and improvements on the site and the location of permitted construction areas. • Such structures may not be regularly occupied by anyone except construction or sales personnel.
E. Farmers' Market	Village Center and Village Commerce Planning Area	Required	1 day a week; may be renewed each year with administrative approval.	• Only agricultural products are permitted to be sold. Such uses must be located on the site of the sponsor business/organization or on public property with the approval of the appropriate government body.
F. Garage Sale, Yard Sale or Auction/Pre-Priced Sale	All	Not Required	3 days at a time up to 8 days per year	• Only normal household items may be sold.

Table 3-1: Temporary Uses Table				
Temporary Use	Permitted Planning Areas	Temporary Use Permit	Maximum Length of Time per Site and Applicant	Other Conditions
G. Medical Care Cottage	All	Required	1 year, may be renewed annually with administrative approval for a maximum of 3 years.	• A medical care cottage must be owned or leased by the same person as the principal dwelling unit. • There shall be no more than one medical care cottage per lot. • The medical care cottage shall be subject to the location requirements of Section 4. • The medical care cottage must be designed, equipped, and used solely to provide medical or nursing care, and all aspects of the unit are physically accessible to older or disabled persons. • The medical care cottage may not be converted to any other use and must be removed when the use is no longer needed or at the expiration of the permit.
H. Outdoor Storage of Campers/Trailers/Recreational Vehicles	All	Not Required	6 months	• Such uses shall only be permitted as an accessory use to a residence and shall meet all applicable setback requirements. Campers/trailers/recreational vehicles may be stored in the rear yard only. Outdoor storage of a camper/trailer/recreational vehicle is limited to one per property.
I. Outdoor Storage of Modular Storage Containers	All	Not Required	1 week	• Portable, modular storage containers designed to be transported by a private moving company may encroach within the setback area so long as they are located on a private residential driveway.
J. Pick-Your-Own-Produce Markets	Rural Reserve and Rural Planning Area	Required	60 days per year; The Planning Director may grant a longer duration of time for produce with a longer harvest season.	• N/A

Table 3-1: Temporary Uses Table				
Temporary Use	Permitted Planning Areas	Temporary Use Permit	Maximum Length of Time per Site and Applicant	Other Conditions
K. Sale of Vehicles at a Place of Residence	All	Not Required	60 days per year	- Vehicles such as automobiles, motorcycles, recreational vehicles and other similar vehicles may be sold provided that they are operational and titled to a resident living on the premises. - No more than 1 vehicle may be sold at a time.
L. Seasonal Sales, such as Christmas trees and/or pumpkins	All	Required	45 days per year	All unsold merchandise must be removed at market closing
M. Storage of Construction Equipment	All	Not Required	Duration of construction activity.	Such use must be incidental to construction or development occurring on the site.
N. Any Other Use or Event Not Listed	All	Required	To be determined by the Planning Director based upon the nature of the proposed temporary use and any potential adverse impacts to surrounding properties.	To be determined by the Planning Director based upon the nature of the proposed temporary use and any potential adverse impacts to surrounding properties.
O. Donation containers	None	NA	NA	NA

16

DEFINITIONS

16.1 INTENT

For the purpose of interpreting this ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their everyday meaning as determined by their dictionary definition.

16.2 RULES OF CONSTRUCTION

For the purposes of these regulations, the following rules of construction apply.

- A. These regulations will be construed to achieve the purposes for which they are adopted. Interpretations shall be guided by statements of intent.
- B. In the event of any conflict in standards applying to a project, the standard more consistent with the Comprehensive Plan shall apply.
- C. The words “shall,” “must,” and “will” are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- D. The word “may” is permissive in nature except when used in the negative.
- E. The word “should,” whether used in the positive or the negative, is a suggested guideline.
- F. References to “days” will always be construed to be calendar days, including weekends and holidays, unless the context of the language clearly indicates otherwise.
- G. For purposes of interpreting this ordinance, certain

SECTIONS

16.1 INTENT	PAGE 16-1
16.2 RULES OF CONSTRUCTION	PAGE 16-1
16.3 DEFINITIONS	PAGE 16-3

words, concepts, and ideas are defined below. Except as defined herein, all other words used in this ordinance shall have their everyday dictionary definition.

H. Whenever the Administrator is required or permitted to exercise discretion with respect to any matter subject to this Planning Ordinance, the Administrator shall exercise that discretion in a manner most likely to create result that is consistent with (in the following order of priority):

- 1. The Comprehensive Plan;**
- 2. The Planning Principles set out in the Preface to the Planning Ordinance; or**
- 3. The purpose and intent of the specific Planning Ordinance provision to which the exercise of discretion applies.**

At the request of any person affected by the exercise of discretion by the Administrator and who would have standing to appeal the Administrator's decision, the Administrator shall provide a written statement explaining the basis for the decision in relation to the above standards.

16.3 DEFINITIONS

A

Abandon: To cease the regular use or maintenance of a lot, building, or structure.

Abutting: Having common property boundary or lot line that are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

Accessory Dwelling: A dwelling unit which is located on the same lot as a detached or attached single family house is clearly subordinate in size to the main structure, and is owned by the owner of the principal dwelling unit.

Accessory Structure or Use: A use or above-ground structure that is to a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure; and is located on the same lot as the principal use or structure. In no event shall "accessory use" or "accessory structure" be construed to authorize a use or structure not otherwise permitted in the planning area in which the principal use is located.

Adjacent: Either abutting or being directly across a street, alley or other vehicular right-of-way.

Administrative Decision: Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this G.S. 160D or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

Administrative Standard: A specific objective standard intended to be used by the Administrator in the evaluation of applications which do not require discretionary review. (See also "Discretionary Guideline")

Administrator: The employee(s) or agent(s) designated by the Town Manager to oversee the administration and enforcement of these regulations. For the purposes of this ordinance,

this shall collectively refer to the directors of each department and their subordinate staffs as well as the technical review committee assigned with the task of plan and subdivision review.

Adult Establishment: Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas

and/or the female breast as listed and defined in NCGS 14.202.10 (or any successor thereto).

Affordable Housing:

1. **Purchase:** Housing units which is sold at a purchase price such that the total cost of mortgage principal and interest, property taxes, and homeowners and condominium association fees, any mandatory maintenance fees, and homeowner's insurance does not exceed 30 percent of the maximum specified income levels of purchasers, as established in Section 4. Calculation of housing codes shall be based on projected tax obligations, a 30-year fixed rate mortgage, a five percent down payment, and projected mortgage rates.
2. **Rental:** Housing which is available for rent at an annual rental rate that does not exceed 30% of the respective eligible income amounts to include a utility allowance.

Agriculture: Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, and other similar activities.

Alcoholic Beverage Sales Store: The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use.

Amendment: Any change by the Board of Commissioners to the text of these regulations or the official district maps.

Appliance/Equipment Repair Shop:

An establishment for the care, repair, or refurbishing of small appliances and equipment, such as televisions, computers, cleaning equipment, vacuum cleaners and similar devices within an enclosed building.

Appliance/Equipment Repair Shop:

an establishment for the care, repair, or refurbishment of small appliances and equipment, such as televisions, computers, cleaning equipment, vacuum cleaners and similar devices within an enclosed building.

Arborist: A professional in the field of arboriculture who provides expert advice about trees and other woody plants, their care, preservation, and value.

Arborist, Consulting: A registered member of the American Society of Consulting Arborists or a professional in , their care, safety, preservation and value. The consultant must be able to demonstrate proficiency and credibility through evidence of the following:

1. Documentation of substantial experience in arboricultural practice;
2. Documentation of degree acquisition and/or other forms of certified training.
3. Documentation of a referential record of practice in the field as a consultant through examples of arboricultural consultation problem solving situations.
4. Evidence of current membership in professional organizations within the field of arboriculture such as the National Arborist Association, International Society of Arboriculture, American Society of Consulting Arborists, Council of Tree and Landscape Appraisers, Utility Arborists Association, or Society of Municipal Arborists.

Area Median Income (AMI): The area median income for the Charlotte-Gastonia-Rock Hill, NC-SC HUD Metro FMR Area published annually by the U.S. Department of Housing

and Urban Development.

Arena/Stadium: A structure or facility designed and intended to be used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

Attached House Building Type: Residential buildings that have the outward appearance of detached houses but accommodate three or Four dwelling units sharing common walls, floors, or ceilings within one building. Examples include triplex and quadplex houses. Dwelling units may be located on a single lot of record, or subdivided for individual sale. In certain districts, each unit can also accommodate home occupations, professional offices, and/or limited retail uses. They are appropriate within a wide variety of lot sizes and urban environments.

Automotive Repair: A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work.

Awning: A structure made of cloth, metal, or flexible material affixed to a building in such a manner that it shades windows or doors below, but is not a constructed canopy.

B

Bank/Credit Union/Financial Services:

Establishments that engage in financial transactions that create, liquidate, or change ownership of financial instruments. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, securities/commodity contract brokers and dealers, security and commodity exchanges and investment companies.

Bar/Tavern: A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant.

Includes bars, taverns, pubs, and similar establishments where any food service or entertainment is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included as an incidental use.

Basement: Area of house under roof, under the finished floor elevation. Basement floor area will not be included in FAR calculations.

Bed and Breakfast: A use within a detached house building type, excluding duplex, that consists of renting from one to five dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where meals are provided only to guests. The owners/manager shall reside on-site and employment shall not exceed two full time employees in addition to the owner/manager.

Best Management Procedures (BMPs): A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

1. **Non-Structural BMPs:** Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.
2. **Structural BMPs:** Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

Billiard/Pool Hall: Any place where one or more billiard or pool tables are operated or maintained, except for private family use, whether such place is a social club or a business enterprise operated for profit.

Board of Adjustment: The Board of Adjustment of the Town of Davidson.

Brewery, Large: An establishment where beer and malt beverages are made on the premises at an annual rate of over 15,000 barrels (465,00 gallons) per year. May include beverage tasting facilities

Brewpub: An establishment where food, beer and malt beverages are made on the premises where 40% or more of the beer produced on site is sold and / or consumed on site. Where allowed by law, brew pubs may sell beer "to go" and /or distribute to offsite accounts. Brewpubs must meet all NC ABC laws and other applicable state and/or county regulations.

Buffer (See also Screening): A strip of land with natural or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Buffer, Stormwater: A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized, and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of bodies of water and from the bank of each side of streams or rivers.

Building: Any structure used or intended for supporting or sheltering any use or occupancy, including shelter, housing, or enclosure of persons, animals, or goods.

Building Face: The dominant structural feature of the elevation of any side of a building. For example, the building face of a two story dwelling with one-story porch is the two story elevation of the structure.

Building Lines: Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections there from, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

Building Site (See also Development): An area of land, or property where development is undertaken.

Building Types: Names that are used to describe different categories of structures in accordance with the manner in which they address the street and the types of uses they typically accommodate. The specific building types, as outlined in Section 2, are as follows: Institutional, Detached House, Attached House, Townhouse, Live/Work, Storefront, and Workplace. (Also see specific building type definitions in this section.)

Built-Upon Area (BUA): Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Business Support Services: These establishments provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site PC rental, and office product sales as an incidental use.

C

Caliper: A standard trunk diameter measurement for trees. This measurement is taken 6 inches above the ground for up to and including 4-inch caliper size, and twelve inches above the ground for larger sizes.

Canopy: A permanent structure, not enclosed and not retractable, attached or unattached to a building, for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall.

Car Wash (Accessory Use Only): An automated or staffed facility used for the

cleaning and detailing of automobiles as an accessory use to a gasoline service station.

Cemetery: A parcel of land used for internment of the dead in the ground or in mausoleums.

Certificate of Appropriateness: A Certificate of Appropriateness is required from the Historic Preservation Commission when an owner of a structure within the local historic district wants to make changes to the exterior of their property. The certificate grants permission to follow through with proposed work that is compatible with the Historic District Guidelines.

Change of Use: The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

Close: A front space for buildings interior to the block. The close is a superior alternative to the cul-de-sac, as the focus is a green rather than vehicular paving. Close is one of the Park types established in Section 7.4.2.

College/University: A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level, and granting degrees or diplomas at the associate, baccalaureate, or graduate levels.

Columbarium: A structure of vaults lined with recesses for urns containing cremated human remains, or any other structure or space, including a space of ground, used or intended to be used for the placement of urns containing cremated human remains.

Commencement of Construction: The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction"

does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

Commercial Communication Tower: A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures used only for commercial wireless communication. This term shall not include radio transmission facilities for use by ham radio operators or 2-way local radio facilities for business or governmental purposes.

Commercial, Primary: Uses that provide personal or business services, such as animal hospital or veterinary clinic with no outside facilities; automobile accessories and supplies (excluding installation); banquet/meeting facility; business support services; catering establishment; conference center; entertainment venue, including live music, dancing, or comedy; health club; hotel/inn, including conference center as accessory use; and printing, lithographing, or publishing.

Commercial, Secondary: Uses that by their nature or service characteristics are auto dependent, have potential for environmental degradation, or are otherwise incompatible with nearby uses. Uses include animal hospital or veterinary clinic with outside facilities; automotive repair and service; contractor, plumber or electrician supply yards with office and service as auxiliary uses; funeral home/mortuary; kennel – commercial; research laboratory and development facilities whose products or waste products entail no special environmental handling requirements; marina – commercial; nursery/garden center; and wholesale establishments.

Commercial Services: Uses that provide personal services often in small storefronts, such as appliance or computer repair; bank,

credit union, or financial institution; cosmetic services, including hair and nail salon and barber shop; clothing alterations, tailoring and dressmaking; dry cleaning or laundry services, including coin-operated laundries, but not including industrial dry cleaning or laundry; day spa; healthcare, medical, dental, optical, or auditory clinics (outpatient only) or laboratories; locksmith; massage therapy; non-permanent make-up services; pet grooming; private postal services; shoe repair; and weight loss center.

Includes the small-scale production and processing of painting, sculpture, pottery, musical instruments and photography; individual and group instruction and training in the arts; production rehearsal; martial arts training studios; yoga, and similar instruction.

Commercial, Restricted: A retail or personal service establishment that may tend to have a blighting and/or deleterious effect on surrounding areas and that may need to be separated from other similar uses to minimize its adverse impact. Uses include billiard/pool hall, check-cashing service, piercing or tattoo parlor and similar services; palmistry; and pawnshop, including lending of money on security of pledged goods. These uses may also include accessory retail sales of products related to the services provided.

Community Garden: An exterior area available for the small scale production of vegetables and flowering plants, cultivated by a group with either one large plot or individual plots. Does not include large - scale crop production nor wholesale or retail nursery and garden center. Community Garden is one of the Park types established in Section 7.4.2.

Community Support Facility: A non-profit or government facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services.

Conference Center: A facility for hosting meetings, conferences, banquets and similar

events usually for 500 persons or less. A conference center may or may not be an auxiliary use to a hotel.

Convention Center: A large building or group of buildings designed for public assembly such as conferences, meetings, conventions, trade shows and exhibitions for large groups, usually more than 500 persons, to promote and/or share common interests. Convention centers may include auditoriums, concert halls, exhibition space, lecture halls and meeting rooms, administrative offices, parking facilities, hotel accommodations, food preparation and serving, and other similar uses.

Consultant: Certified professionals such as engineers, arborists, biologists, foresters and horticulturists that are approved by the Administrator; one who gives professional or expert advice.

Copy: Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

Correctional Institution: A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24 hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

Courtyard: For single-family detached building types, courtyard means an unroofed area that is bound on at least three sides by roofed interior spaces, provided the two opposing walls are each at least 10 feet in depth. For non-single family detached building types, see Section 4 for courtyard standards.

Critical Area: The area adjacent to a water supply intake where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area of the Lake Norman Watershed is shown on the Watershed Overlay District map.

Critical Root Zone (CRZ): A circular region measured outward from a tree trunk

representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is a foot of radial distance for every inch of tree DBH, with a minimum of 8 feet.

Cultural/ Community Center: Facility designed, intended or used to promote cultural advancement and serve the community, such as musical dance, dramatic, and other live performances, a library, or museum.

D

Day Care Center: A location providing day care, as a principal use or an accessory use, provided on a less than 24-hour basis for any one client, either children or adults, according to the following limiting definitions:

1. **Child Day Care Center:** An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; usually serving more than 6 children at a time; not an accessory to residential use.
2. **Adult Day Care Center:** An individual, agency, or organization providing supervision or care on a regular basis; usually for more than 6 adults in a place other than their usual abode; not an accessory to residential use.

Day Care Home: Day care provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

1. **Child Day Care Home:** Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 8 children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.
2. **Adult Day Care Home:** Care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a

resident of the dwelling, for up to 8 adults who do not reside in the dwelling.

Day Treatment Center: A state-licensed facility providing behavioral health treatment programs, outpatient care, substance abuse treatment and treatment of mental or nervous disorders. Consumers, or patients, may be residents of their own home, a substitute home, or a group care setting, however, the day treatment must be provided in a setting separate from the consumer's residence.

Deciduous Plant: Those plants that annually lose their leaves.

Dependent Living Facility: Nursing homes, rest homes, and homes for the aged, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.

Detached House Building Type: The predominant residential building type in Davidson. A dwelling unit that is developed with no party walls and with open yards on all sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles. Typically accommodates single-family residences. In certain districts, they can also accommodate home occupations, professional offices, or limited retail uses. They are appropriate within a wide variety of lot sizes and urban environments.

Determination: A written, final, and binding order, requirement, or determination regarding an administrative decision.

Density, Gross Residential: The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed, excluding existing public road rights-of-way.

Developer: A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by

the landowner to undertake development on that property.

Development: Any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of and as defined in G.S. 160D.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

This definition does not alter the scope of regulatory authority granted by G.S. 160D.

Development Approval: An administrative or quasi-judicial approval made pursuant to G.S. 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development Regulation: A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to this G.S. 160D, or a local act or charter that regulates land use or development.

Diameter at Breast Height (DBH): The tree trunk diameter measured in inches at a height of 4.5 feet above the ground. Generally used for measuring existing trees.

Discharge: The introduction, either directly or indirectly, of any human-induced waste effluent into North Carolina surface waters.

Distillery, Craft or Micro-distillery: An independently owned distillery with maximum production of 50,000 proof gallons per year.

Distribution Center: Establishments engaged in transferring, loading and unloading merchandise to and from retailers, contractors, trucking and freight companies, manufacturers, institutions, farms, wholesalers, or other professional businesses. This includes establishments such as trucking terminals, goods transfer facilities, and other similar establishments.

Dormitory: A building which is occupied or intended to be occupied as the dwelling for more than 6 persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution. "Dormitory" shall include fraternity/sorority house, but shall not include a, hotel/inn, group home, , halfway house, mobile/manufactured home.

Drip Line: An imaginary vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Dry Cleaning and Laundry Services: Coin-operated laundries, dry cleaning , and laundry pick-up stores without dry cleaning or laundry equipment, or dry cleaning and laundry stores that do not provide cleaning services to other collection stations or stores.

Dwelling: Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Dwelling Unit: A single-unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

E

Elementary/Secondary School: Publicly-owned or privately-owned preschools, elementary schools, middle schools, junior high schools, and high schools; but not including institutions where the primary function of which is child day care.

Eligible Households: Persons or households whose (a) annual gross income does not exceed 50% (Very Low Income), 80% (Low Income), 120% (Moderate Income), and 150% (Middle Income) of the area median household gross income for persons or households, as defined by HUD Income Limits and (b) whose assets do not exceed the limits adopted by the Town Board.

Essential Services: Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or 2 way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into 3 classes:

1. **Class 1:** Transmission lines (above and below ground) including electrical, natural gas, and water/waste water distribution lines; pumping stations, lift stations, telephone switching facilities (up to 200 square feet), and wireless telecommunications facilities (stealth only), public safety facilities, and public works facilities and supply yards. Free-standing wireless telecommunications facilities erected on publicly-owned land primarily for public safety purposes are permitted.
2. **Class 2:** Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone,

electric, steam, and water facilities; raw water treatment facilities, and wireless telecommunication facilities (tower). Monopole cell towers designed to resemble trees are prohibited.

3. **Class 3:** Generation, production of electricity or natural gas, or waste water treatment plants, sanitary landfills, waste management facilities, materials recovery and waste transfer facility, hazardous materials treatment facilities, land clearing and inert debris (LCID) landfill, or junk yard or salvage yard.

Evergreen: Those plants that retain foliage throughout the year.

Evergreen Screen: Plants growing to a minimum 8 feet in height at maturity that retains foliage year round and are planted to provide a dense vegetative screen for purposes of visual mitigation.

Evidentiary Hearing: A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under G.S. 160D.

Existing Lot (Of Record): A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Exterior Features: The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

F

Facade: The vertical surfaces of a building. The elevation of a facade is the vertical surface area.

Façade, Front: The widest portion of the building elevation on the first floor encompassing habitable, conditioned space and facing the primary publicly-accessible right-of-way, pedestrian way, or open space. For the definition of Habitable Space, see the NC Building Code.

Familial Relationship: For purposes of this ordinance, a “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

Family: An individual, or 2 or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than 5 persons not related by blood, marriage, or adoption living together as a single housekeeping unit, including a group home.

Family Care Home: A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than 6 resident persons with disabilities and is certified by the State of North Carolina (NCGS, Section 122C-3(11) 6 as amended.

Farm: Any tract of land containing at least 3 acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of “farm” and “bona fide farm” shall not include agricultural industries.

Farm, Bona Fide: A tract of land meeting the definition of farm as included in this ordinance and certified under the provision of G.S. 160D and complaint with state statute therein. Bona fide farms are exempt from town zoning regulation; however, other municipal development regulations may apply.

Farm Product Sales: Seasonal sale of farm products raised on the premises where products are sold only as an accessory use to an agricultural use.

Finished Floor Elevation: The elevation of the floor of the first floor of a building (excluding basements) above mean sea level.

