

# Grow Zebulon



## **UNIFIED DEVELOPMENT ORDINANCE**

Effective Date 1.1.2020 – Amended April 17, 2025

# ACKNOWLEDGEMENTS



## **TOWN BOARD OF COMMISSIONERS**

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Amendments made since UDO adoption

ORDINANCE #	DATE ADOPTED	TITLE	AFFECTED UDO SECTION(S)	DESCRIPTION
2020-48	June 1, 2020	Window Signage	5.11.9	Created flexibility with for window signage.
2020-49	June 1, 2020	Detached Accessory Structures	4.4.7,H	Establish dimensional regulations for detached accessory structures
2021-32	September 1, 2020	Mobile Food Vendors	4.5.4.A	Defines some vendors to be exempt from permit.
2021-33	September 1, 2020	Street Grades	6.10.7.F	Uses Standard Specification Details for Street Grades.
2021-44	November 2, 2020	Grading in Conservation Subdivisions	6.24.I & 6.2.5.C.4.a	Limits grading within Conservation Subdivisions.
2021-45	November 2, 2020	Sidewalks in Conservation Subdivisions	6.8.1	Requires sidewalks on at least one side of the street in conservation subdivisions.
2021-55	March 1, 2021	Signs in Downtown Districts	3.5.3.E, 3.5.4.E, 5.11.9.E	Allows monument signs in downtown and regulates height based on zoning district
2021-65	May 3, 2021	160D Updates	Multiple in Chapters 1, 2, 3, 4, 5, 6, 8, 9, 10	Update to conform with NCGS 160D
2022-13	October 4, 2021	Downtown Building Design	3.5.3.F.12	Regulate Color and Design in DTC District
2022-14	October 4, 2021	Art Galleries and Artisan Studios	4.2.3, 4.3.5, 9.4	Establish Art Galleries and Artisan Studios as new uses
2022-15	October 4, 2021	Pawn Shops and Vape, Tobacco, & CBD Shops	4.2.3, 4.3.5, 9.4	Establish Pawn Shops and Vape, Tobacco, & CBD Shops as a new use
2022-16	October 4, 2021	Auto-Oriented Uses	4.3.5 and 4.3.1.F.12	Establish new design regulations for auto-oriented uses
2022-17	October 4, 2021	Corrections	3.4.5, 3.4.6, 3.4.7	Reduction of front yard setbacks in industrial districts
2022-18	October 4, 2021	Correction	4.2.3, 4.3.5.G,	Corrections for residential uses and design guidelines
2022-19	October 4, 2021	Corrections	5.1.3, 5.1.4, 5.3.1, 5.3.2, 5.3.3, 5.8.4.H, 5.8.7	Lot Access, DTC Design, Guest Parking corrections.

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ORDINANCE #	DATE ADOPTED	TITLE	AFFECTED UDO SECTION(S)	DESCRIPTION
2022-20	October 4, 2021	Corrections	9.4	Spelling Corrections in Definitions
2022-40	May 2, 2022	Dumpster Enclosure	5.3.1 & 5.3.2	Material Requirements for Dumpster Enclosures
2022-41	May 2, 2022	SCM Landscaping	5.6.19	Required Landscaping around SCM
2022-49	June 6, 2022	Flood Hazard Update	3.8.2 & 9.4	Updated Regulations and Definitions per Model Ordinance
2023-05	August 9, 2022	Utility Allocation Policy	1.5.7	Added in requirement for new developments to meet Utility Allocation Policy
2023-09	November 7, 2022	Public Notification	2.3.6	750-foot mailing radius, mailed and posted notices for annexations
2023-10	November 7, 2022	Ground Signs	5.11.9.E	Allows ground signs for industrial uses
2023-11	November 7, 2022	Building Heights	5.3.3.E.8	Allows multi-family dwellings an option of height deviations with a Conditional Zoning or PUD.
2023-12	November 7, 2022	Article 10 Corrections	Article 10	Corrects several errors in Article 10
2023-38	May 1, 2023	Transportation Impact Analysis	6.13	Changes thresholds and scope of TIAs.
2024-08	September 11, 2023	New Use	Article 4 & 9	Added "Daycare – Drop-in" as new use
2024-09	September 11, 2023	RV Park as Planned Development	Article 4	Allow for "RV Parks" to be considered as part of a Planned Development
2024-10	September 11, 2023	Process Update	Article 4	Modify processes to include Construction Drawing Review as new process.
2024-11	September 11, 2023	Contractor Signs	Article 5	Create new sign type for "Contractor Signs"
2025-11	October 7, 2024	Legislative Update	Article 4, 5, 6 & 9	Updated the following items to align with updated state legislation: Exemptions from required Sewer and Water Connection, addition of Sports Wagering use type, Triplex and Quadplex Standards to meet single family detached, and Update of parking spaces size.

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ORDINANCE #	DATE ADOPTED	TITLE	AFFECTED UDO SECTION(S)	DESCRIPTION
2025-25	April 17, 2025	Regional Mixed- Use District	Article 2, 3, 4 & 5	Addition of a new Regional Mixed-Use Zoning District

# USING THIS ORDINANCE

This document is the Town of Zebulon's Unified Development Ordinance (or "UDO"). It contains the rules that control how land can be used in the Town, what kinds of uses may be located in particular locations, and how new development must be configured. The following paragraphs describe this document and how to use it.

The UDO replaces Chapter 152 of the Town Code of Ordinances (the Land Use Ordinance), upon its effective date – January 1, 2020. While this document implements the Town's adopted policy guidance, like the Comprehensive Plan, it is regulatory (not advisory) in nature, and is a legal document that carries the force of law.

The Town's zoning map is the graphical depiction of the location of the zoning districts, and is adopted by reference in the UDO. All the land within the Town's corporate limits and extra-territorial jurisdiction has a zoning district designation. The UDO makes several revisions to the Town's prior zoning district line up, including the creation and establishment of two new downtown zoning districts to be applied to lands around the downtown. The UDO also creates three new zoning districts (commercial neighborhood, industrial campus, and planned development) which are made available for request but not proactively established on the zoning map. The UDO also consolidates the Town's prior six residential zoning districts into three: suburban, neighborhood, and urban. The UDO converts several special use districts to general use districts; such as the RMF SUD, TR SUD, and HB SUD.

This document contains 10 articles that consolidate similar kinds of provisions, like procedures, zoning districts, use standards, or development standards into individual articles. It includes a text formatting system comprised of numbered section and subsection headings that are designed to help code users understand how the text in the document is organized. Section headings include different color backgrounds and subsection headings use underlining to help them be more visible and easier to navigate.

The top of almost every page includes a listing of the particular article number and name, as well as the appropriate section number and name of the text on that particular page. This allows users to quickly navigate through the document using the tops of the pages. Page numbers are included at the bottom of each page. Page numbers include the article number so that a user may quickly see what article a particular page is located in (which is helpful for navigating or referencing the document). Some articles, like Article 2: Procedures, also include an introductory section that explains how the regulations in the article are structured and how to use them effectively. Where possible, provisions in a particular article are listed in alphabetical order to allow users to quickly locate the desired text.

Throughout the document, users will see underlined text. Underlined text shows cross references to other sections or subsections in the document. As with the table of contents entries, users of the digital version of this document will be able to click on a cross reference, and the digital document will automatically scroll to the location in the document being cross referenced. In addition to the text layout and formatting improvements, this UDO includes graphics and illustrations. The document also includes an index with cross references to key terms used in the UDO.

Readers are reminded that the UDO is a "living" document. In other words, the text in the document and