Fire and Police Station: A facility for government agencies that administer, oversee, and manage public safety. Excludes vehicle impoundment lots, jails, or correctional institutions, and essential services 1,2,or 3.

Flag Lot: A lot in which the proposed building site is located behind other lots fronting on the same street. Flag lots are prohibited in master plans, site plans, and exempt subdivisions.

Floor: The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

Floor Area: The sum of the gross horizontal areas of each floor of the principal building' and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

Floor Area Ratio (FAR): A ratio of the square footage (see definition of "square footage") of the primary dwelling unit divided into the total square footage of the associated parcel of land.

Fraternity/Sorority House: A structure used to provide living quarters for fraternal or sisterhood organization members while such persons are attending college.

Frontage: The lot boundary which coincides with a public thoroughfare or space.

Funeral Home/ Mortuary: Establishment for preparing the dead for burial or internment, conducting funerals, providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise.

G

Gasoline Service Station: Any premises where gasoline and other petroleum products

are sold. Service stations shall not include premises where heavy repair automobile repair and maintenance activities such as engine overhauls, automobile painting, and body work are conducted. Minor repairs and maintenance may be conducted but shall be limited to battery and tire changes, car washes, cleaning and detailing services, light and fuse replacement, wiper blade changes and similar activities.

Golf Course: Land and buildings used primarily for playing and practicing the sport of golf. Such uses may include golf course driving ranges, par 3 golf courses, country clubs, and maintenance and storage facilities associated with the operation of a golf course.

Government Services: A use or facility serving as a governmental agency, but not including a single-purpose vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Grade: The elevation of the land or land level at a specific point.

Grade, Street: The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the site.

Greenway: An off-road multi-use path that typically follows utility corridors, railroad alignments (both active and abandoned), nature preserves, or waterway corridors.

Ground Cover: A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides.

Group Home: A residential home provided by an agency, organization, or individual for persons who need sheltered living conditions,

but not including persons who are dangerous to others as defined in NCGS, Section 122C-3(11)b, as amended.

H

Habitable: Space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage and utility spaces and similar areas are not considered habitable spaces.

Halfway Home: A residential facility where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment related to a criminal offense.

Hazardous Material: Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Hazardous Materials Treatment Facility: A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 13B, NCGS 130-166.16), so as to neutralize such material or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

1. A facility which manufactures hazardous materials from component nonhazardous materials;
2. A facility or location for the long term or

perpetual storage of hazardous materials; or

3. A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

Historic District, Local: As described in the Local Historic Overlay District of Section 2, as amended.

Historic District, National: As described in the National Register of Historic Places report (#MK2442, dated June 1, 2009), as amended.

Home Occupation: A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling and which is incidental and secondary to the residential use of the building

Horse Farm: Any tract of land of 3 or more acres which is principally used for the breeding, training, riding, and/or maintenance of horses, and those uses which are accessory thereto, including one dwelling unit and facilities for the sale of horses raised or maintained on the immediate premises.

Hospital: A health care facility the purpose of which is to provide for care, treatment, and testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including family care home, halfway home or residential care facility.

Hotel/Motel/Inn: A building containing more than 4 individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, with entries to a room from an interior space.

I

Impervious Ground Cover: Any structure or ground cover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil.

Income Limits: Median Family Income Limits tables for the Charlotte/Gastonia/Rock Hill MSA published by HUD on an annual basis, which document is hereby incorporated by this reference. This document is available on the web at <http://www.huduser.org/datasets/il/il08/>. A copy of this publication is also maintained by the Administrator.

Independent Living Facility: Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. Distinguished from multi-family or attached housing by the provision some communal services.

Industrial Discharge: The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

1. Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
2. Wastewater resulting from processes of trade or business, including wastewater from Laundromats and car washes, but not wastewater from restaurants;
1. Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.
2. Stormwater will not be considered to be an industrial wastewater, unless it is contaminated with industrial wastewater.

Institutional Building Type: Public buildings (e.g., churches, libraries, post offices, lodges, day care centers, schools, fire stations, and

town halls) and semi-public buildings (e.g., hospitals and religious institutions) that serve as landmarks and public gathering places. They have a sense of prominence within their respective neighborhoods.

Interconnected: Refers to streets which provide through access to other streets.

J

Jail: A building, and all accessory uses and accessory structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Junk Yard/Salvage Yard: A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

K

Kennel - Commercial: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals. Commercial kennel may include outdoor facilities.

L

Land Clearing and Inert Debris (LCID)

Landfill: A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or recontour land, using only soil, is not construed to be such a landfill.

1. **On-Site LCID Landfill:** A LCID landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used; a disposal site that is clearly an accessory use to the development activity.
2. **Off-Site LCID Landfill:** A LCID landfill which is itself the principal use of a property and is used for the disposal of acceptable materials, some or all of which are generated off the site of the property being used for the landfill.

Land Development Standards Manual:

The most recent edition of the manual developed and published by the Mecklenburg County Engineering Department and setting forth standard details for the design and construction of various aspects of development.

Land Disturbing Activity: Any use of the land by any person that results in a change in the natural cover or topography and that may cause or contribute to sedimentation or soil compaction.

Landscaping: The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel. Any live plant material such as trees, shrubs, ground cover, and grass areas left in their natural state.

LED: Light-emitting-diode is a semiconductor diode that emits light when a voltage is applied to it and that is used especially in electronic devices.

Legislative Decision: The adoption, amendment, or repeal of a regulation under G.S. 160D or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of G.S. 160D.

Legislative Hearing: A hearing to solicit public comment on a proposed legislative decision.

Linear Frontage: The length of a property abutting a public right-of-way from one side lot line to another.

Live/Work Building Type: An attached building type, similar to a townhouse, with small commercial enterprises on the ground floor and a residential unit above. Each unit has its own entrance, is a minimum of 2 stories and provides off-street parking behind the building only. Commercial space may be a home-based business or may be leased independently; however, different NC State Building Code regulations apply in each case.

Logo: Business trademark or symbol.

Lot: A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required in these regulations.

Lot of Record: A lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds. All contiguous parcels (i.e. those sharing at least one common line) under common ownership as of March 22, 2005, or any time thereafter, shall be considered one lot of record. The Administrator has the authority to interpret this provision in a reasonable manner in order to accomplish its intent. A person shall be deemed to own any parcel:

1. Owned by his or her spouse on March 22, 2005;
2. Acquired by his or her spouse, either parent, or any child or lineal descendant after March 22, 2005;
3. Owned by any entity where 80% or more of the ownership or beneficial interest is held by such person, his or her spouse, either parent, or any child or lineal descendant.

The Administrator has the authority to

interpret this provision in a reasonable manner in order to accomplish its intent.

Lot Types:

1. **Corner Lot:** A lot located at the intersection of 2 or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135.
2. **Dual-Frontage:** An interior lot with parcel frontage on two separate streets or rights-of-way.
3. **Interior Lot:** A lot other than a corner lot with frontage on only one street.
4. **Through Lot:** A lot other than a corner lot with frontage on more than one street.

Lot Width:

1. The distance between the side lot lines measured along a setback line or build-to line; or
2. The distance between the side lot lines measured along an established setback line (when that line is greater than the setback or build-to line required by this ordinance) along the turnaround portion of a cul-de-sac street; or
3. If no setback is required for a lot according to this ordinance, and no setback has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right-of-way.

M

Maintained Easement: A recorded right-of-way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

Manufactured/Mobile Home: A movable or transportable dwelling unit, other than a modular home, of at least 8 feet in width and at least 32 feet in length, constructed to be transported on its own chassis and including one or more components for transporting the unit.

Manufactured/Mobile Home Park: Any parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of manufactured homes.

Manufacturing and assembly, Heavy: The assembly, fabrication, or processing of goods and materials using processes which do not meet the definition of light manufacturing and assembly.

Manufacturing and Assembly, Light: A non-residential use that involve the assembly, fabrication, processing or developing of goods and materials. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, smoke, fumes, odors, glare or noxious conditions or health or safety hazards are confined within an inclosed building, insofar as practical.

Marina - Commercial: A facility for the wet or dry storage, launching and mooring of boats, together with all accessory structures and uses.

Marine Railway: A line of track running from the shoreline into a body of water to provide a runway for a wheeled or other apparatus to lower a boat into the water.

Massage Therapy: Health massage or bodywork therapy, performed by a practitioner credentialed in one of the following ways:

1. Having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists Association, or from an accredited college or university school of education for massage therapy; or
2. Providing verification and documentation of at least 500 hours of experience in the practice of health massage/bodywork therapy and 3 letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.

Massing: The shape and form a building or assemblage of buildings assumes through architectural design.

Master Plan: A plan depicting more than two principal buildings on a single lot, buildings planned concurrently as part of the same development process, or any development subject to this ordinance not clearly falling under one of the categories listed in Section 14.

Materials Recovery and Waste Transfer Facilities: Establishments primarily engaged in operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage); and/or operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.

Mean Sea Level: The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Mecklenburg County are referenced.

Medical/Dental/Auditory/Optical Clinic: A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

Micro-Brewery: A small usually independent brewery that produces fewer than 15,000 barrels (465,00 gallons) per year of specialized beers. The product may be sold and distributed to a retailer or sold directly to customers, often for consumption on the premises.

Mezzanine: an intermediate floor between main floors of a building, often with a low ceiling or a projecting balcony. Mezzanines with less than 50% of the floor area of the floor below shall not be considered a story.

Mini-Warehouse/Self-Storage: A building or buildings containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

Modular Home: A dwelling unit which is constructed in compliance with the State

Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Mooring or Float: An object or structure secured in the water, such as by cables, lines, chains, or anchors, and intended or used for securing one or more boats in the water.

Multifamily Building Type: A building or portion thereof containing 2 or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. A multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered hotel/inn.

Multi-Phased Development: A development containing 25 acres or more that is both of the following:

- a. Submitted for development permit approval to occur in more than one phase;
- b. Subject to a master plan with committed elements showing the type and intensity of each use of each phase.

Multi-Use Path: A paved off-road path that provides a travel area separate from motorized traffic for bicyclists, pedestrians, skaters, wheelchair users, joggers, and other users for transportation or recreation. A multi-use path consists of both greenways and sidepaths with the minimum standards specified in Section 6.

Mural: Any picture, scene or diagram painted on any exterior wall or fence that does not serve as advertising. To be defined as a mural it must meet the following standards:

1. Include no specific commercial product or text, although it may include such generic products as automobiles, furniture, soft drinks or other items where the brand is not apparent; and
2. Includes no legible text, picture, symbol or device of any kind that relates to a commercial business, product or service offered on the premises where the wall is located.

MUTCD: The Manual on Uniform Traffic Control Devices as published and maintained by the Federal Highway Administration (FHWA).

N

NCGS: North Carolina General Statutes

Neighborhood Park: Protected natural spaces that provide opportunities for active and passive recreation. They may include ball fields, tennis courts, basketball courts, fitness areas, paths, trails, meadows, waterbodies, woodland, open shelters, performance areas and other recreational amenities. Neighborhood Park is one of the Park types established in Section 7.4.2.

Nonconforming Structure: Any structure, lawfully existing on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations including the district maps, which does not comply with all of the standards and regulations of this ordinance or any amendments thereto.

Nonconforming Use: Any use being made of any land, building or structure, lawfully existing on the effective date of these regulations or on the effective date of any amendments to these regulations including the district maps which does not comply with all of the regulations of this ordinance or any amendments thereto.

Nonresidential Development: All development other than residential development, agriculture and silviculture.

Normal Pool Elevation: The Lake Norman normal pool elevation which is at the specified contour interval above the Mean Sea Level, United States Geological Survey (U.S.NCGS) Datum.

Nursery and Garden Center: Establishments that grow and sell plants mainly to be transplanted to another location. Such uses include orchards, greenhouses, and nurseries, primarily engaged in retailing plants, vines, or trees and their seeds.

O

Off-Street Parking: Parking which occurs on a lot and not on a street or other public right-of-way.

Office: A use or structure in which business or professional services are conducted or rendered.

Open Space: Land set aside and protected from development. Any area which cannot be divided into building lots, or improved as streets, rights-of-way, or parking, and is subject to a permanent open space easement. Open space may also include portions of private building lots subject to a permanent open space easement.

Outdoor Storage: See Storage, Outdoor.

Outdoor Lighting: Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

Owner: Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.

P

Parapet: A low wall encircling the perimeter of a flat building roof, often used to screen roof-mounted mechanical equipment.

Parcel: Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Park: Improved space set aside for public use and recreation that is comprised of one or more of the following typologies as outlined in Section 7.

Park and Ride Lot: A parking lot designed for drivers to leave their cars and use mass transit facilities beginning, terminating, or stopping

within immediate walking distance of the park and ride facility.

Parking as a Principal Use: A stand-alone parking lot or structure (deck/garage) that is available for public or private use, but that is not accessory to another use.

Parking Lot: An area, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. A parking area may also include areas for storage and trash facilities.

Pawnshop: Premises operated by a pawnbroker who is engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders. (Subject to NCGS, Chapter 91A)

Pedestrian Oriented Development: Any development type which accommodates the needs of the pedestrian. Such development has parking to the rear of a building, a mixture of uses in proximity to one another, allows the pedestrian the option of accomplishing certain trips without automobile use, and provides a variety of interesting and detailed streetscapes which balance the need of the pedestrian and car equally.

Pedestrian Passageway: Public spaces between buildings, allowing pedestrian access from the rear of a building to the public sidewalk. These passageways can be attractive, successful locations for store entries, window displays, and cafe seating. Pedestrian Passageway is one of the Park types established in Section 7

Pedestrian Way: A public right-of-way that is intended for pedestrians only. Typically built of brick pavers, concrete, or other hardscape materials and extensively landscaped. A woonerf is considered a pedestrian way for purposes of this ordinance.

Person: An individual, corporation, governmental agency, business trust, estate trust, partnership, association, 2 or more persons having a joint or common interest, or any other legal entity.

Personal Services - Restricted: A personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

Pier: A structure extending into or along the water for use as a landing place for boats or as a promenade.

Places of Assembly: A use of property which has two or more of the following characteristics:

1. Attracts people at specific times thereby creating a potential for high traffic volume;
2. Attracts people who are being dropped off at the property thereby creating a potential for high traffic volume and vehicle stacking;
3. Results in a large number of vehicles parking off of the property, either on the public streets or in nearby parking areas not owned or controlled by the owner of the Place of Assembly;
4. Is a nonresidential use that is permitted by right or through a vested right in one or more planning areas that are predominantly residential uses.

In determining whether or not a use is a Place of Assembly, and therefore similarly situated to a church or school use, (i) religious uses and secular uses will not be differentiated, and (ii) exemption from payment of real property ad valorem taxes will not be a factor.

Places of Assembly include but are not limited to:

- Elementary and Secondary School
- Religious Institutions
- Day care center
- Indoor recreational facilities
- Movie theaters

- Art, music, dance and drama schools
- Trade association or union meeting facilities
- Fraternal organizations

Planning Board: The Town of Davidson Planning Board, established by ordinance in accordance with G.S. 160D.

Planting Area: A landscape area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.

Planned Development: A tract of land under single ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

Planning Director: The Planning Director of the Town of Davidson.

Planting Strip: The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement.

Playground: Playgrounds provide permanent play equipment sunny and shaded play areas for children as well as shelters with benches for parents. Playgrounds may be built within squares or parks or may stand alone within a residential block. Playground is one of the Park types established in Section 7.

Plaza: A paved, open area adjacent to a civic or commercial building. Plazas function as gathering places and may contain a variety of intermittent activities, such as vendors and display stands. Plaza is one of the Park types established in Section 7.

Premises: A parcel of real property with a separate and distinct identifying number shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable zoning.

Prime Farmland and Soils: According to the National Resources Conservation Service, land or soils that have the best combination of physical and chemical characteristics for

producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

Principal Building or Structure: A building or structure containing the principal use of the lot.

Principal Use: The primary purpose or function that a lot serves or is proposed to serve or building.

Professional Services: Services that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical service to others. Uses include accounting, tax, bookkeeping, and payroll services; advertising media, and photography services and studios, architectural, engineering, and related services; broadcast facilities (without towers); consulting services; employment agencies; financial consulting, including investment banking, securities, brokerages and insurance-related services but excluding banks, credit unions or financial institutions; graphic, industrial and interior design services; legal services; personal trainers; real estate services; travel agencies; and tutoring services.

Project Area: Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

Proposed Right-of-Way Line: The margin

of a street's right-of-way at its ultimate intended width determined by both the street's classification and the dimensional requirements or locational criteria as established in the planning ordinance.

Protected Area: The area adjoining and upstream of the critical areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the critical area.

Public Utility Structure: An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

Q

Quadrangle: An area, such as a courtyard, enclosed by buildings.

Quarry: An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

Quasi-Judicial Decision: A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application

complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

R

Raceway: Metal channel boxes used for mounting individual channel letters.

Recreation Facility - Indoor: Uses or structure for amusement or active recreation including billiard/pool hall; gymnasium, natatorium, fitness center including aerobics, dance and cheerleading, martial arts, yoga, athletic equipment, indoor running track, climbing facility, court facility, skating rink. This definition is inclusive of both non-profit and for-profit operations and home owner/property owner associations. Indoor recreation facility may include accessory uses, such as snack bars, pro shops, and locker rooms which are designed and intended primarily for the use of patrons of the principal recreational use.

Recreation Facility - Outdoor: Use or structure for active outdoor amusement or recreation including uses not primarily conducted within a structure such as swimming pool, tennis court, ball field, or court, skateboard park, miniature golf, and outdoor theatre. This definition is inclusive of both non-profit and for profit operations and home owner/property owner associations. Such uses shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

Redevelopment: The demolition and reconstruction of a building or a portion of a building.

Redesignation of Land: A change in the district assigned to a lot pursuant to a public hearing before the Board of Commissioners and a subsequent decision by the Board. (Also called a "Rezoning" or a "Map Amendment")

Regulatory Flood: A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular

stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.

Religious Institution: A church, synagogue, temple, mosque, or other place of religious worship, including any customary accessory use or structure, such as a school, day care center, or dwelling, located on the same lot.

Research Laboratory: A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic.

Residential Care Facility: A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include dependent and independent living facilities, group homes (NCGS 131D), nursing homes (NCGS 131E-101), residential child-care facilities (NCGS 131D-10.2), assisted living residences (NCGS 131D-2), adult care homes (NCGS 131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term excludes residential/family care homes and halfway houses.

Resource, Historic or Cultural: A site, object, or landscape with architectural, engineering, archaeological, or cultural remains present in districts, sites, buildings, or structures that possess integrity of location, design, setting, materials, workmanship, feeling and association. Each resource should be associated with one or more of the following historical or cultural themes:

1. Those that are associated with the events that have made a significant contribution to the broad patterns of history;
2. Those that are associated with the lives of persons significant in a community's

past;

3. Those that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction;
4. Those that have yielded, or may be likely to yield, information important to prehistory or history.

Retail, Primary: Uses in which the principal purpose is the sale of goods, products, merchandise, or services directly to the consumer. Retail establishments promote high walk-in customer counts, are shopping destinations, provide visual interest and create active street life but are not detrimental to the district in which they are located. Uses include, but are not limited to: alcoholic beverage retail sales; bar/tavern/nightclub, beer or wine shops, or brewpubs; clothing, shoe, dry goods, or notions store; cosmetic and beauty supply store; department, furniture, home furnishings and small appliances; drugstore; electronics store; grocery store; hardware, paint, hobby, or handcraft store; indoor movie theater with six screens or fewer; interior decorating store (with incidental interior consulting); music/video sales or rental; optical/auditory store (with incidental exam); pet shop; vintage or consignment shop; sporting goods store; and variety store.

Retail, Secondary: Art or antique shop, including art supplies and framing materials; book, stationery, card store, or newsstand; florist, flower or plant store; gift shop; restaurant, coffee shop, or delicatessen; specialty food store, including bakery, fruit, vegetable, fish, or meat market.

Restaurant: A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables

(full-service restaurant); and, at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter, but does not include mobile food service (food trucks) or vending carts.

Retail Establishment: A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

Ridgeline: The top most point of a roof pitch, excluding chimneys, antennas or utility equipment.

Roof Line: The highest point of a flat roof or mansard roof, and the lowest point of a pitched roof, excluding any minor projections or ornamentation.

Rezoning: See “Redesignation of Land”.

S

Sanitary Landfill: A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

School: Publicly owned or privately owned preschools, elementary schools, middle schools, junior high schools, vocational schools, high schools, colleges and universities; but not including institutions where the primary function of which is child day care.

Screening: A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation. A screen may be located on the property line or elsewhere on the site, as determined by the use to be screened.

Septic Tank System: A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Setback Established: The distance between a street right-of-way line and the front building line of a principal building or structure, as constructed, projected to the side lot lines. See also “Yards”.

Setback Required: The minimum distance required by this ordinance or established by recorded plat between the street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot. In the Village Center district, the setback is measured from the back of the curb to the building line. See also “Yards”.

Shrub: A woody, branching plant of relatively low height.

1. **Small:** A shrub growing to less than 5 feet in height at maturity that is planted for ornamental purposes.
2. **Medium:** A shrub growing 5 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.
3. **Large:** An upright plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.

Sidepath: An off-road multi-use path located immediately adjacent and parallel to a roadway.

Sight Triangle: The triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), with one point 10 feet and one point being 35 feet from the point of intersection. The North Carolina Department of Transportation sight triangle is different, with each point being 10 feet and 70 feet, respectively, from the point of intersection.

Sign: Any object, device, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or of any fraternal, religious or civic organization; works of art which in no way identify a product; or scoreboards located on

athletic fields. Flags of nations or artwork that intends to identify a product or business are considered signs.

Sign Area: The sign area is calculated by drawing one parallelogram around the text, images, and logos adding a 2-inch border on all sides and calculating the size of the resulting box.

Sign Board: The sign area together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed and all of its components, including the frame. The sign structure is not considered a component of the sign board.

Sign Copy: Texts, images, and logos used or displayed for the purpose of advertising.

Sign Package: Application submittal requirements for commercial and mixed-use developments.

Single Family Home: A free standing detached building type designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with NC State Building Code.

Site Plan: Plan view drawing including but not limited to existing and proposed structure footprints, rooflines, driveways, sidewalks, outbuildings and accessory structures, landscaping, tree preservation, important environmental features, walkways and stormwater facilities. See Section 7 for more information.

Sleeping Unit: A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a *dwelling unit* are not sleeping units.

Small Maturing Tree: A tree whose height is less than 35 feet at maturity and meets the specifications of "American Standards for Nursery Stock" published by the American

Association of Nurserymen.

Solar Farm (Utility-Scale, Ground-Mounted Solar Application): A solar photovoltaic facility, along with its ancillary equipment, whose primary purpose is to generate electric power from sunlight for sell or for use by the property owner, but excluding roof mounted solar collectors.

Solid Waste: Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

1. Fowl and animal fecal waste;
2. Solid or dissolved material in any of the following:
 - a. Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters,
 - b. Irrigation return flows; or
 - c. Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Section 1251 et seq.) and permits granted under NCGS 143-215.1 by the Environmental Management Commission;
3. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
4. Any radioactive material as defined by the North Carolina Radiation Protection Act (NCGS 104E- 1 through 104E- 23); or
5. Mining refuse covered by the North

Carolina Mining Act (NCGS 74-46 through 74-68), and regulated by the North Carolina Mining Commission (as defined under NCGS 143B-290).

Square / Green: Open spaces that are spatially defined by building frontages and/or landscaping. They provide space for unstructured recreation and civic purposes. Square / Green is one of the Park types established in Section 7.

Square Footage: For detached house building type, square footage shall mean the heated floor area of all floors of the primary dwelling, including any above-grade, attached garage and the livable floor space above the garage (whether heated or not), but excluding the area of any basement (whether heated or not).

Stable/Riding Academy: A facility, the principal use of which is the provision of lessons in horseback riding on a non-profit or for profit basis.

Storage, Outdoor:

1. All goods and materials not returned to an enclosed building at the end of each business day, regardless of whether such goods or materials are kept on the premises for retail sale, wholesale sale, storage, or use by a business on or off the lot. (To be classified as goods for sale and therefore exempt from regulation as outdoor storage, items must be placed within an enclosed building at the end of each business day.)
2. Up to 2 storage trailers placed on a single lot or in conjunction with a single principal use;
3. All items awaiting or in process of repair except customary passenger vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as "parts" vehicles; (rather than being considered outdoor storage, such vehicles may await repair in any conforming off-street parking lot associated with the principal use);
4. Vehicles with more than 2 axles, boats,

manufactured homes, and trailers of tractor trailers awaiting or in process of repair.

Storefront Building Type: Minimum two story building, adjacent to the public sidewalk, that includes a high percentage of transparency (windows and doors) on the ground level facade to encourage pedestrian activity. Storefront buildings may accommodate a variety of uses. A group of storefront buildings can be combined to form a mixed-use center. Individual storefront buildings can provide some commercial uses close to homes.

Storm Drainage Design Manual: The most recent edition of the manual adopted by the Town Board setting forth standard details for the design and construction of stormwater management systems.

Story: A story is a habitable level in a building, typically no more than 15 feet in height from finished floor to finished ceiling. The following elements shall not be calculated as stories:

1. Under-roof areas with dormers,
2. Unoccupied attics less than seven feet above the eaves, and
3. Raised basements less than four feet above the lowest grade at the front facade.

Street Line: The outer boundary of a street right-of-way.

Street Orientation: The direction of the architectural front facade of a building in relation to the street.

Street, Private: An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

Street, Public: A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the Town of Davidson or the State of North Carolina.

Street Right-of-Way: Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the Town of Davidson or Mecklenburg County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Davidson; or has otherwise been established as a public street prior to the adoption of this ordinance.

Structure: Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

Subdivider: Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision: A subdivision will include all divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following are exempt from this definition:

1. The combination or recombination of portions of parcels platted and recorded prior to the effective date of this ordinance, or portions of lots platted in compliance with this ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to the standards of this ordinance and the appropriate district classification.
2. The division of land into parcels greater than 10 acres where street right-of-way dedication or reservation is not involved.
3. The creation of strips of land for the widening or opening of streets, sidewalks, or greenways, or the location of public utility rights-of-way.
4. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than 3 lots, where street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate district classification.
5. The division of land into plots or lots for use as a cemetery.
6. The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.
7. The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
8. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into 2 or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
9. The division of a tract or parcel of land resulting from condemnation or deed in lieu of condemnation by either a public or private condemnor.

Substantial Improvement: Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50% of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. Substantial improvement shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or Town health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

T

Temporary Use or Structure: An event, structure, or use placed on a lot for a specific purpose which is to be removed within a specific time period. See Section 3.3.; Temporary Use Standards.

Theater - Indoor: A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplex and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

Theater - Outdoor: An establishment for the performing arts with open-air seating for audiences.

Thoroughfare: Any street on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan.

Thoroughfare Plan: The most recent map adopted by the Board of Commissioners which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation.

Town Attorney: The attorney for the Town of Davidson, duly retained by the Board of Commissioners.

Town Manager: The Town Manager of the Town of Davidson.

Townhouse Building Type: A residential buildings with two or more dwelling units that share common walls. Each unit has its own entrance, is a minimum of two stories and provides off-street parking behind the building only. Units are typically aligned close to the public sidewalk, although sometimes with a small variations in setback to provide landscaping or private courtyards.

Traditional Neighborhood: A traditional neighborhood incorporates design principles that produce compact, mixed use, pedestrian scaled communities. The following conventions are generally employed in the design of traditional neighborhoods.

1. The neighborhood is limited in area to that which can be traversed in a 10 to 15 minute walk.
2. Residences, shops, workplaces, and civic buildings are located in close proximity.
3. A well-defined and detailed system of interconnected streets serve the needs of the pedestrian, bicyclists, and the car equally, providing multiple routes to all parts of the neighborhood.
4. Physically defined open spaces in the form of plazas, squares, and parks, in addition to finely detailed public streets, provide places for formal and informal social activity and recreation.
5. Private buildings form a clear edge, delineating the private from the public realm.
6. Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and religious activities.
7. Traditional Neighborhoods pursue certain objectives through their design, including:
 - a. Independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
 - b. Reduced traffic congestion and road construction costs by reducing number and length of car trips.

- c. Use or preparation for future use of alternative forms of transportation by organizing appropriate building densities.
- d. Improved security of public spaces organized to stimulate informal surveillance by residents and business operators.
- e. Enhanced sense of community and improved security through provision of a range of housing types and workplaces in proximity to one another.
- f. Accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

Transit Shelter: A covered structure at a transit stop.

Transitional Setback or Yard: That area, if any, along a street, which lies between the minimum setback or yard line for the district measured from the existing street right-of-way line and the minimum setback or yard line measured from the proposed right-of-way line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.

Tree, Canopy: Any large maturing tree which at maturity provides a crown width sufficient to shade a minimum of 1,200 square feet.

Tree, Large Maturing: A tree, usually deciduous, whose height is greater than 40 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen, that is planted to provide canopy cover shade. In the case of tree removal permits, the minimum size is 12" DBH. See also canopy tree.

Tree, Medium Maturing: A tree, usually deciduous, whose height is between 25 to 40 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen, that is planted to provide canopy

cover shade. In the case of tree removal permits, the minimum size is 12" DBH. See also canopy tree.

Tree, Small Maturing: A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. In the case of tree removal permits, the minimum size is 12" DBH.

Tree, Specimen: A tree or group of trees considered to be an important community asset due to its unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance as determined by the Arborist. Examples include large hardwoods (e.g., oaks, poplars, maples, etc.) and softwoods (e.g., pine species) in good or better condition with a DBH of 24" or greater, and smaller understory trees (e.g., dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 10" or greater.

Tree, Street: A tree planted along the street within the right-of-way except along the park side of the parkway, a rural road or alley.

Tree Topping: An unacceptable method of pruning which involves the cutting of limbs back to a stub, bud, or a lateral branch not large enough to assume the terminal role and cause decay and spout production from the cut ends, resulting in a potentially hazardous situation.

V

Vehicle Rental/Leasing/Sales: Establishments which may have showrooms or open lots for selling, renting or leasing vehicles. May include car dealers for automobiles and light trucks, mobile homes, motorcycle, ATV, or boat and marine craft dealers. This definition shall also include taxi and limousine services or other uses that include the storage/display of automobiles as a primary characteristic of the use.

Vested Right: The right to undertake and/or complete a development and use of property under the terms and conditions of a local

government-approved site plan.

Veterinary Clinic: A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of wild animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

Viewshed: The sphere of locations and/or objects visible from one or more specified points or lines. Viewshed analysis involves identification of important landscape and site features, including spaces of cultural or historic value, both within and external to the site. Analysis entails study of specific points within a defined topographical context, and how key features of the existing landscape are impacted by proposed development. It reflects both digital and site-collected data, as available.

Vines: A woody plant that has a spreading pattern of growth. Vines may be used on the ground, on walls and on trellises.

Vocational School: A use, whether privately-owned or publicly-owned, that trains persons in specific trades or occupations such as mechanics, computers, or similar skills.

W

Waste Management Facility: Any use that meets the definition for Sanitary Landfill, Off-Site LCID Landfill, Junkyard or Materials Recovery and Waster Transfer Facility.

Wastewater Treatment Facility: A facility operated by a licensed utility, in compliance with all applicable state, county, and town regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than 4 dwelling units; or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to 4 dwelling units.

Water Dependent Structures: Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

Watershed: The entire land area contributing surface drainage into a specific stream, creek, lake or other body of water.

Watershed Administrator: The individual appointed and duly sworn by the Board of Commissioners to administer and enforce the provisions of this ordinance as follows:

1. The Watershed Administrator shall issue permits according to the provisions of this ordinance. A record of all permits issued shall be kept on file in the office of the Watershed Administrator.
2. The Watershed Administrator or designee shall serve as staff to the Board of Adjustment when it is serving in its capacity as the Watershed Review Board.

Wholesale Establishment: A building, property, or activity the principal use of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Wildlife Habitat: Areas where animals live and where ecologically supportive environments provide animals the necessities of life, food, water, cover and places to raise young.

Wireless Telecommunication Facility: Equipment constructed in accordance with Section 332(c)(7) of the Communications Act at a single location by a private business user, governmental user or commercial wireless service provider to transmit, receive, or relay electromagnetic signals (including microwave). Such facility includes antennas or antenna arrays, wireless telecommunication towers, support structures, transmitters, receivers, base stations, combiners, amplifiers, repeaters, filters, or other electronic equipment; together

with all associated cabling, wiring, equipment enclosures and other improvements

1. **Stealth:** Equipment that is unobtrusive in its appearance such as the co-location on existing tower facilities; and the placement of equipment on flagpoles, buildings, silos, water tanks, lighting standards, steeples, and electric transmission towers.
2. **Tower:** The construction of new free-standing facilities or facilities that extend more than 20 feet above the normal height of the building or structure on which they are placed. The following shall not be included in this definition:
 - a. Amateur radio facilities with antennas mounted on supporting structures less than 100 feet in height;
 - b. Residential antennas for receiving television or AM/FM radio broadcasts;
 - c. Residential satellite dishes; or,
 - d. Commercial or industrial satellite dishes that are less than 20 feet in height.

Woonerf: An ultra-low-speed narrow lane with shared space for pedestrians, cyclists, and cars. Commonly used as community space where children can play legally and safely. Their design aims to reduce automobiles' dominance by limiting their speed to a walking pace. Typically, they have minimal demarcation between vehicle traffic areas and pedestrian areas.

Workplace Building Type: Minimum two story building that includes a required percentage of transparency on the ground level facade. May have either single or multiple uses or tenants. Office, industrial, commercial, and residential uses are typical. Southern mill villages provide examples of these buildings reasonably coexisting with other businesses and homes.

Working Day: Any day on which the offices of the Town of Davidson are officially open, not including Saturdays, Sundays, and other holidays designated by the Board of Commissioners.

Y

Yard, Rear, Required: When required by this ordinance or established through recorded plat, a minimum distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard, Rear, Established: The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard, Side, Required: When required by this ordinance or established by recorded plat, a minimum distance between the side lot line and the side building line, extending from the established setback to the required rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the required rear yard.

Yard, Side, Established: The distance between the side lot line and the side building line, extending from the established setback to the established rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the established rear yard.

PLANNING AREAS



2.1 GENERAL

2.1.1 PLANNING AREAS

In order to implement the purpose and intent of the Planning Ordinance, planning areas are established in this section. Planning areas are different from conventional zoning districts in that they are defined not by land use but by geographical areas related to the historical and topographical patterns of growth in the community and the Targeted Growth Plan from the 2010 Davidson Comprehensive Plan. Therefore, we have replaced the conventional terminology of “Zoning District” with “Planning Areas.” These planning areas have the same legal authority as zoning districts.

There are detailed provisions, uses, and standards for the design of the built environment within each respective planning area, including dimensional standards, permitted building types, height, parking, lighting, signage, permitted uses and other development standards.

There are hereby established the following planning areas:

- Village Center (Section 2.2.1)
- Village Commerce (Section 2.2.2)
- Village Edge (Section 2.2.3)
- Village Infill (Section 2.2.4)
- Central Business District (Section 2.2.5)
- Lakeshore (Section 2.2.6)
- Neighborhood Center I (Section 2.2.7)
- Neighborhood Center II (Section 2.2.8)
- Neighborhood Services (Section 2.2.9)

SECTIONS

2.1 GENERAL	PAGE 2-1
2.2 PLANNING AREAS	PAGE 2-7
2.3 OVERLAY DISTRICTS	PAGE 2-80

- Neighborhood General (Section 2.2.10)
- Neighborhood Edge (Section 2.2.11)
- Rural (Section 2.2.12)
- Rural Reserve (Section 2.2.13)
- College Campus (Section 2.2.14)
- Employment Campus I (Section 2.2.15)
- Employment Campus II (Section 2.2.16)
- Conditional (Section 2.2.17)
- Special Use (Section 2.2.18)

2.1.2 OVERLAY DISTRICTS

An overlay district is a separate set of regulations applicable only to a specific geographic area for the purpose of managing certain environmentally sensitive, culturally/historically significant, and/or visually important community resources. An overlay district may grant additional uses, restrict permitted uses, or impose development requirements differing from those in the underlying planning area. The underlying planning areas and overlay districts together will control development. Overlay district designations are established below; in case of conflicting regulations, the stricter regulation takes precedence.

There are hereby established the following overlay districts:

- Village Height Overlay
- Village Parking Overlay
- Village Infill Overlay
 - Red
 - Orange
 - Yellow
 - Green
 - Blue
 - Purple
- Local Historic District Overlay (Section 22)
- Retail Frontage Overlay
- Stream Buffer Overlay (Section 21)
- Watershed Protection Overlay (Section 17)
- Floodplain Overlay (Section 18)

2.1.3 PERMITTED USES

Permitted uses are those activities which are allowed or allowed with additional requirements in each planning area. Permitted uses are listed in the Use Table in the respective planning area section. Additional requirements are listed in Section 3.

All uses in the Use Table have been divided into categories, defined as followed:

A. RESIDENTIAL

Residential uses are premises available for long-term human habitation by means of ownership and rental, excluding short-term leasing or rental of less than one month.

B. COMMERCIAL/OFFICE/RETAIL

Commercial, office and retail uses are premises available for the transaction of general business and the provision of services, retail sales and commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing, except as a minor component.

C. CIVIC/EDUCATIONAL/INSTITUTIONAL

Civic, educational and institutional uses are premises available for organizations dedicated to education, religion, government, social service, arts and culture, recreation and sports, and other similar areas of public assembly.

D. INDUSTRIAL/WHOLESALE/STORAGE

Industrial, wholesale and storage uses are premises available for the creation, assemblage, storage, repair, and wholesale selling of items including their storage and wholesale of product.

E. AGRICULTURE

Agriculture uses are premises for growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch, or their natural habitat and all related functions.

F. INFRASTRUCTURE

Infrastructure are uses and structures dedicated to transportation, communication, and utilities essential to the public safety and welfare.

G. ACCESSORY USES

An accessory use is a use that is clearly and customarily subordinate to a principal use or principal structure. An accessory use is smaller in area, extent, or purpose to the principal use or principal structure served.

H. PARK & OPEN SPACE USES

Parks and open spaces are permitted in all Planning Areas. Park types and open space must conform to the requirements listed in Section 7.

Whether or not a use is permitted in a specific planning area is determined by the Use Table associated with the respective planning area. The use allowances in the Use Table shall be interpreted as:

P = Permitted

AR = Permitted with Additional Requirements

CD = Permitted as part of an approved conditional district only

Uses permitted as temporary uses only are listed in the Temporary Use Section 3.

Uses not listed in the Use Table may, upon determination of the Planning Director, be identified with the next-closest use or identified as a conditional use. The following is a list of uses specifically not permitted by-right in any planning area:

- ATM or Donation Boxes as stand alone structures

- Commercial Communication Tower
- Commercial, Restricted
- Community Support Facility
- Convention Center
- Correctional Institution
- Drive-through facility and/or service
- Golf Course
- Hazardous Materials Treatment Facility
- Junk Yard/Salvage Yard
- Materials Recovery and/or Waste Transfer Facility
- Mini-warehouse and/or Self-storage
- Outdoor Sales
- Race Track and/or Drag Strip
- Sanitary Landfill
- Shooting Range
- Vehicle, Boat and/or Manufactured/Mobile Home Sales, Rental, and/or Lease Establishments
- Warehouse
- Waste Management Facility
- Wastewater Treatment Facility

In the event that a particular use is not listed in the Use Table or in the list of prohibited uses, and such use is not otherwise prohibited by law, the Planning Director shall determine whether a materially similar use exists in this section. Should the Planning Director determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Planning Director's decision shall be recorded in writing. Should the Planning Director determine that a materially similar use does not exist, this section may be amended to establish a specific listing for the use in question.

Materially Similar Uses: The Planning Director may determine that a use is materially similar if a permitted use is similarly classified by one or more of the following use classification systems:

- American Planning Association Land-Based Classification Standards (LBCS)
- North American Industrial Classification System (NAICS)
- Institute of Transportation Engineers (ITS) Trip Generation Guide

2.1.4 BUILDING TYPES

Building types are used as a regulatory mechanism in this planning ordinance. Not all building types are permitted in all planning areas. Additional design standards and additional requirements for each building type are in Section 4, Site & Building Design Standards.

Whether or not a building type is permitted or required in a specific planning area is determined by the Building Type Table associated with the respective planning area. The building type allowances in the Building Type Table shall be interpreted as:

P = Permitted

R = Required

DR = Design Review Board recommendation required

Building types not listed in the Building Type Table are presumed to be prohibited.

There are hereby established the following building types:

A. DETACHED HOUSE (ONE AND TWO-FAMILY)

Detached houses are the most predominant residential building type in Davidson. Detached houses are suitable for single-family or two-family residences. They are appropriate on a wide variety of lot sizes.

B. TOWNHOUSE

Townhouses are residential buildings with three or more dwelling units that share a common wall. Each unit has its own entrance and is a minimum of two stories. Units are typically aligned close to the public sidewalk, although sometimes there are small variations in setback to provide landscaping or diversity in the streetscape.

C. ATTACHED HOUSE (TRIPLEX, QUADPLEX)

Attached houses have the outward appearance of detached houses but accommodate three or four completely separate dwelling units within one building. They are appropriate on a wide variety of lot sizes.

D. MULTI-FAMILY (APARTMENTS, CONDOMINIUMS, FLATS)

Multi-family buildings incorporate more than four dwelling units in a vertical arrangement within one building. Common entrances and interior corridors serve multiple units. These buildings are a minimum of two stories with parking typically located behind the buildings or underground.

E. MIXED VILLAGE HOUSING (VILLAGE WALKUP, VILLAGE COURTYARD)

Mixed Village housing includes well-scaled buildings designed to fit within the context of surrounding residential or mixed-use neighborhoods. These buildings are a minimum of two stories, include a minimum of four to a maximum of eighteen units, feature individual or shared entrances, and provide walkable access to nearby destinations for multiple tenants. Examples of Mixed Village buildings include walkup and courtyard dwellings.

F. LIVE/WORK

Live/work buildings are designed to combine commercial and residential uses within a single building of two or more stories. They are similar to a townhouse, with a storefront on the ground floor and a residential unit above. Storefront space may be a home-based business or may be leased independently; however, different NC State Building Code regulations apply in each case.

G. INSTITUTIONAL

Institutional buildings are used for public or semi-public purposes. These buildings must be designed appropriately to fit within neighborhoods as integral parts of the

community. Their uses may include churches, libraries, post offices, and schools. Institutional buildings serve as landmarks and places of assembly. They have a sense of prominence within their respective neighborhoods.

H. WORKPLACE

The workplace building is designed to accommodate either single or multiple uses or tenants with a wide range of internal activities in a single building.

I. STOREFRONT

A storefront building is designed to accommodate either single or multiple uses or tenants in a single building. A group of storefront buildings can be combined to form a mixed-use center. For example, individual storefront buildings can provide commercial uses with residential or office uses on the upper floors. They are a minimum of two stories, typically are aligned adjacent to the public sidewalk and include a high percentage of transparency in the ground level façade to encourage pedestrian activity.

J. ACCESSORY STRUCTURE

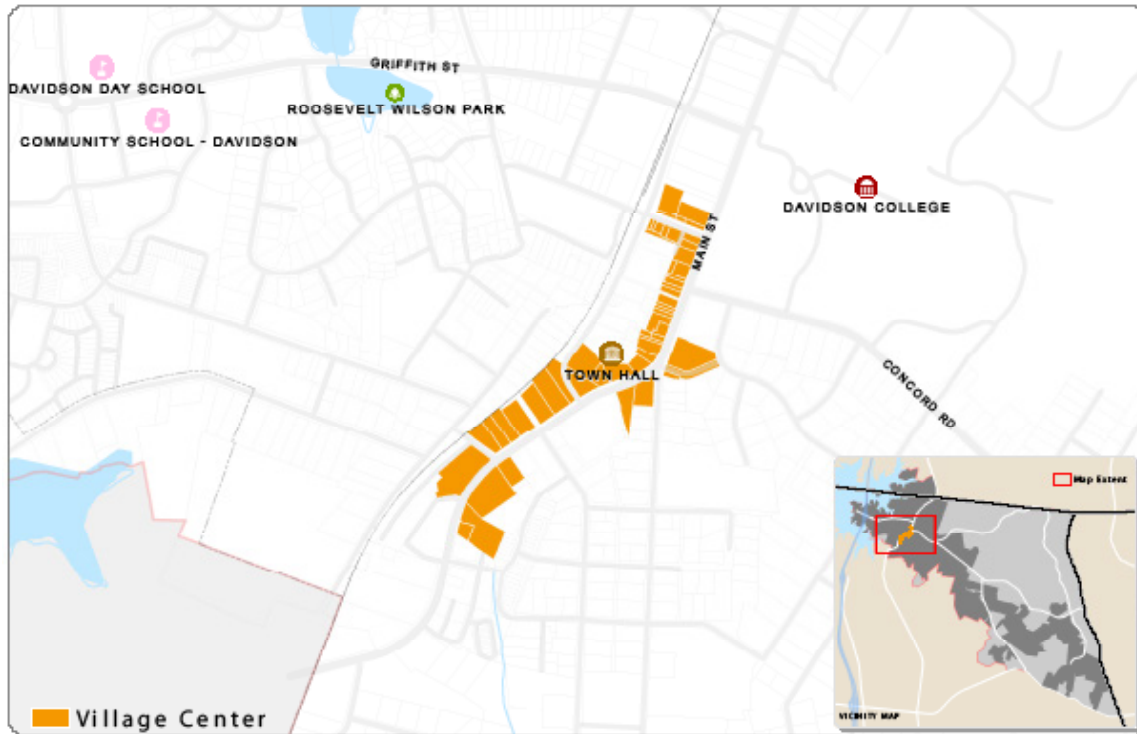
An accessory structure is an above-ground structure that is clearly and customarily subordinate to a principal use or principal structure. An accessory structure is smaller in area, extent, or purpose to the principal use or principal structure served.

2.1.5 DEVELOPMENT STANDARDS

The purpose of development standards is to establish criteria for the development, redevelopment, construction, reconstruction, use, reuse, or subdivision of land within the Town of Davidson planning jurisdiction. These standards serve as the foundation to development but are not to be considered all-inclusive.

Minor variations from the development standards established in this ordinance may be approved by the Planning Director based on environmental conditions of the site.

2.2 PLANNING AREAS



2.2.1 VILLAGE CENTER PLANNING AREA

A. DESCRIPTION

The Village Center Planning Area is established to protect and cultivate the unique environment of Davidson's historic downtown. It is the community's commercial, civic, cultural, and transportation hub. The Village Center should include places for public gatherings, civic and cultural events, and public art. Infill development must complement the traditional built environment and encourage small, independent retailers. New development in the Village Center Planning Area should be multi-story, multi-use, and transit supportive.

B. PERMITTED USES

The following table establishes the permitted uses for the Village Center Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Section 3, Uses with Additional Requirements.

TABLE 2-1: VILLAGE CENTER USE TABLE	
Residential Uses	
Residential	P
Commercial/Office/Retail Uses	
Commercial Services	P
Home Occupation	AR
Hotel/Inn	P
Parking as Principal Use	AR
Professional Services	P
Retail, Primary	P/R**
Retail, Secondary	P/R**
Civic/Educational/Institutional Uses	
Cultural/Community Center	AR
Fire & Police Station	P
Government Services	P
Religious Institution	AR
Transit Shelter	AR
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements, R = Required

*Use must be approved by the Planning Director

** Use is required on first floor of all buildings in the retail use overlay. See Retail Overlay District.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Village Center Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-2: VILLAGE CENTER BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Institutional	R	R	2 stories	*3-4 stories
Storefront	R	R	2 stories	*3-4 stories

R = Required, P = Permitted

*Reference Section 2.3.2 (VH-O) Village Height Overlay District. Structures within the overlay district shall be no taller than three stories.

D. SITE DESIGN STANDARDS

- Setback Requirements:** The following table establishes the required setbacks for the Village Center Planning Area.
- Open Space Requirements:** There are no open space requirements in the Village Center Planning Area.
- Density Requirements:** There are no density requirements in the Village Center Planning Area.

TABLE 2-3: VILLAGE CENTER SETBACK TABLE						
Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Ground Floor	Upper Floors
Institutional ¹	0	NA	0	NA	NA	NA
Storefront ¹	0	0	0	NA	NA	NA

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

¹Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included

as part of the front and side setback areas.

E. DEVELOPMENT STANDARDS

For development standards applicable in the Village Center Planning Area, see the following sections:

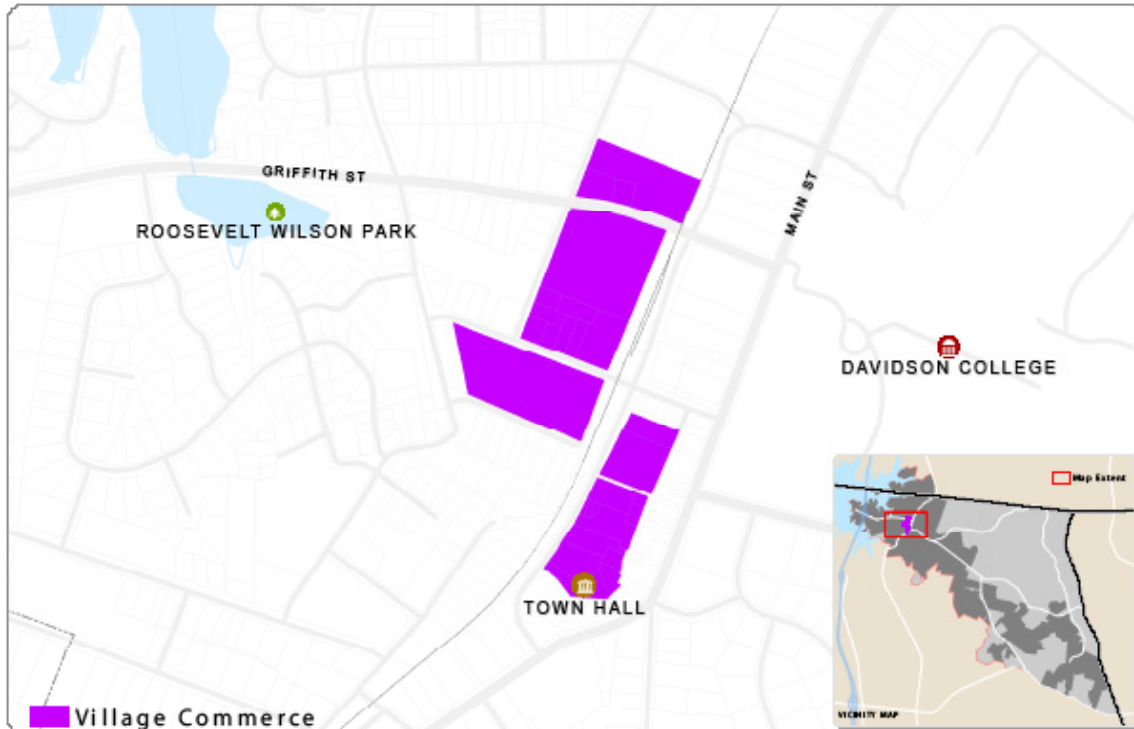
- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 7, Parks & Open Space
- Section 6, Subdivision & Infrastructure
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

The following are additional development standard(s) in the Village Center Planning Area:

- Streetscape Improvement Standards: All sidewalks, street tree placement and street lights shall match those existing on Main Street between Depot Street and Jackson Street.

F. Applicable Overlay Districts

- Village Retail Frontage Overlay (See Section 2.3.6)
- Village Height Overlay (See Section 2.3.2)
- Village Parking Overlay (See Section 2.3.3)
- Local Historic District Overlay (See Section 2.3.5)



2.2.2 VILLAGE COMMERCE PLANNING AREA

A. DESCRIPTION

The Village Commerce Planning Area is established to create a strong emphasis on development and redevelopment of commercial, retail, and residential land uses at a higher intensity than historically created in the Village Center. Development should generate a dense mix of retail frontage, upper-story commercial, and high density residential with structured parking. Provisions for pedestrians, bicyclists, and transit riders are essential to the success of the Village Commerce Planning Area.

B. PERMITTED USES

The following table establishes the permitted uses for the Village Commerce Planning Area. Uses not listed in the table below are presumed to be prohibited. (See Section 2.1.3) Additional requirements are in Chapter 3, Uses with Additional Requirements.

TABLE 2-4: VILLAGE COMMERCE USE TABLE	
Residential Uses	
Residential	P
Commercial/Office/Retail Uses	
Commercial, Primary	P
Commercial Services	P
Conference Center	P
Home Occupation	AR
Hotel/Inn	P
Micro-Brewery or Micro-Distillery	AR
Parking as Principal Use	AR
Professional Services	P
Retail, Primary	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Fire & Police Station	P
Government Services	P
Transit Shelter	AR
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Village Commerce Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-5: VILLAGE COMMERCE BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Storefront	R	R	2 stories	4 stories

R = Required, P = Permitted

D. SITE DESIGN STANDARDS

- Setback Requirements:** The following table establishes the required setbacks for the Village Commerce Planning Area.

TABLE 2-6: VILLAGE COMMERCE SETBACK TABLE						
Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Storefront ¹	0	0	0	NA	NA	NA

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

¹ Front and side setbacks exclude pedestrian uses such as plazas, stoops, walks, sidewalk cafes, etc.

- Open Space Requirements:** The following table establishes the required open space for the Village Commerce Planning Area.

TABLE 2-7: VILLAGE COMMERCE OPEN SPACE TABLE		
Open Space	Required % of Development	
	Minimum	Maximum
	5%	NA

- Density Requirements:** There are no density requirements in the Village Commerce Planning Area.

E. DEVELOPMENT STANDARDS

For development standards applicable in the Village Commerce Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space

- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

F. Applicable Overlay Districts

- Village Parking Overlay (See Section 2.3.3)
- Local Historic District Overlay (See Section 2.3.5)



2.2.3 VILLAGE EDGE PLANNING AREA

A. DESCRIPTION

The Village Edge delineates the boundary of the village commercial and retail districts. The Village Edge Planning Area promotes infill development that creates vibrant, pedestrian-friendly streetscapes through a variety of commercial and residential uses. By providing a balance of workplaces and residential uses at the edges of downtown, it creates a strong support framework necessary for a successful town center.

B. PERMITTED USES

The following table establishes the permitted uses for the Village Edge Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses with Additional Requirements.

TABLE 2-8: VILLAGE EDGE USE TABLE	
Residential Uses	
Residential	P
Commercial/Office/Retail Uses	
Commercial, Primary	P
Commercial Services	P
Conference Center	P
Home Occupation	AR
Hotel/Inn	P
Micro-Brewery or Micro-Distillery	AR
Parking as Principal Use	AR
Professional Services	P
Retail, Primary	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Fire & Police Station	P
Recreation Facility, Indoor	P
Religious Institution	AR
Transit Shelter	AR
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES.

The following table establishes the permitted building types for the Village Edge Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 4.4.1.A). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

TABLE 2-9: VILLAGE EDGE BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Townhouse	P	R	2 stories	3 stories
Multi-family	P	R	2 stories	3 stories
Live/Work ¹	P	R	2 stories	3 stories
Institutional	P	R	2 stories	3 stories
Workplace	P	R	2 stories	3 stories
Storefront	P	R	2 stories	3 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

¹At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

D. SITE DESIGN STANDARDS

- Setback Requirements:** The following table establishes the required setbacks for the Village Edge Planning Area.

TABLE 2-10: VILLAGE EDGE SETBACK TABLE						
Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Townhouse	5 ²	10	5 ³	10	5	NA
Multi-family	0	10	0	NA	5	NA
Live/Work	0	10	0	10	5	NA
Institutional ¹	0	0	0	NA	NA	NA
Workplace ¹	0	0	0	NA	NA	NA
Storefront ¹	0	0	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

¹Front and side setbacks exclude pedestrian uses such as plazas, stoops, walks, sidewalk cafes, etc.

²On corner lots, the front setback applies to any façade facing a street.

³Side setbacks apply only to a townhome side wall that is not shared with another townhome wall.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

2. **Open Space Requirements:** The following table establishes the required open space for the Village Edge Planning Area.

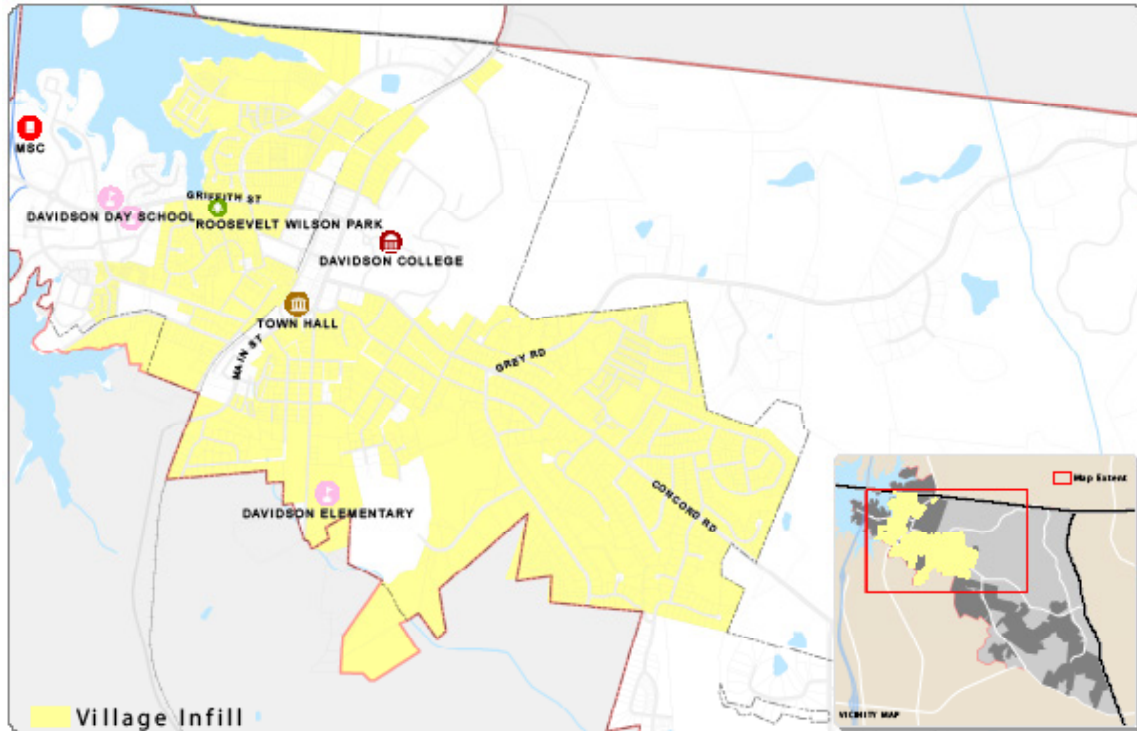
TABLE 2-11: VILLAGE EDGE OPEN SPACE TABLE		
Open Space	Required % of Development	
	Minimum	Maximum
	10%	NA

3. **Density Requirements:** There are no density requirements in the Village Edge Planning Area.

E. **DEVELOPMENT STANDARDS**

For development standards applicable in the Village Edge Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations



2.2.4 VILLAGE INFILL PLANNING AREA

A. DESCRIPTION

The Village Infill Planning Area comprises Davidson's traditional, residential neighborhoods and provides for infill development surrounding the historic town center. Streets, sidewalks and greenways in the Village Infill Planning Area must be interconnected. A range of housing types is encouraged: For Master Plan projects on lots over three acres a mix of at least two different building types is encouraged.

Additionally, small retail establishments are permitted on corner lots, with restrictions. This encourages the provision of small-scale retail and service uses for surrounding residential areas. Buildings are restricted in size to promote a local orientation, to be pedestrian-oriented, to be compatible with the scale of surrounding residences, and to limit any adverse impacts on residential development.

B. PERMITTED USES

The following table establishes the permitted uses for the Village Infill Planning Area. Uses not listed in the table below are presumed to be prohibited. (See Section 2.1.3) Additional requirements are set out in Chapter 3, Uses with Additional Requirements.

TABLE 2-12: VILLAGE INFILL USE TABLE	
Residential Uses	
Bed & Breakfast	AR
Day Care Home	AR
Family Care Home	P
Residential	P
Commercial/Office/Retail Uses	
Home Occupation	AR
Professional Services	AR
Retail Secondary	AR
Civic/Educational/Institutional Uses	
Fire & Police Station	P
Government Services	P
Recreation Facility, Outdoor	AR
Transit Shelter	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES.

The following table establishes the permitted building types for the Village Infill Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

TABLE 2-13: VILLAGE INFILL BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House	P	-	1 stories	37 feet ³
Townhouse	P	R	2 stories	37 feet ³
Attached House	P	R	2 stories	37 feet ³
Mixed Village	P	R	2 stories	2 stories
Live/Work ¹	P	R	2 stories	37 feet ³
Institutional	P	R	2 stories	37 feet ³
Storefront ²	P	R	2 stories	2 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

¹At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

²Storefront buildings shall be permitted on vacant corner lots only and shall not exceed 2,500 square feet per story. A corner lot must be vacant for 12 months before a storefront building would be permitted.

³The height is measured from the finished floor elevation of the façade facing the street to the ridgeline or the highest point of the roof, where there is no ridgeline, excluding chimneys and basements.

D. SITE DESIGN STANDARDS

- Setback Requirements:** The following table establishes the required setbacks for the Village Infill Planning Area.
- Open Space Requirements:** The following table establishes the required open space for the Village Infill Planning Area.

TABLE 2-14: VILLAGE INFILL OPEN SPACE TABLE		
Open Space	Required % of Development	
	Minimum	Maximum
	10%	NA

- Density Requirements:** There are no density requirements in the Village Infill Planning Area.

TABLE 2-15: VILLAGE INFILL SETBACK TABLE						
Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	†	†	††	††	20	NA
Townhouse	5	10	10 ³	NA	5	NA
Attached House	†	†	††	††	20	NA
Mixed Village	†	†	††	††	20	NA
Live/Work	5	10	10	NA	5	NA
Institutional	0	NA	10	NA	5	NA
Storefront ¹	0	20 ⁴	10	NA	NA	NA
Accessory Structure	†††	†††	†††	†††	†††	†††

Setbacks are measured in feet.

†In the Village Infill Planning Area, front setbacks for detached and attached houses shall be within the minimum and maximum front setbacks for buildings within 500 feet along both sides of the same street in either direction AND within ten feet of the front setback for the closest house on the same side of the street. For dual-frontage lots, the Planning Director may waive the adjacent setback rule requiring the subject house to be within ten feet of the closest adjacent house based on the context of the block. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach up to five feet into the front setback area when this procedure is used to determine the setback.

††The total of both side setbacks shall be equal to or greater than 30 percent of the lot width at the front building line; however no side setback shall be less than five feet.

†††See Section 4.5.8 for permitted location and setbacks of accessory structures.

¹Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

²On corner lots, the front setback applies to all street facing facades.

³Side setbacks apply only to a townhome side wall that is not shared with another townhome wall.

⁴Setback shall be no more than adjacent house.

E. DEVELOPMENT STANDARDS

For development standards applicable in the Village Infill Planning Area, see the following sections:

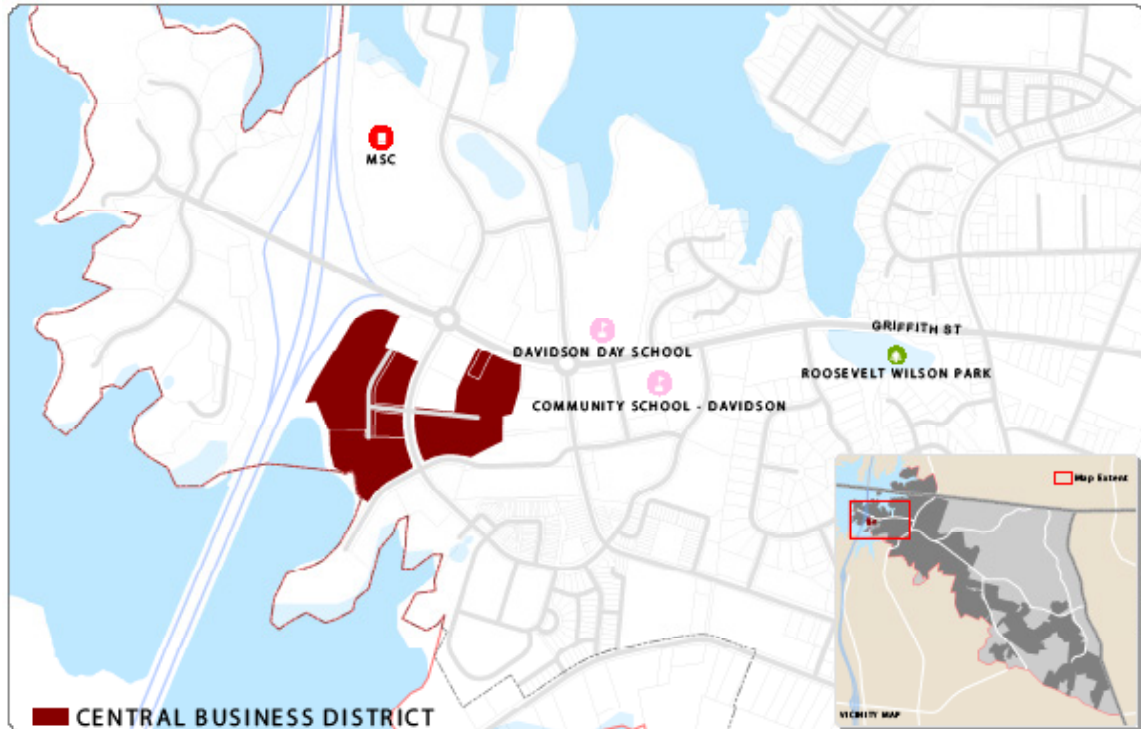
- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

The following are additional development standard(s) in the Village Infill Planning Area.

- In each master plan development creating 15 lots or more, 20 percent of the lots for detached, townhome, and live/work building types must be no greater than 32 feet nor less than 18 feet in width. These lots may not be combined to form a larger lot.
- A detached house may be demolished only if it is replaced with a residential dwelling unit.
- The setbacks and building heights in certain overlay districts sometimes exceed what is permitted in the Village Infill Planning Area. The stricter regulation shall take precedence.
- New development along the lake shall retain 100 percent of the lake shoreline for public use. The existing vegetation within this area shall be preserved. This area may be dedicated to the Town for general public use. Refer to Section 17 - Watershed Overlay District for restrictions on pervious surface in the shoreline buffer area.

F. Applicable Overlay Districts

- Village Infill Overlay (See Section 2.3.4)



2.2.5 CENTRAL BUSINESS DISTRICT PLANNING AREA

A. DESCRIPTION

The Central Business District Planning Area provides a balance of land uses with higher density commercial activities, employment opportunities, and residential uses at the gateway to Davidson from I-77. The purpose of this planning area is primarily commercial development within a pedestrian-friendly neighborhood. Residential units on upper floors are encouraged. This mixture of uses promotes walking, keeps spending local, strengthening the local economy, and reduces dependence on automobiles by creating a neighborhood with many different service and retail establishments in a small area. Architectural design guidelines ensure an attractive and durable built environment unlike typical interstate interchanges.

B. PERMITTED USES

The following table establishes the permitted uses for the Central Business District Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses with Additional Requirements.

TABLE 2-16: CENTRAL BUSINESS DISTRICT USE TABLE	
Residential Uses	
Residential	P
Commercial/Office/Retail Uses	
Commercial Services	P
Conference Center	P
Home Occupation	AR
Hotel/Inn	P
Professional Services	P
Research Laboratory	P
Retail, Primary	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Fire & Police Station	P
Recreation Facility, Indoor	AR
Transit Shelter	AR
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Central Business District Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-17: CENTRAL BUSINESS DISTRICT BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Workplace	P	R	3 stories	6 stories
Storefront	P	R	3 stories	6 stories

R = Required, P = Permitted

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Central Business District Planning Area.

TABLE 2-18: CENTRAL BUSINESS DISTRICT SETBACK TABLE						
Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Workplace ¹	0	0	0	NA	NA	NA
Storefront ¹	0	0	0	NA	NA	NA

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

¹Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

2. **Open Space Requirements:** The following table establishes the required open space for the Central Business District Planning Area.

TABLE 2-19: CENTRAL BUSINESS DISTRICT OPEN SPACE TABLE		
Open Space	Required % of Development	
	Minimum	Maximum
	5%	NA

3. **Density Requirements:** There are no density requirements in the Central Business District Planning Area.

E. DEVELOPMENT STANDARDS

For development standards applicable in the Central Business District Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations

- Section 21, Stream Buffer Regulations

The following are additional development standard(s) in the Central Business District Planning Area:

- New development along the lake shall retain 100 percent of the lake shoreline for public use. The existing vegetation within this area shall be preserved. This area may be dedicated to the Town for general public use. Refer to Section 17 - Watershed Overlay District for restrictions on pervious surface in the shoreline buffer area.



2.2.6 LAKESHORE PLANNING AREA

A. DESCRIPTION

The Lakeshore Planning Area is located at the entrance to Davidson from I-77, within easy walking and bicycling distance to large employment centers and downtown Davidson, and with ample access and vistas to Lake Norman, Lake Davidson, and Lake Cornelius. The Lakeshore Planning Area contains opportunities for high density residential development integrated within corporate, commercial and retail mixed-use development. This planning area is within the state-mandated watershed overlay district; thus the development should be higher and denser development with a smaller footprint. Shorelines must be preserved for public use and aesthetic character.

B. PERMITTED USES

The following table establishes the permitted uses for the Lakeshore Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses & Structures with Additional Requirements.

TABLE 2-20: LAKESHORE USE TABLE	
Residential Uses	
Family Care Home	P
Residential	P
Commercial/Office/Retail Uses	
Commercial Services	P
Home Occupation	AR
Micro-Brewery or Micro-Distillery	AR
Professional Services	P
Research Laboratory	P
Retail, Primary	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Daycare Center	AR
Fire & Police Station	P
Recreation Facility, Indoor	AR
Recreation Facility, Outdoor	AR
Transit Shelter	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Lakeshore Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

TABLE 2-21: LAKESHORE BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House	P	R	2 stories	3 stories
Townhouse	P	R	2 stories	3 stories
Attached House	P	R	2 stories	3 stories
Multi-family	P	R	2 stories	3 stories
Live/Work ¹	P	R	2 stories	4 stories
Workplace	P	R	2 stories	4 stories
Storefront	P	R	2 stories	4 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

¹At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

D. SITE DESIGN STANDARDS

- Setback Requirements:** The following table establishes the required setbacks for the Lakeshore Planning Area.

TABLE 2-22: LAKESHORE SETBACK TABLE						
Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	0	20	3	NA	20	NA
Townhouse	5	10	5 ³	10	5	NA
Attached House	0	20	3	NA	20	NA
Multi-family	0	10	0	NA	NA	NA
Live/Work	5	0	0	10	NA	NA
Workplace ¹	0	0	0	NA	NA	NA
Storefront ¹	0	0	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

¹Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

²On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

³Side setbacks apply only to a townhome side wall that is not shared with another townhome wall.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

- 2. Open Space Requirements:** The following table establishes the required open space for the Lakeshore Planning Area.

TABLE 2-23: LAKESHORE OPEN SPACE TABLE		
Open Space	Required % of Development	
	Minimum	Maximum
	5%	NA

- 3. Density Requirements:** There are no density requirements in the Lakeshore Planning Area.

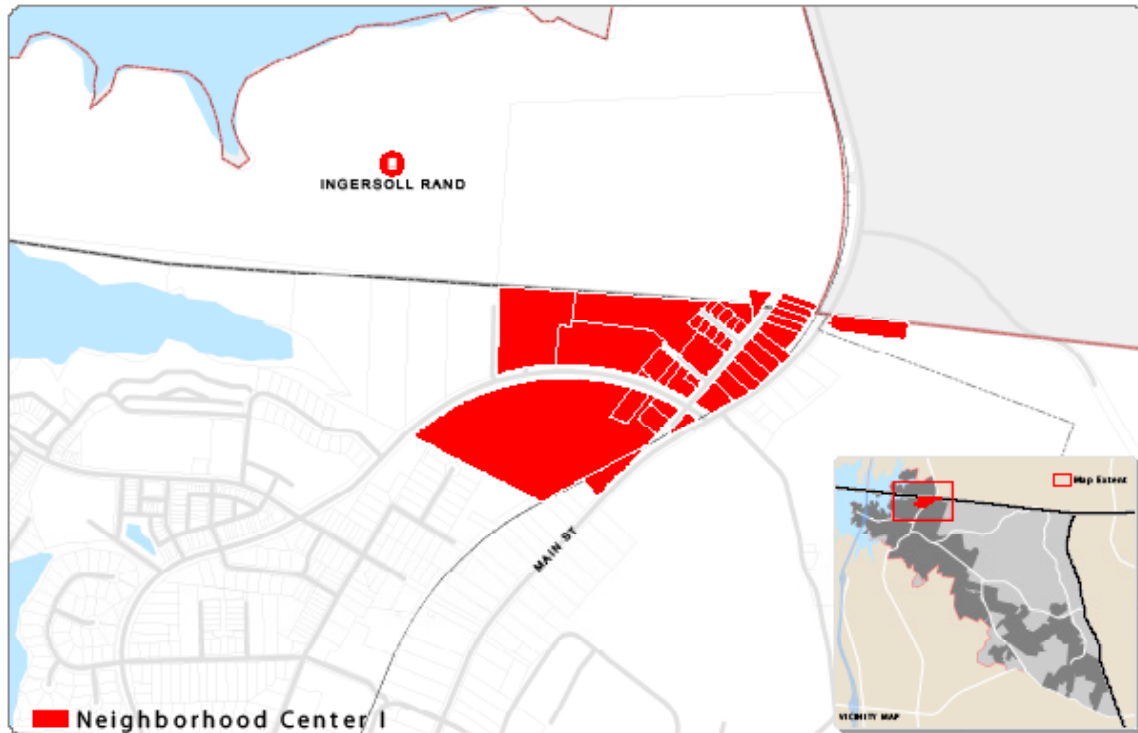
E. DEVELOPMENT STANDARDS

For development standards applicable in the Lakeshore Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

The following are additional development standard(s) in the Lakeshore Planning Area:

- New development along the lake shall retain 100 percent of the lake shoreline for public use. The existing vegetation within this area shall be preserved. This area may be dedicated to the Town for general public use. Refer to Section 17 - Watershed Overlay District for restrictions on pervious surface in the shoreline buffer area.



2.2.7 NEIGHBORHOOD CENTER I PLANNING AREA

A. DESCRIPTION

The Neighborhood Center I Planning Area is established to provide employment opportunities and commercial and retail services to our citizens and regional travelers along and near major thoroughfares. Development is encouraged to be compact and provide off-road pedestrian and bicycle facilities. These commercial nodes will accommodate the high volume of regional traffic along the corridors. The design of a required frontage parkway through developments along the NC 115 corridor will provide safe access between neighborhoods and destinations.

B. PERMITTED USES

The following table establishes the permitted uses for the Neighborhood Center I Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Section 3, Uses & Structures with Additional Requirements.

TABLE 2-24: NEIGHBORHOOD CENTER I USE TABLE	
Residential Uses	
Residential	P
Residential Care Facility	AR
Commercial/Office/Retail Uses	
Commercial Services	P
Commercial, Primary	P
Conference Center	P
Home Occupation	AR
Hotel/Inn	P
Micro-Brewery or Micro-Distillery	AR
Professional Services	P
Research Laboratory	AR
Retail, Primary	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Cultural/Community Center	AR
Daycare Center	AR
Fire & Police Station	P
Recreation Facility, Indoor	AR
Recreation Facility, Outdoor	AR
Religious Institution	AR
Transit Shelter	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR
Gasoline Service S	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Neighborhood Center I Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

TABLE 2-25: NEIGHBORHOOD CENTER I BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Townhouse	P	R	2 stories	3 stories
Multi-family	P	R	2 stories	3 stories
Live/Work ¹	P	R	2 stories	3 stories
Institutional	P	R	2 stories	3 stories
Workplace	P	R	2 stories	3 stories
Storefront	P	R	2 stories	3 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

¹At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

D. SITE DESIGN STANDARDS

- Setback Requirements:** The following table establishes the required setbacks for the Neighborhood Center I Planning Area.

TABLE 2-26: NEIGHBORHOOD CENTER I SETBACK TABLE						
Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Townhouse	5	10	5 ³	10	5	NA
Multi-family	0	10	0	NA	NA	NA
Live/Work	0	0	0	10	NA	NA
Institutional ¹	0	20	0	NA	NA	NA
Workplace ¹	0	0	0	NA	NA	NA
Storefront ¹	0	0	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

¹Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

²On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

³Side setbacks apply only to a townhome side wall that is not shared with another townhome wall.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

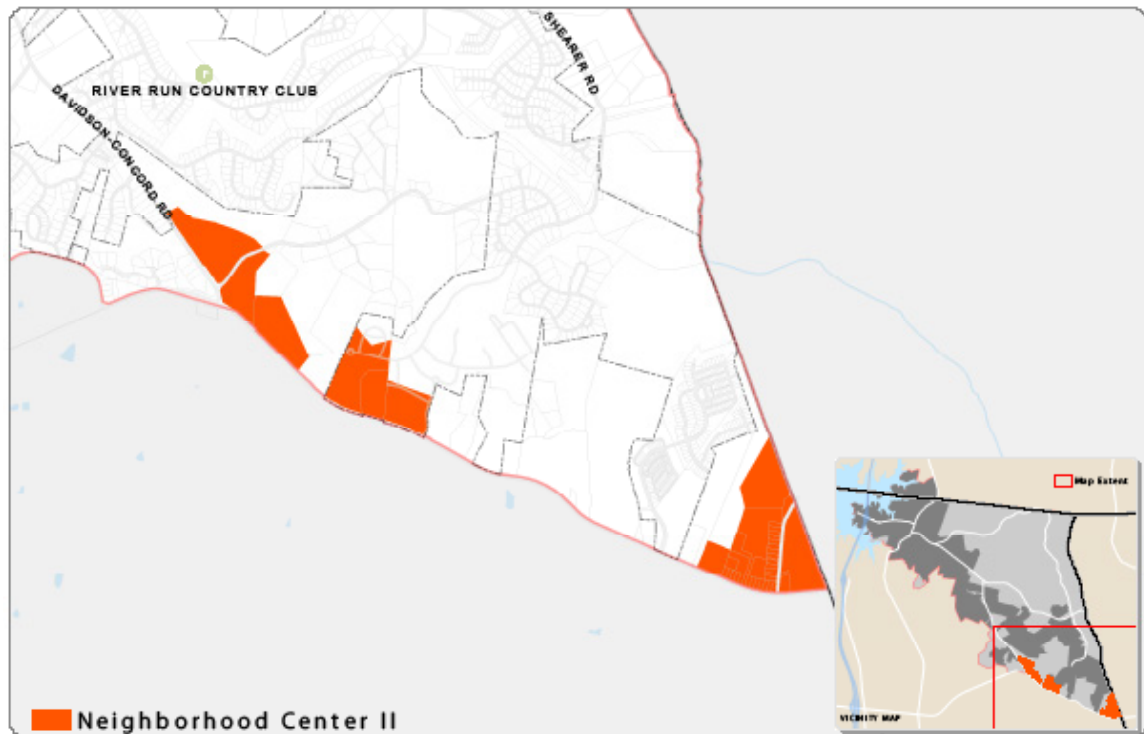
- Open Space Requirements:** The following table establishes the required open space for the Neighborhood Center I Planning Area.

TABLE 2-27: NEIGHBORHOOD CENTER I OPEN SPACE TABLE		
Open Space	Required % of Development	
	Minimum	Maximum
	10%	NA

E. DEVELOPMENT STANDARDS

For development standards applicable in the Neighborhood Center I Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations



2.2.8 NEIGHBORHOOD CENTER II PLANNING AREA

A. DESCRIPTION

The Neighborhood Center II Planning Area is established to provide employment opportunities and commercial and retail services to our citizens and regional travelers along and near major thoroughfares. Development is encouraged to be compact and provide off-road pedestrian and bicycle facilities. These commercial nodes will accommodate the high volume of regional traffic along the corridors. The design of a required frontage parkway through developments along the NC 73 corridors will provide safe access between neighborhoods and destinations.

B. PERMITTED USES

The following table establishes the permitted uses for the Neighborhood Center II Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Section 3, Uses & Structures with Additional Requirements.

TABLE 2-28: NEIGHBORHOOD CENTER II USE TABLE

Residential Uses	
Residential	P
Residential Care Facility	P
Commercial/Office/Retail Uses	
Commercial Services	P
Commercial, Primary	P
Commercial, Secondary	P
Gasoline Service Station	AR
Professional Services	P
Conference Center	P
Home Occupation	AR
Hotel/Inn	P
Micro-Brewery or Micro-Distillery	AR
Retail, Primary	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Cultural/Community Center	AR
Daycare Center	AR
Fire & Police Station	P
Recreation Facility, Indoor	AR
Recreation Facility, Outdoor	AR
Religious Institution	AR
Research Laboratory	P
Transit Shelter	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Automatic Teller Machine (ATM)	AR
Car Wash	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Neighborhood Center II Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

In non-contiguous land area within a planning area:

- A maximum of 70 percent of land area may be storefront, workplace, or institutional building types.
- A maximum of 50 percent of land area may be townhouse, multi-family, or live/work building types.

Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Townhouse	P	R	2 stories	3 stories
Multi-family	P	R	2 stories	3 stories
Live/Work ¹	P	R	2 stories	4 stories
Institutional	P	R	2 stories	4 stories
Workplace	P	R	2 stories	4 stories
Storefront	P	R	2 stories	4 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

¹At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

D. SITE DESIGN STANDARDS

- 1. Setback Requirements:** The following table establishes the required setbacks for the Neighborhood Center II Planning Area.

TABLE 2-30: NEIGHBORHOOD CENTER II SETBACK TABLE						
Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Townhouse	5	10	5 ³	10	5	NA
Multi-family	0	10	0	NA	NA	NA
Live/Work	0	0	0	10	NA	NA
Institutional ¹	0	20	0	NA	NA	NA
Workplace ¹	0	0	0	NA	NA	NA
Storefront ¹	0	0	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

¹Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

²On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

³Side setbacks apply only to a townhome side wall that is not shared with another townhome wall.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

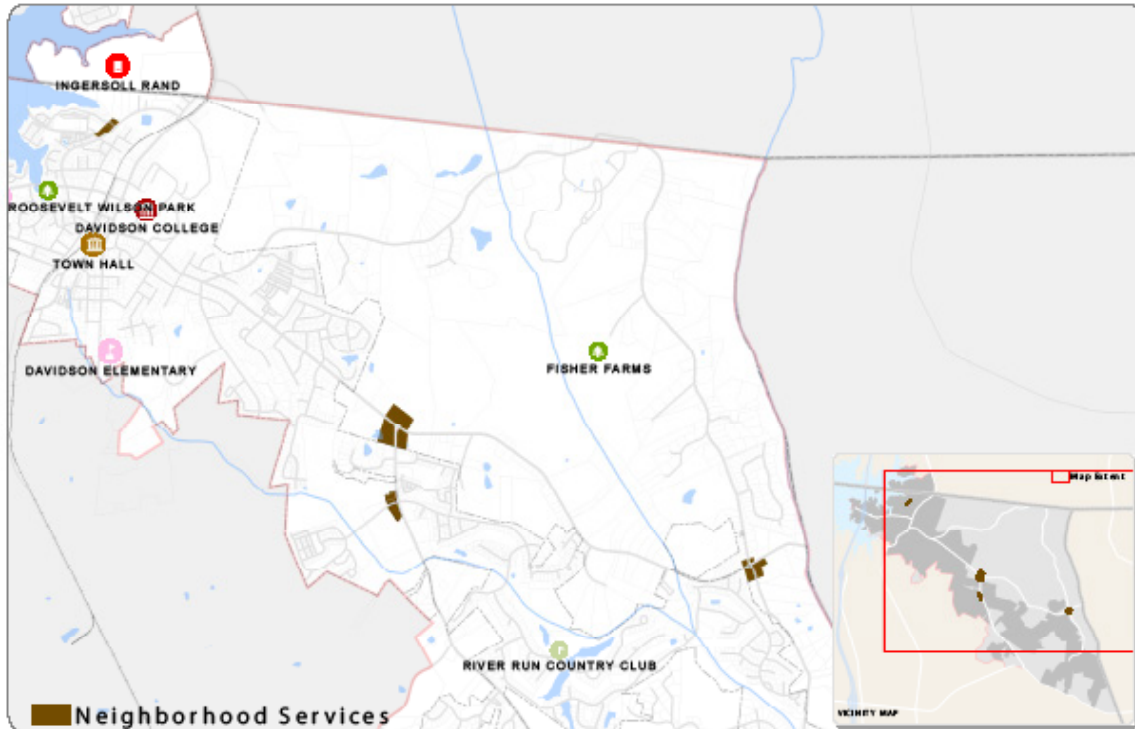
- 2. Open Space Requirements:** The following table establishes the required open space for the Neighborhood Center II Planning Area.

TABLE 2-31: NEIGHBORHOOD CENTER II OPEN SPACE TABLE		
Open Space	Required % of Development	
	Minimum	Maximum
	10%	NA

E. DEVELOPMENT STANDARDS

For development standards applicable in the Neighborhood Center II Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations



2.2.9 NEIGHBORHOOD SERVICES PLANNING AREA

A. DESCRIPTION

The Neighborhood Services Planning Area is established to create small nodes within residential development that increase walkability, create a sense of place, and provide a concentration of goods and services for the daily needs and activities of nearby residents. The buildings within the Neighborhood Services Planning Area should be at a pedestrian scale with retail frontage.

B. PERMITTED USES

The following table establishes the permitted building types for the Neighborhood Services Planning Area. Uses not listed in the table below are presumed to be prohibited. (See Section 2.1.3) Additional requirements are set out in Chapter 3, Uses with Additional Requirements.

TABLE 2-32: NEIGHBORHOOD SERVICES USE TABLE	
Residential Uses	
Family Care Home	P
Residential	P
Commercial/Office/Retail Uses	
Commercial Services	P
Home Occupation	AR
Micro-Brewery or Micro-Distillery	AR
Professional Services	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Daycare Center	AR
Fire & Police Station	P
Recreation Facility, Indoor	AR
Recreation Facility, Outdoor	AR
Transit Shelter	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Neighborhood Services Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

TABLE 2-33: NEIGHBORHOOD SERVICES BUILDING TYPE TABLE

Building Types*	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House ¹	P	R	2 stories	3 stories
Live/Work ²	P	R	2 stories	3 stories
Storefront	P	R	2 stories	3 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

¹ Within the Neighborhood Services Planning Area this building type is allowed only at the East Rocky River Rd. - Shearer Rd. designated commercial node.

² At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

*Buildings located at the intersection of Shearer Rd. and East Rocky River Rd. shall be designed to be consistent with rural vernacular architecture precedents as described in the Rural Area Plan, RAP Action Item 7.6. The Storefront building type and the Detached House building type shall be constructed according to commercial building code standards, and are the only building types permitted on the intersection's four corners. Additional building types, as permitted by the ordinance, may be constructed within this area away but not within 100' feet of the right-of-way at the main intersection's four corners. Please see the Neighborhood Services Overlay District for more information.

D. SITE DESIGN STANDARDS

- Setback Requirements:** The following table establishes the required setbacks for the Neighborhood Services Planning Area.

TABLE 2-34: NEIGHBORHOOD SERVICES SETBACK TABLE

Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Live/Work	0	0	0	10	NA	NA
Storefront ¹	0	0	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

† See Section 4.5.8 for permitted location and setbacks of accessory structures.

¹Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

2. **Open Space Requirements:** The following table establishes the required open space for the Neighborhood Services Planning Area.

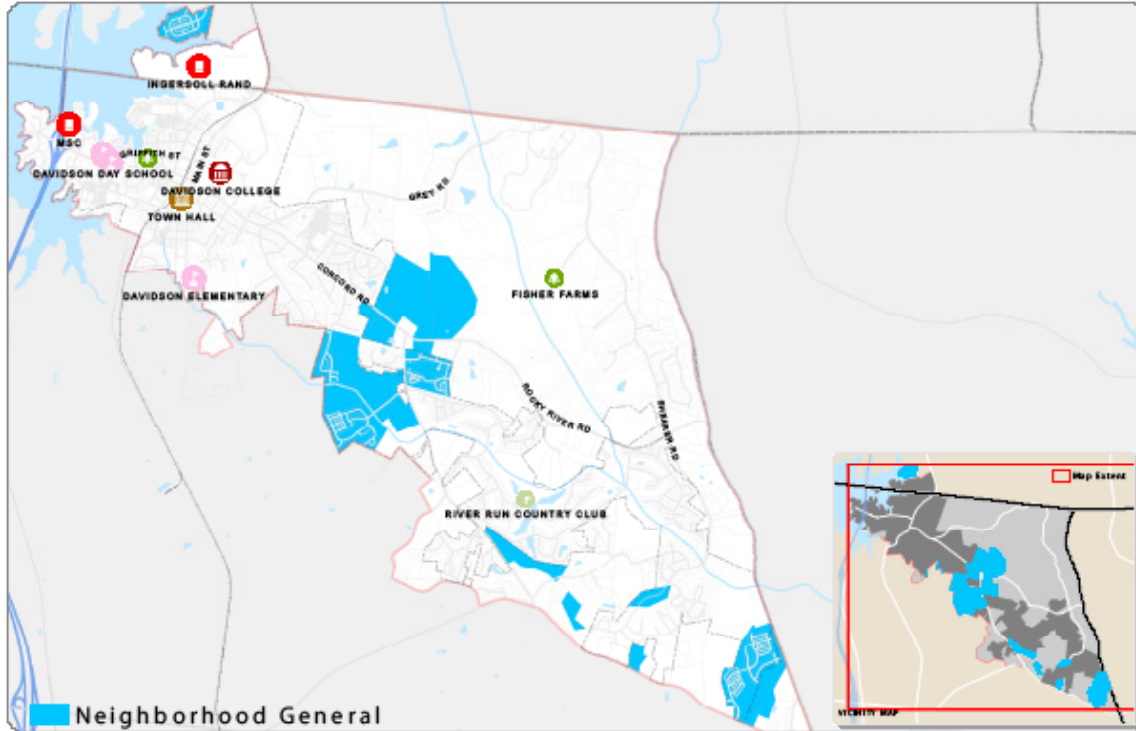
TABLE 2-35: NEIGHBORHOOD SERVICES OPEN SPACE TABLE		
Open Space	Required % of Development	
	Minimum	Maximum
	5%	NA

3. **Density Requirements:** There are no density requirements in the Neighborhood Services Planning Area.

E. **DEVELOPMENT STANDARDS**

For development standards applicable in the Lakeshore Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations



2.2.10 NEIGHBORHOOD GENERAL PLANNING AREA

A. DESCRIPTION

The Neighborhood General Planning Area is established to accommodate medium density development with a variety of housing types within cohesive neighborhoods in close walking or biking proximity to Davidson's planned mixed-use nodes and employment centers. These neighborhoods should be designed at a pedestrian scale with parks and other public amenities as gathering places.

B. PERMITTED USES

The following table establishes the permitted uses for the Neighborhood General Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses with Additional Requirements.

TABLE 2-36: NEIGHBORHOOD GENERAL USE TABLE	
Residential Uses	
Bed & Breakfast	AR
Day Care Home	AR
Family Care Home	P
Residential	P
Commercial/Office/Retail Uses	
Home Occupation	AR
Civic/Educational/Institutional Uses	
Fire & Police Station	P
Recreation Facility, Outdoor	AR
Religious Institution	AR
Transit Shelter	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Neighborhood General Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

In the Neighborhood General Planning Area, no more than 70 percent of the units in each new development shall be detached building type and no more than 50 percent of the units in each new development shall be attached, townhouse, live work, or multi-family building type.

TABLE 2-37: NEIGHBORHOOD GENERAL BUILDING TYPE TABLE

Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House	P	-	1 story	3 stories
Townhouse	P	R	2 stories	3 stories
Attached House	P	R	2 stories	3 stories
Multi-family	P	R	2 stories	3 stories
Live/Work ¹	P	R	2 stories	3 stories
Institutional	P	R	2 stories	3 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R – Required, P = Permitted

¹At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

D. SITE DESIGN STANDARDS

- Setback Requirements:** The following table establishes the required setbacks for the Neighborhood General Planning Area.

TABLE 2-38: NEIGHBORHOOD GENERAL SETBACK TABLE

Building Types	Front Setback		Side Setback ²		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	10	NA	3	NA	20	NA
Townhouse	5	10	5 ³	10	5	NA
Attached House	10	NA	3	NA	20	NA
Multi-family	0	10	0	NA	NA	NA
Live/Work	0	0	0	10	NA	NA
Institutional ¹	0	NA	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

¹Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

²On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

³Side setbacks apply only to a townhome side wall that is not shared with another townhome wall.

[†]See Section 4.5.8 for permitted location and setbacks of accessory structures.

2. **Open Space Requirements:** The following table establishes the required open space for the Neighborhood General Planning Area.

TABLE 2-39: NEIGHBORHOOD GENERAL OPEN SPACE TABLE		
Required % of Development		
Open Space	Minimum	Maximum
	20%	NA

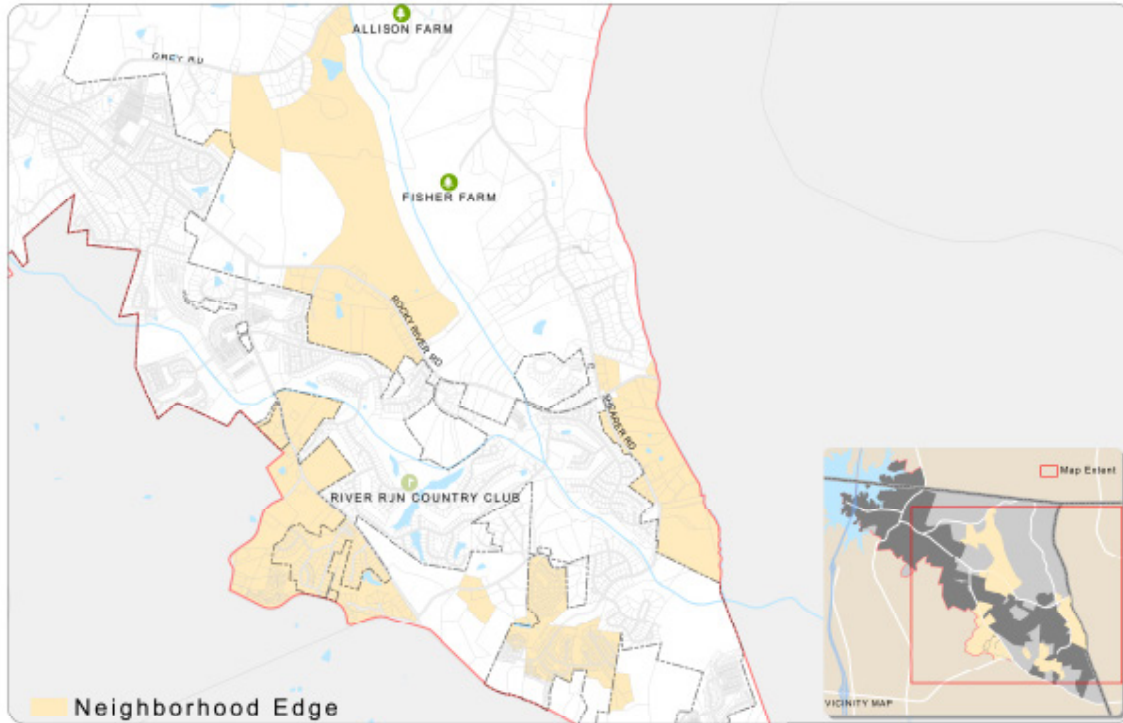
Natural and other topographic or environmental features may contribute to open space over and above the required 20 percent.

3. **Density Requirements:** There are no density requirements in the Neighborhood General Planning Area.

E. DEVELOPMENT STANDARDS

For development standards applicable in the Neighborhood General Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations



2.2.11 NEIGHBORHOOD EDGE PLANNING AREA

A. DESCRIPTION

The Neighborhood Edge Planning Area is established to transition between Davidson's urban areas and its rural periphery. Development in this planning area is low-density residential consisting primarily of single-family homes. Transportation systems, with an emphasis on greenways and bicycle or multi-use paths, should be evaluated to improve connectivity without jeopardizing sensitive natural features or viewsheds.

B. PERMITTED USES

The following table establishes the permitted uses for the Neighborhood Edge Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses & Structures with Additional Requirements.

TABLE 2-40: NEIGHBORHOOD EDGE USE TABLE	
Residential Uses	
Bed & Breakfast	AR
Day Care Home	AR
Family Care Home	P
Residential	P
Commercial/Office/Retail Uses	
Home Occupation	AR
Civic/Educational/Institutional Uses	
Fire & Police Station	P
Recreation Facility, Outdoor	AR
Religious Institution	AR
Transit Shelter	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Neighborhood Edge Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

In the Neighborhood Edge Planning Area, no more than 90 percent of the units in each new development shall be single-family residential Detached House building type and no more than 30 percent of the units in each new development shall be duplex Detached House or Attached House building types.

TABLE 2-41: NEIGHBORHOOD EDGE BUILDING TYPE TABLE

Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House	P	-	1 story	3 stories
Attached House	P	R	1 story	3 stories
Institutional	P	R	2 stories	2 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

D. SITE DESIGN STANDARDS

- Setback Requirements:** The following table establishes the required setbacks for the Neighborhood Edge Planning Area.

TABLE 2-42: NEIGHBORHOOD EDGE SETBACK TABLE

Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	10	NA	3	NA	20	NA
Attached House	10	NA	3	NA	20	NA
Institutional ¹	0	NA	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

¹Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

²On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

2. **Open Space Requirements:** The following table establishes the required open space for the Neighborhood Edge Planning Area.

TABLE 2-43: NEIGHBORHOOD EDGE OPEN SPACE TABLE		
Required % of Development		
Open Space	Minimum	Maximum
	45%	NA

3. **Density Requirements:** There are no density requirements in the Neighborhood Edge Planning Area.

E. **DEVELOPMENT STANDARDS**

For development standards applicable in the Neighborhood Edge Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

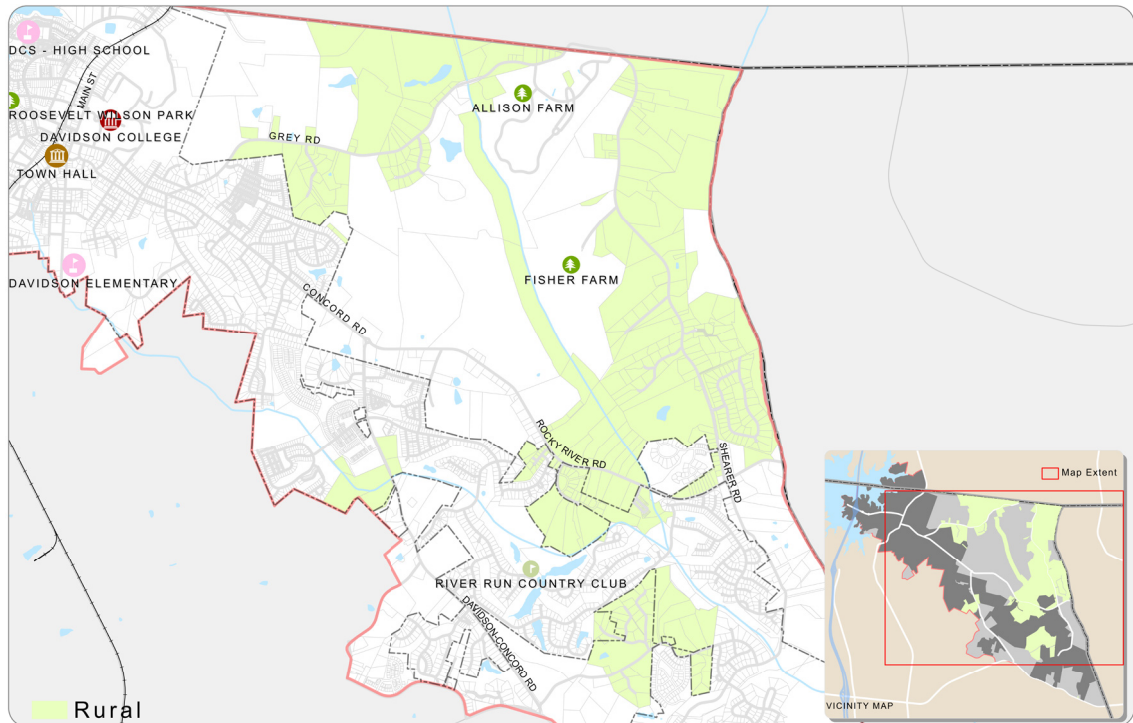
The following are additional development standards in the Neighborhood Edge Planning Area:

Lot Size Requirements:

- A. Projects 50 Units or More:
- Minimum of three different lot sizes required;
 - Minimum 15 foot variation in lot width;
 - Each lot size must comprise a minimum of 20 percent of the total lots in the project;
 - A minimum of 35 percent of the lots must be 60 feet or less.

B. Projects 49 Units or Less:

- Minimum of two different lot sizes required;
- Minimum 15 foot variation in lot width;
- Each lot size must comprise a minimum of 20 percent of the total lots in the project;
- A minimum of 50 percent of the lots must be 60 feet or less, and a maximum of 60 percent of the lots may be 60 feet or less.



2.2.12 RURAL PLANNING AREA

A. DESCRIPTION

The Rural Planning Area places a high priority on the preservation of active farmland, open space, and the rural landscape. Development should be limited to clustered, residential neighborhoods with emphasis on protection of natural features and environmentally sensitive areas. The extension of sewer infrastructure and the construction of new roads must be carefully planned to preserve the rural character.

B. PERMITTED USES

The following table establishes the permitted uses for the Rural Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses with Additional Requirements.

TABLE 2-44: RURAL USE TABLE	
Residential Uses	
Bed & Breakfast	AR
Day Care Home	AR
Family Care Home	P
Halfway Home	AR
Manufactured/Mobile Home	AR
Residential	P
Commercial/Office/Retail Uses	
Home Occupation	AR
Civic/Educational/Institutional Uses	
Fire & Police Station	P
Recreation Facility, Outdoor	P
Religious Institution	AR
Transit Shelter	AR
Agricultural Uses	
Agriculture (includes Crop & Animal Production)	P
Community Garden	P
Farm Product Sales	P
Horse Farm	P
Stables/Riding Academy	AR
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Cemetery	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Rural Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited. (See Section 2.1.4) Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-45: RURAL BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House	P	-	1 story	3 stories
Institutional	P	R	2 stories	3 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

D. SITE DESIGN STANDARDS

- Development Options:** Two development options are permitted in the Rural Planning Area:

Option A: 1 unit per 2 acres + 50% open space with up to 16 permitted units.

Option B: 1 unit per acre + 70% open space. At least 50% of the open space is required on-site with the balance permitted as either a payment-in-lieu or dedication of property off-site.

- Setback Requirements:** The following table establishes the required setbacks for the Rural Planning Area.

TABLE 2-46: RURAL SETBACK TABLE						
Building Types	Front Setback		Side Setback ²		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	25	NA	15	NA	30	NA
Institutional ¹	25	NA	15	NA	30	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

¹Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

²On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

- Open Space Requirements:** The following table establishes the required open space for the Rural Planning Area.

TABLE 2-47: RURAL OPEN SPACE TABLE		
Required % of Development		
Open Space	Minimum	Maximum
Option A	50%	NA
Option B*	70%	NA
* 50% Min. On-Site; 20% Max. off-site dedication or payment-in-lieu permitted.		

See Section 7 for information regarding open space and payment-in-lieu options.

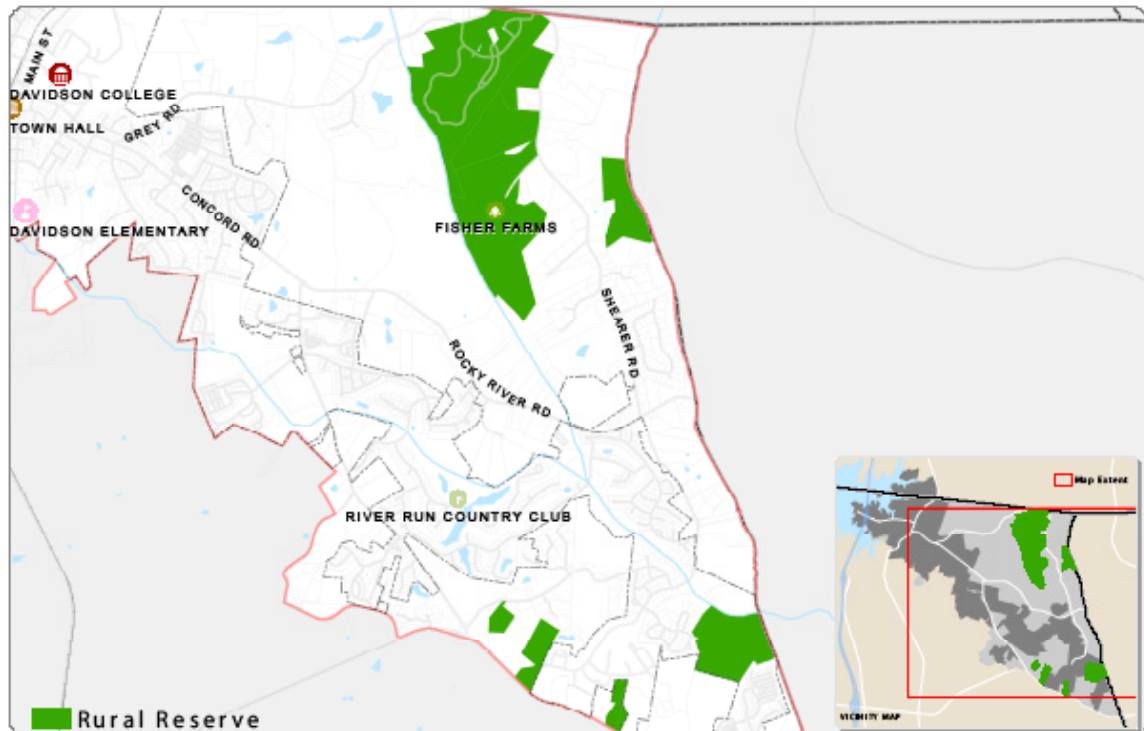
4. Density Requirements: The following table establishes the allowable density requirements in the Rural Planning Area.

TABLE 2-48: RURAL DENSITY TABLE		
Master Plan	Gross Density	Maximum Units per Acre
Option A	1 Unit per 2 Acres	Max. 16 Units*
Option B	1 Unit per Acre	NA
*If a project elects to construct affordable housing on-site, affordable units do not count towards the maximum permitted density in Option A and Option B.		

E. DEVELOPMENT STANDARDS

For development standards applicable in the Rural Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations



2.2.13 RURAL RESERVE PLANNING AREA

A. DESCRIPTION

The Rural Reserve Planning Area is established to preserve and protect valuable agricultural land, environmentally sensitive areas (e.g. floodways and wetlands), dedicated conservation areas, and properties under public ownership that are restricted for passive or active recreational use. Development in this planning area is only permitted to support the use of these areas as productive farmland and recreational amenities. Rural residential uses should be limited to those present at the time of the adoption of this ordinance.

The Rural Reserve Planning Area is a voluntary district and shall be established only at the request of the property owner. No further subdivision of land is permitted.

B. PERMITTED USES

The following table establishes the permitted uses for the Rural Reserve Planning Area. Uses not listed in the table below are presumed to be prohibited. (See Section 2.1.3) Additional requirements are set out in Chapter 3, Uses & Structures with Additional Requirements.

TABLE 2-49: RURAL RESERVE USE TABLE	
Residential Uses	
Bed & Breakfast	AR
Manufactured/Mobile Home	AR
Residential	P
Commercial/Office/Retail Uses	
Home Occupation	AR
Agricultural Uses	
Agriculture (includes Crop & Animal Production)	P
Community Garden	P
Conservation Easement Uses	P ¹
Horse Farm	P
Stables/Riding Academy	AR
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

¹Any use allowed by the conservation easement or master plan associated with the parcel.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Rural Reserve Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited. (See Section 2.1.4) Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-50: RURAL RESERVE BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House	P	-	1 story	3 stories
Institutional*	P	R	-	-
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

*Any institutional building type allowed by the conservation easement or master plan associated with the parcel.

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Rural Reserve Planning Area.

TABLE 2-51: RURAL RESERVE SETBACK TABLE						
Building Types	Front Setback		Side Setback ²		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	25	NA	15	NA	30	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach up to 5'- 0" into the front setback area.

¹On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

2. **Open Space Requirements:** The following table establishes the required open space for the Rural Reserve Planning Area.

TABLE 2-52: RURAL RESERVE OPEN SPACE TABLE		
Required % of Development		
Open Space	Minimum	Maximum
	40%	NA

3. **Density Requirements:** Density shall not exceed the existing density as of July 1, 2001.

[In Table, Ag. Uses]: Conservation Easement Uses1 (P)

[Below Table]: 1Any use allowed by the conservation easement or master plan associated with the parcel.

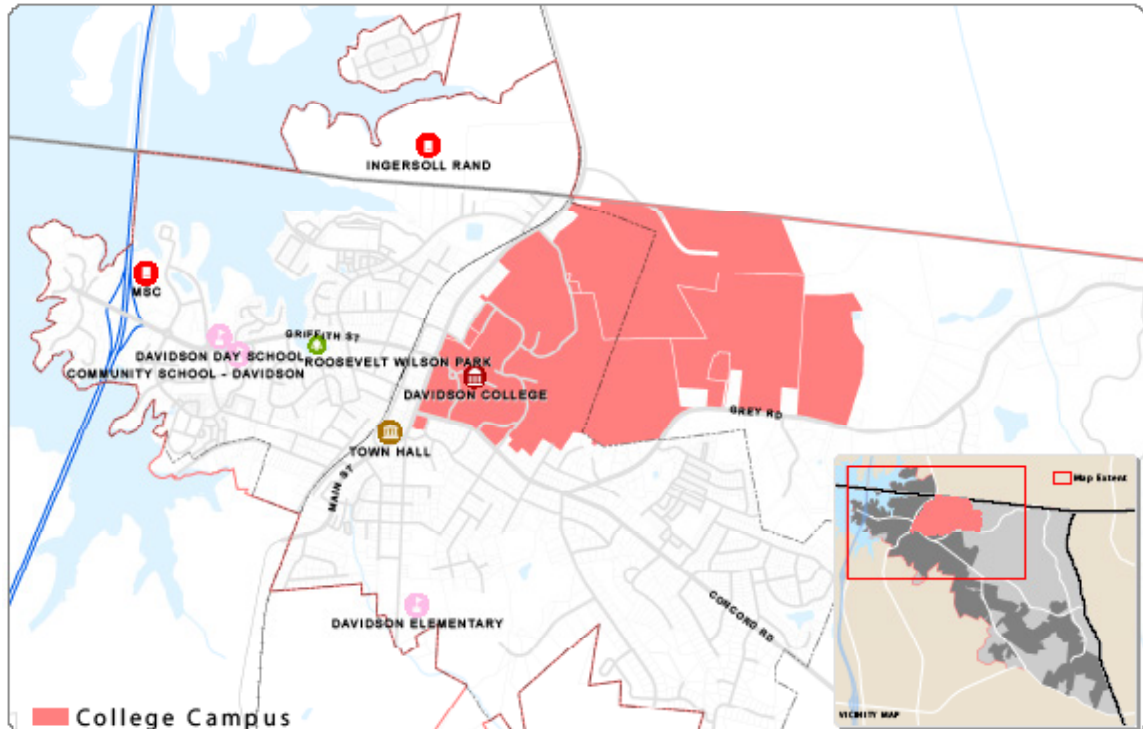
E. DEVELOPMENT STANDARDS

For development standards applicable in the Lakeshore Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

The following are additional development standards in the Rural Reserve Planning Area.

- The present use of the property may be enlarged or expanded; however, no more than one detached house and its related accessory uses is permitted on each lot of record.
- No further subdivision of land is permitted.



2.2.14 COLLEGE CAMPUS PLANNING AREA

A. DESCRIPTION

The College Campus Planning Area is established to provide for the ongoing use and expansion of Davidson College within a traditional academic campus environment. Development in this planning area promotes the many varied uses associated with such institutions while maintaining the overall design integrity of the campus setting and minimizing any adverse impacts on the residential and historic areas.

B. PERMITTED USES

The following table establishes the permitted uses for the College Campus Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses & Structures with Additional Requirements.

TABLE 2-53: COLLEGE CAMPUS USE TABLE	
Residential Uses	
Bed & Breakfast	AR
Dormitory	P
Family Care Home	P
Residential	P
Commercial/Office/Retail Uses	
Arena/Stadium	P
Conference Center	P
Home Occupation	AR
Hotel/Inn	P
Research Laboratory	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Cemetery	P
College/University	P
Cultural/Community Center	P
Day Care Center	P
Fire & Police Station	P
Hospital	P
Recreation Facility, Indoor	P
Recreation Facility, Outdoor	P
Religious Institution	AR
Transit Shelter	AR
Vocational School	AR
Agricultural Uses	
Agriculture (includes Crop & Animal Production)	P
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Essential Services II	AR
Essential Services III	AR
Solar Farm	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
TABLE 2-49: COLLEGE CAMPUS USE TABLE	
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the College Campus Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited. (See Section 2.1.4) Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-54: COLLEGE CAMPUS BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House	P	-	1 story	3 stories
Townhouse	P	R	2 stories	3 stories
Attached House	P	R	2 stories	3 stories
Multi-family	P	R	2 stories	3 stories
Live/Work ¹	P	R	2 stories	3 stories
Institutional	P	R	2 stories	NA
Workplace	P	R	2 stories	NA
Storefront	P	R	2 stories	NA
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

¹At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

D. SITE DESIGN STANDARDS

- Setback Requirements:** The following table establishes the required setbacks for the College Campus Planning Area.

TABLE 2-55: COLLEGE CAMPUS SETBACK TABLE						
Building Types	Front Setback		Side Setback ²		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	10	NA	3	NA	20	NA
Townhouse	5	NA	5 ³	10	5	NA
Attached House	10	NA	3	NA	20	NA
Multi-family	0	NA	0	NA	NA	NA
Live/Work	0	NA	0	10	NA	NA
Institutional ¹	0	NA	0	NA	NA	NA
Workplace ¹	0	NA	0	NA	NA	NA
Storefront ¹	0	0	0	10	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

¹Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

²On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

³Side setbacks apply only to a townhome side wall that is not shared with another townhome wall.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

- 2. Open Space Requirements:** There are no open space requirements in the College Campus Planning Area.
- 3. Density Requirements:** There are no density requirements in the College Campus Planning Area.

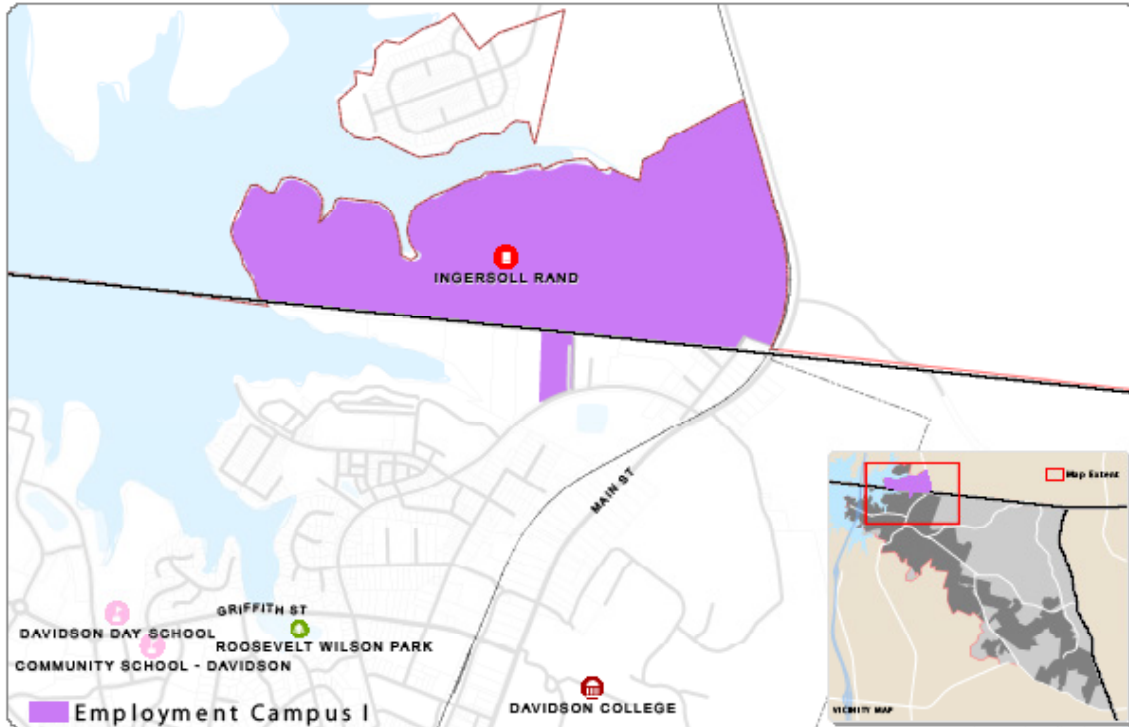
E. DEVELOPMENT STANDARDS

For development standards applicable in the Lakeshore Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

F. SIGNAGE

All signs must comply with Section 11 – Signs. However, building name signs in the College Campus Planning Area may be permitted up to 60 square feet and may be placed above 18 feet.



2.2.15 EMPLOYMENT CAMPUS I PLANNING AREA

A. DESCRIPTION

The Employment Campus I is established to protect the existing business campus and encourage its expansion and the development of support services. The Employment Campus I offers a unique opportunity to provide multi-modal transportation facilities connecting northern neighborhoods to town center.

B. PERMITTED USES

The following table establishes the permitted uses for the Employment Campus I Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses with Additional Requirements.

TABLE 2-56: EMPLOYMENT CAMPUS I USE TABLE

Commercial/Office/Retail Uses	
Commercial, Primary, Secondary, and Services	AR
Micro-Brewery or Micro-Distillery	AR
Professional Services	P
Research Laboratory	P
Retail, Primary	AR
Retail, Secondary	AR
Civic/Educational/Institutional Uses	
Daycare Center	AR
Fire & Police Station	P
Recreation Facility, Indoor	P
Recreation Facility, Outdoor	P
Transit Shelter	AR
Industrial/Wholesale/Storage	
Brewery, Large	AR
Manufacturing, Heavy	AR
Manufacturing, Light	P
Wholesale Establishment	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Employment Campus I Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-57: EMPLOYMENT CAMPUS I BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Workplace	P	R	2 stories	NA
Storefront	P	R	2 stories	NA

R = Required, P = Permitted

D. SITE DESIGN STANDARDS

- 1. Setback Requirements:** The following table establishes the required setbacks for the Employment Campus I Planning Area.

TABLE 2-58: EMPLOYMENT CAMPUS I SETBACK TABLE						
Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Workplace ¹	0	0	0	40	NA	NA
Storefront ¹	0	0	0	40	NA	NA

Setbacks are measured in feet.

¹Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

- 2. Open Space Requirements:** The following table establishes the required open space for the Employment Campus I Planning Area.

TABLE 2-59: EMPLOYMENT CAMPUS I OPEN SPACE TABLE		
Required % of Development		
Open Space	Minimum	Maximum
	35%	NA

3. **Density Requirements:** There are no density requirements in the Employment Campus I Planning Area.

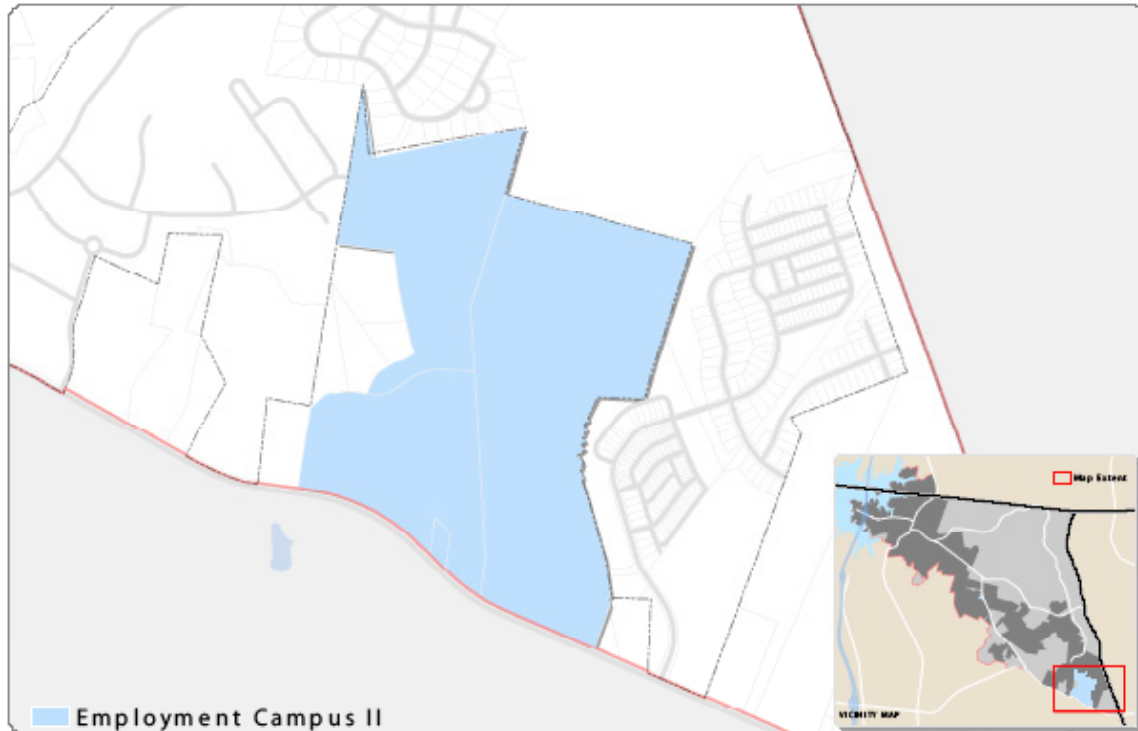
E. **DEVELOPMENT STANDARDS**

For development standards applicable in the Employment Campus I Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

The following are additional development standards in the Employment Campus I Planning Area.

1. An interconnecting network of internal streets and paths shall be designed to accommodate various uses and transportation modes.
2. Building sites shall be established so as to minimize their impact on the landscape of the area, preserving viewsheds and unique natural features by containing buildings in a clustered campus format.
3. Roads parallel to NC 115 shall include adequate bicycle and pedestrian facilities along the length of the corridor. The specific bicycle and pedestrian facility types shall be determined as part of the site planning process.



2.2.16 EMPLOYMENT CAMPUS II PLANNING AREA

A. DESCRIPTION

Employment Campus II Planning Area is established to allow the development of employment-based uses such as corporate offices, light manufacturing and other uses that contribute to the creation of a regional employment center. Because of the presence of a high number of employees, these developments should be designed in a manner that accommodates pedestrian, bicycles, and public transit.

B. PERMITTED USES

The following table establishes the permitted uses for the Employment Campus II Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses & Structures with Additional Requirements.

TABLE 2-60: EMPLOYMENT CAMPUS II USE TABLE	
Commercial/Office/Retail Uses	
Commercial, Primary	P
Commercial, Secondary	P
Commercial, Services	P
Micro-Brewery or Micro-Distillery	AR
Professional Services	P
Research Laboratory	P
Retail Primary	AR
Retail Secondary	AR
Civic/Educational/Institutional Uses	
Daycare Center	AR
Fire & Police Station	P
Recreation Facility, Indoor	P
Transit Shelter	AR
Industrial/Wholesale/Storage	
Brewery, Large	AR
Manufacturing, Light	P
Wholesale Establishment	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Employment Campus II Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-61: EMPLOYMENT CAMPUS II BUILDING TYPE TABLE

Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Workplace	P	R	2 stories	5 stories
Storefront	P	R	2 stories	5 stories

R = Required, P = Permitted

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Employment Campus II Planning Area.

TABLE 2-62: EMPLOYMENT CAMPUS II SETBACK TABLE

Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Workplace ¹	0	0	0	40	NA	NA
Storefront ¹	0	0	0	40	NA	NA

Setbacks are measured in feet.

¹Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

2. **Open Space Requirements:** The following table establishes the required open space for the Employment Campus II Planning Area.

TABLE 2-63: EMPLOYMENT CAMPUS II OPEN SPACE TABLE

Open Space	Required % of Development	
	Minimum	Maximum
	35%	NA

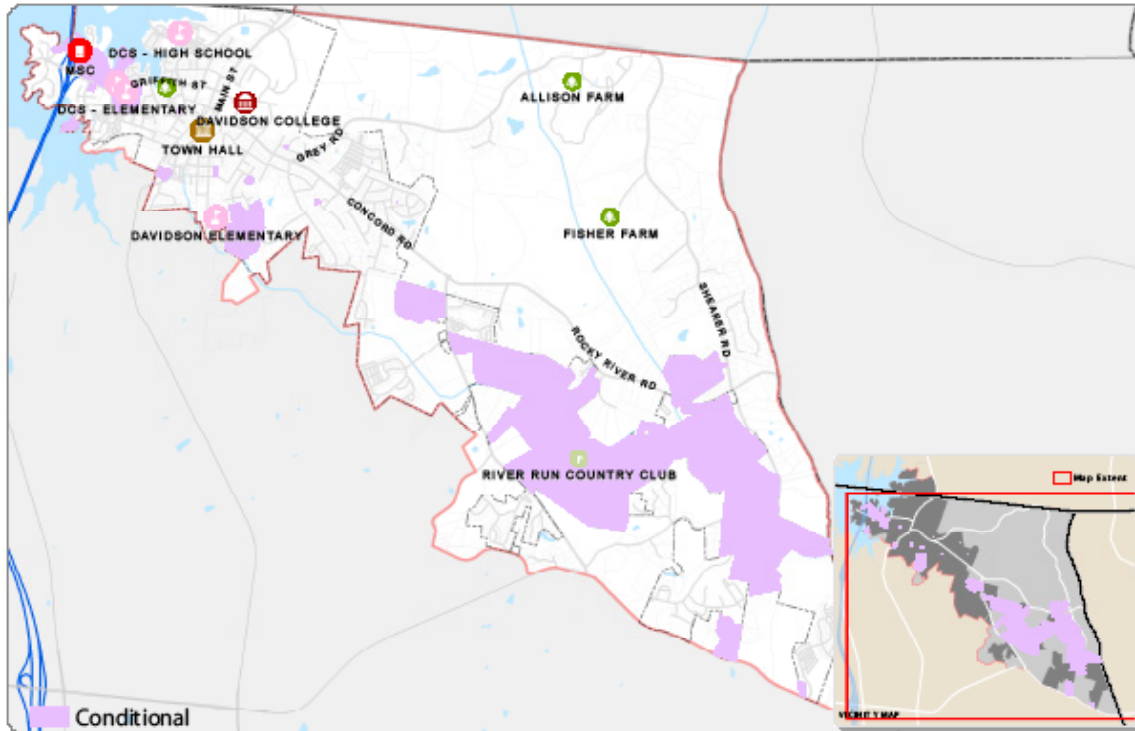
3. **Density Requirements:** There are no density requirements in the Employment Campus II Planning Area.
4. **Additional Requirements:** The following are additional development standards in the Employment Campus II Planning Area.
 - An interconnecting network of internal streets shall be designed to accommodate the various uses.

- The street network shall be designed in a manner to facilitate bus transit. Front doors shall be located to provide easy access to the interior of buildings from public transit stops.
- The interior core of the development shall maintain a well-designed open space network to give prominence to important structures and allow for pedestrian circulation.
- Building sites shall be established so as to minimize their impact on the landscape of the area, preserving viewsheds and unique historical or natural features by containing buildings in a clustered campus format.
- NC 73 Standards
 - o Where the Employment Campus II Planning Area is adjacent to the parallel road along NC 73 or Davidson-Concord Road, development must comply with right-of-way required by NCDOT for future road and intersection improvements.
 - o In the Employment Campus II Planning Area, buildings may be placed between the parallel road and NC 73. All buildings along and between the parallel road and NC 73 must have a zero-foot front setback from the parallel road.
 - o Roads parallel to NC 73 shall include adequate bicycle and pedestrian facilities along the length of the corridor. The specific bicycle and pedestrian facility types shall be determined as part of the site planning process.

E. DEVELOPMENT STANDARDS

For development standards applicable in the Lakeshore Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations



2.2.17 CONDITIONAL PLANNING AREA

A. DESCRIPTION

Because of the nature, scale, or location, or particular impacts on the immediate areas, as well as the community as a whole, a Conditional Planning Area is established to add flexibility to the planning and development process, but at the same time create additional controls which can establish specific development standards to insure quality development.

B. PURPOSE

Conditional Planning Areas may be established for the purpose of allowing innovative planning or design ideas for development in any planning area.

In some instances, such development proposals may not be adequately accommodated by the base planning areas. In accordance with G.S. 160D the provisions set forth in Section 14 establish a legislative, conditional rezoning process for property within the town's planning jurisdiction.

C. PROCEDURE

Conditional Planning Areas may be based on any district, but are not intended to relieve hardships that would otherwise be handled using a variance procedure. A Conditional Planning Area application must be made by the owners of the property or their authorized agents in accordance with the procedures established in Section 15.

D. DEVELOPMENT STANDARDS

Within a Conditional Planning Area, petitioners may request modifications to the specific standards of the underlying base planning area with the following exceptions:

If no specific request is made by the petitioner to the change in the development

standards or if the petition is silent on the point, it shall be understood that the underlying zoning district guidelines and standards shall apply.

If the Conditional Planning Area is approved, the all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions.



2.2.18 SPECIAL USE PLANNING AREA

A. DESCRIPTION

The special use planning area is established for areas that are subject to special use permits issued prior to the adoption of this ordinance. One purpose of this planning area is to make uses and structures within a special use planning area, which comply with the special use permit, conforming uses and structures.

B. PERMITTED USES

The permitted uses within each special use planning area are those uses which are allowed under the special use permit issued with respect to such planning areas, subject to any and all conditions, restrictions or limitations contained in the special use permit.

C. PERMITTED BUILDING TYPES

The permitted building types within each special use planning area are those uses which are allowed under the special use permit issued with respect to such planning area, subject to any and all conditions, restrictions or limitations contained in the special use permit.

D. DEVELOPMENT STANDARDS

Development standards are prescribed in the respective special use permit. For standards and regulations not prescriptive in the respective Special Use Planning Area the standards and regulations of this ordinance shall apply.

E. AMENDMENT AND EXPANSION

The special use permit shall not be amended nor shall the uses or buildings be expanded from the detailed plans approved in connection with the issuance of the special use permit. Any amendments or expansion of the uses or buildings within a special use planning area shall require a rezoning of the property, including the rezoning to a conditional planning area.

2.3 OVERLAY DISTRICTS

2.3.1 OVERLAY DISTRICTS ESTABLISHED

An overlay district is a separate set of regulations applied to a specific geographic area for the purpose of managing certain environmentally sensitive, culturally/historically significant, and/or visually important community resources. An overlay district may grant additional uses, restrict permitted uses, or impose development requirements differing from those in the underlying base planning area. Where overlay districts are applied, the underlying base planning area and the overlay district together will control development. If there is conflict between the requirements of the base planning area and the requirements of the overlay district, the requirements of the overlay district shall take precedence. There are hereby established eight overlay districts as follows:

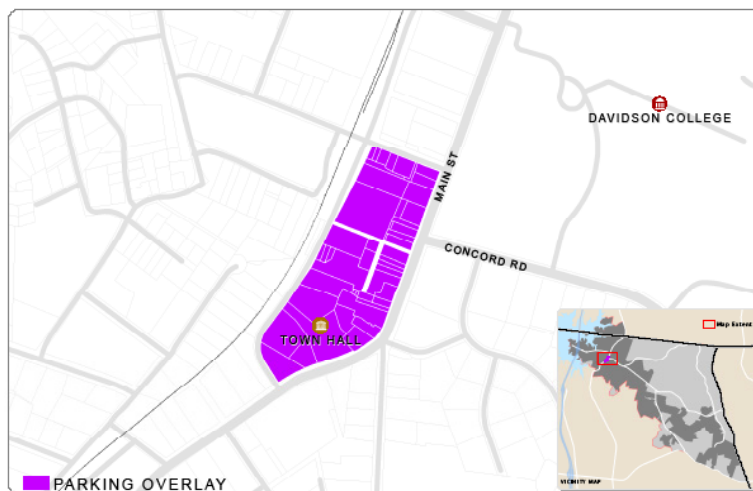
- VH-O: Village Height Overlay
- VP-O: Village Parking Overlay
- VI-O: Village Infill Overlay
- LH-O: Local Historic Overlay
- RF-O: Retail Frontage Overlay
- SB-O: Stream Buffer Overlay
- WP-O: Watershed Protection Overlay
- F-O: Floodplain Overlay
- SB-O: Scenic Byway Overlay
- NS-O: Neighborhood Services Overlay



2.3.2 (VH-0) VILLAGE HEIGHT OVERLAY DISTRICT

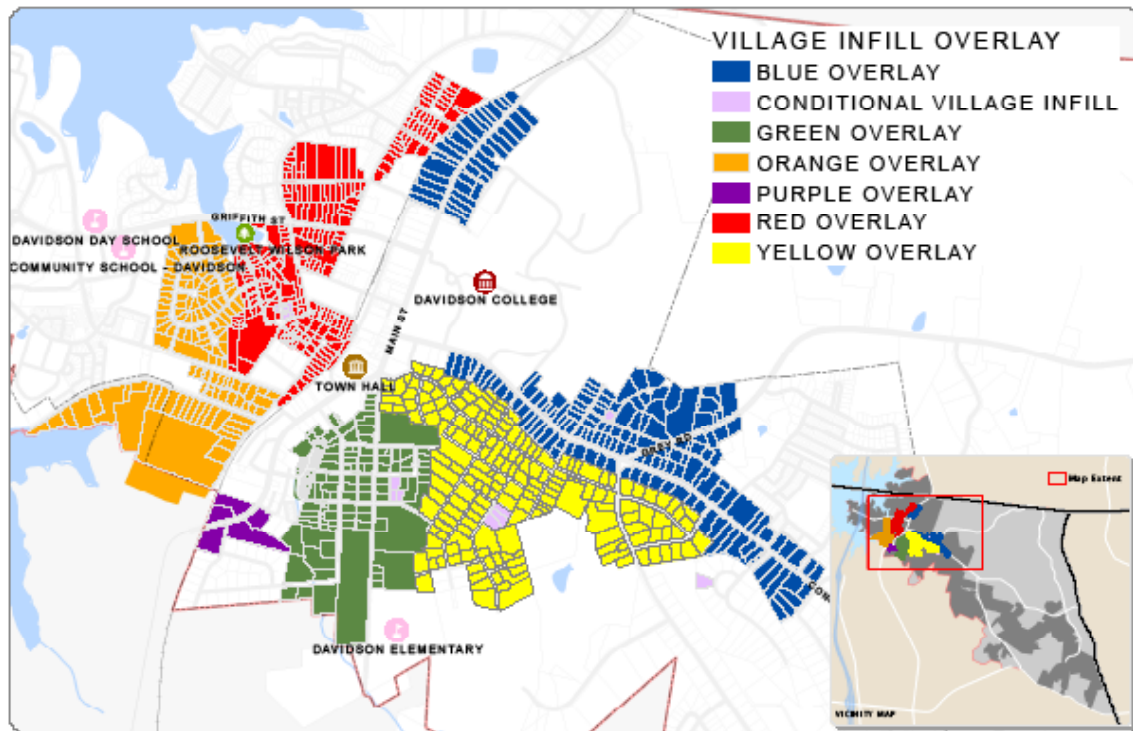
The Village Height Overlay District: Buildings shall have a height no taller than three stories. In the Village Height Overlay District as depicted on Map 2.3.2.

- A. **Purpose:** The purpose of the Village Height Overlay District is to preserve the character of Main Street Davidson by limiting building heights in the historic downtown core.
- B. **Standards:** In the Village Height Overlay District, buildings shall have a height no taller than three stories as depicted on the Village Height Overlay District Map.



2.3.3 (VP-0) VILLAGE PARKING OVERLAY DISTRICT

- A. **Purpose:** The purpose of the Village Parking Overlay District is to provide an option for payment in lieu of providing required onsite parking.
- B. **Standards:** Payments in lieu may be provided according to the Schedule of Fees/ Payments adopted by the Board of Commissioners for required parking in the Village Parking Overlay District, as depicted on the Village Parking Overlay District Map.



2.3.4 (VI-O) VILLAGE INFILL OVERLAY DISTRICTS

A. PURPOSE

The Village Infill Overlay District is established to preserve the character of the older parts of Davidson as defined by the Village Infill Overlay Districts. The town's historic core cannot remain static, but its existing character is worth preserving. It is acceptable for new houses to be larger than older ones, but not so much larger as to threaten neighborhood character. Development in the Village Infill Overlay District should:

- Remind one of the surrounding neighborhood;
- Recognize the built environment;
- Have a human scale; and
- Preserve significant trees;

B. DISTRICTS

- Village Infill Overlay – Red
- Village Infill Overlay – Orange
- Village Infill Overlay – Yellow
- Village Infill Overlay – Green
- Village Infill Overlay – Blue
- Village Infill Overlay – Purple

The Village Infill Overlay District is depicted on Map 2.3.4.

C. PERMITTED USES

The permitted uses within each Village Infill Overlay District are those uses which are allowed in the underlying planning area.

D. BUILDING TYPES

The permitted building types within each Village Infill Overlay District are those uses which are allowed in the underlying planning area.

The following table establishes the maximum height of the primary structure in a Village Infill Overlay District. The height of the structure is measured from the finished floor elevation of the façade facing the street to the ridgeline or the highest point of the roof (where there is no ridgeline), excluding chimneys and basements. Accessory structures shall be as outlined in Section 4.

TABLE 2-64: VILLAGE INFILL OVERLAY HEIGHT TABLE	
Overlay District	Maximum
Red	35'
Orange	32'
Yellow	32'
Green	32'
Blue	35'
Purple	35'

E. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Village Infill Overlay District.

TABLE 2-65: VILLAGE INFILL OVERLAY SETBACK TABLE		
Front Setback	Side Setback ¹	Rear Setback
Front setbacks shall be the same as for the Village Infill Planning Area	The side setbacks shall be at a minimum the same as the Village Infill Planning Area. In addition, the total of both side yard setbacks shall be equal to or greater than 30% of the property's street frontage	Rear setbacks shall be the same as for the Village Infill Planning Area.

Setbacks are measured in feet.

¹On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

2. Single-family detached homes in each overlay district shall face the street and have a pedestrian access (walkway) connecting the front of the house to the street.

F. FLOOR TO AREA RATIO

An addition of 250 or more square feet to the exterior of an existing house (as of the adoption of this ordinance) or any new house construction within the Village Infill Overlay districts shall require compliance with Floor to Area Ratio (FAR) maximums.

Square footage counted toward FAR calculations shall include heated floor space within the primary structure, attached garage space, and any space above an attached garage whether heated or not, but not including finished basements. See Definitions for more information. Renovations of interior spaces not affecting the exterior of the house or external additions without floor or roof are not subject to design and size restrictions.

The owner/applicant may choose to build the maximum square footage allowed for a property in a smaller lot size category.

TABLE 2-66: VILLAGE INFILL OVERLAY FLOOR TO AREA RATIO TABLE						
Lot Size	Red	Orange	Yellow	Green	Blue	Purple
Less than 6,000	0.42	0.39	0.38	0.42	0.42	0.40
6,000 to less than 10,000	0.33	0.31	0.31	0.3	0.35	0.30
10,000 to less than 15,000	0.23	0.21	0.25	0.23	0.27	0.25
15,000 to less than 21,000	0.17	0.16	0.19	0.17	0.20	0.20
21,000 to less than 28,000	0.13	0.13	0.15	0.14	0.16	0.17
28,000 or more square feet	0.10	0.11	0.12	0.11	0.13	0.14

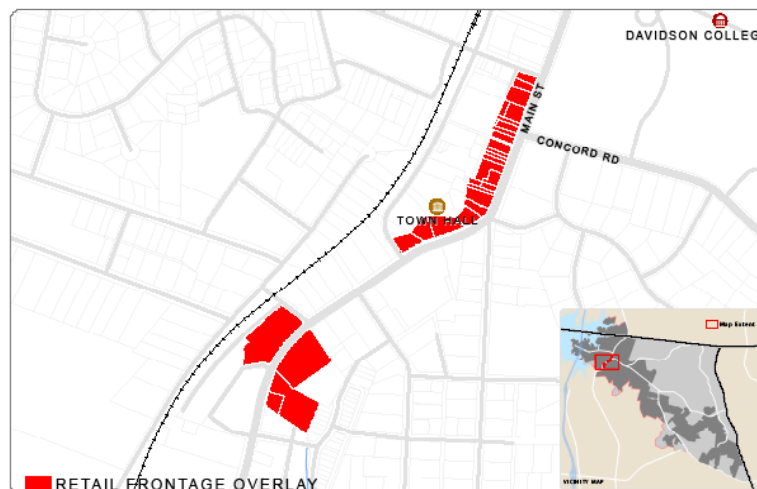
* A principal structure constructed in the village infill overlay district shall be designed in proportion to the size of the lot as described in the following chart. A detached house may be built with a total floor area of 1,500 square feet or not to exceed the maximum FAR as calculated in the chart. The owner/applicant may choose to build the maximum floor area allowed for a property in a smaller lot size category.

Lot size is measured in square feet.



2.3.5 (LH-0) LOCAL HISTORIC DISTRICT OVERLAY

- A. **Purpose:** Davidson's historic district has a unique sense of place. It is a legacy that links present and future residents with the community's past and provides a diversity vital to the town's quality of life. Local historic district designation is designed to protect and enhance the existing character of Davidson's historic district. The overlay zoning protects the district from unmanaged change through a review process based on established design standards.
- B. **Standards:** Buildings in the local historic district must meet the requirements in Section 4 and the Davidson Historic District Design Standards. If there are conflicts, the Historic District Design Standards take precedence.



2.3.6 (RF-0) RETAIL FRONTAGE OVERLAY DISTRICT

- A. **Purpose:** The Retail Frontage Overlay District is established to create vibrant, pedestrian-friendly streetscapes in vmixed-use and commercial environments
- B. **Standards:** for all new development, redevelopment and changes of use, retail use(s), as defined, are required on the ground-level of all structures within the Retail Frontage Overlay District.

1. **Retail Space:** The front 35 feet of all buildings (measured from the facade at the primary front street) in the Retail Frontage Overlay District must be a retail use.
2. **Community Spaces:** In buildings whose primary use is Civic/Educational/Institutional, 20 percent of the first floor square footage must be reserved for publicly-accessible gathering (including galleries/lobbies) and/or community meeting or programming space. The gathering and/or community space must be located along a street-facing façade, pedestrian way, or public plaza.

2.3.7 (SB-O) STREAM BUFFER OVERLAY STANDARDS

- A. **Purpose:** The Stream Buffer Overlay District is established to protect the physical integrity of the stream ecosystems and to ensure that streams and their adjacent lands fulfill their natural functions.
- B. **Standards:** The development standards for areas within the Stream Buffer Overlay District are outlined in Section 21.

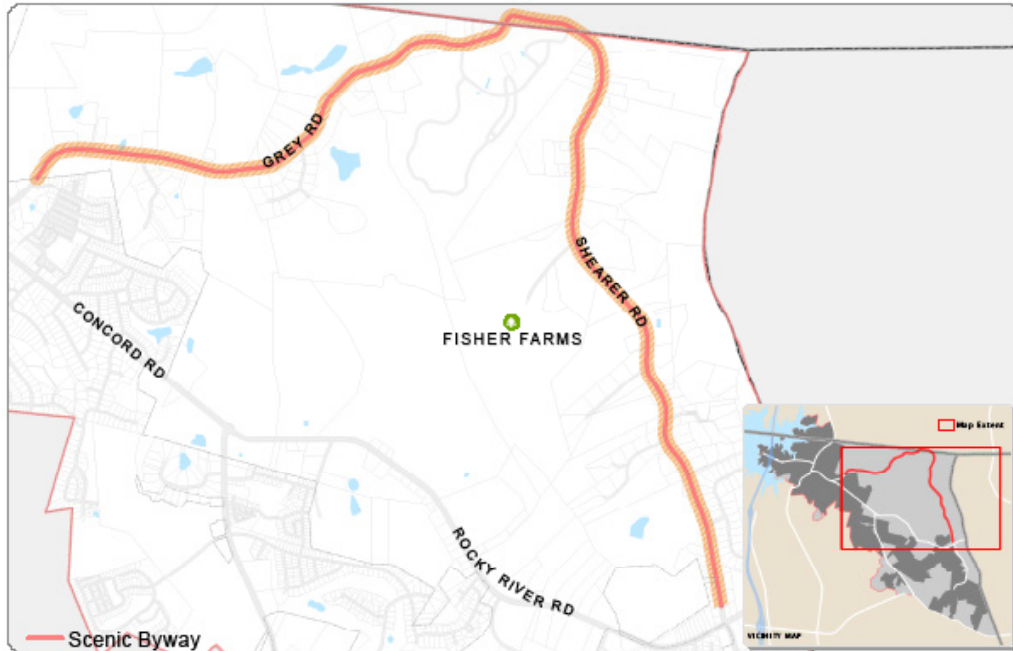
2.3.8 (WP-O) WATERSHED PROTECTION OVERLAY STANDARDS

- A. **Purpose:** The Watershed Protection Overlay District is established to preserve water quality in the Davidson's water supply watersheds in order to provide safe drinking water for present and future residents.
- B. **Applicability:** The Watershed Protection Overlay District encompasses those areas within Davidson's zoning jurisdiction which are designated by the North Carolina Environmental Management Commission as Water Supply Watersheds.
- C. **Standards:** The development standards for areas within the Watershed Protection Overlay District watershed are outlined in Section 17.

2.3.9 (F-O) FLOODPLAIN OVERLAY STANDARDS

- A. **Purpose:** The Floodplain Overlay District is established to protect public health, safety and general welfare in the areas of Davidson that are prone to periodic flooding and to minimize public and private losses due to such flooding.
- B. **Applicability:** The Floodplain Overlay District encompasses those areas within Davidson's zoning jurisdiction which are designated as Community Special Flood Hazard Areas on the Flood Insurance Rate Maps (FIRM) or any FEMA/locally approved revisions thereto.
- C. **Standards:** The development standards for areas within the Floodplain Overlay District watershed are outlined in Section 18.

Any space above an attached garage whether heated or not, but not including finished basements. See Definitions for more information. Renovations of interior spaces not affecting the exterior of the house or external additions without floor or roof are subject to design and size restrictions.



2.3.10 (SB-O) SCENIC BYWAY OVERLAY STANDARDS

- A. **Purpose:** The Scenic Byway Overlay District is established to preserve and enhance the rural character of Grey Rd. and Shearer Rd. north of East Rocky River Rd.
- B. **Applicability:** The Scenic Byway Overlay District encompasses Grey Rd. north of Wolfe St. and Shearer Rd. north of the Neighborhood Services Overlay District.
- C. **Standards:**
 - 1. Setbacks:
 - a. Front building setbacks for a single-family Detached House shall be 80 feet minimum; setbacks for all other development types shall be 150 feet minimum. These standards apply to new development; existing non-conforming buildings may not increase the building's non-conforming front setback. Balconies, stoops, stairs, open porches, and awnings are permitted to encroach up to ten feet into the front setback area.
 - b. Development located on the east side of Shearer Road north of Maple Way Drive shall provide a minimum wooded buffer measuring at least 85 feet from the right-of-way. This applies to all development involving more than one single-family Detached House.
 - 2. Landscape Elements: If fencing is proposed in the front setback of a detached house or along road frontages within the development setback it must be a wooden fence row or split rail type.
 - 3. Street Section: For required street sections see Section 6 for a list of streets included in the Rural Area's Plan Scenic Byway Overlay.
 - 4. Multi-Use Path: All new development, including detached houses, located on the south side of Grey Rd. or the west side of Shearer Rd. within the Scenic Byway Overlay district shall contribute to multi-use path dedication in

the following ways:

- a. Dedication of public access easement area and construction of a multi-use path in accordance with Mecklenburg County standards;
- b. Dedication of public access easement area for a multi-use path in accordance with Mecklenburg County standards, and payment-in-lieu in accordance with the Town's adopted fee schedule.

*All development of more than one single-family Detached House must pursue 2.3.10.C.4.A. For existing individual single-family Detached Houses these standards shall apply wherein modifications (including alterations, repairs, additions, or replacement) undertaken to the principal use exceed 50 percent of the structure's assessed value for tax purposes.



2.3.11 (NS-O) NEIGHBORHOOD SERVICES OVERLAY STANDARDS

- A. **Purpose:** The Neighborhood Services Overlay District is established to preserve and enhance the rural character of the Shearer Rd. - East Rocky River Rd. intersection as a rural crossroads with residential and commercial development. Like other Neighborhood Services areas, the aim is to create small nodes within or near residential development that increase walkability, create a sense of place, and provide a concentration of goods and services for the daily needs and activities of nearby residents. The buildings within the Neighborhood Services Planning Area should be at a pedestrian scale with retail frontage.
- B. **Applicability:** The Neighborhood Services Overlay District encompasses the parcels immediately adjacent to the Shearer Rd. - East Rocky River Rd. intersection, as indicated on the Planning Ordinance Map.

C. Standards: The following standards apply to properties within the district:

1. Permitted Uses: The allowed uses are those permitted in the Neighborhood Services Planning Area.
2. Permitted Building Types: The following table establishes the permitted building types for the Neighborhood Services Overlay District. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

TABLE 2-67: NEIGHBORHOOD SERVICES OVERLAY BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum ¹
Detached House ²	P	R	2 stories	3 stories
Live/Work ³	P	R	2 stories	3 stories
Storefront	P	R	2 stories	3 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

¹For the Detached House, Live/Work, and Storefront building types, the maximum permitted height is three stories or 37 feet.

²The only Detached House building type permitted in this overlay district is the single-family Detached House building type; Duplexes are not permitted.

³At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

Additionally, the following standards apply:

- All buildings constructed within the overlay district shall be built according to commercial building code standards. Accessory Structures are exempt from this requirement.
- Only the Detached House/Storefront Building Types are allowed at the intersection's four corners. The Live/Work Building Type is not permitted within 100 feet of the intersection's four corners, measured from the parcel boundary.
- Within 100 feet of the intersection the first floor must feature only commercial uses; residential uses are permitted on the upper floors. Residential uses are permitted on all floors of the Live/Work Building Type.
- Flat roof forms are not permitted for any building type.

3. Site Design Standards:

- A. Setbacks: The following table establishes the required setbacks for the Neighborhood Services Overlay District.

TABLE 2-68: NEIGHBORHOOD SERVICES OVERLAY SETBACK TABLE						
Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	0	25	0	10	NA	NA
Live/Work	0	10	0	10	NA	NA
Storefront ¹	0	0	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

- B. Sidewalks: For properties fronting Shearer or East Rocky River Roads, the sidewalk width must be a minimum of eight to twelve feet, and as noted in Section 6.8.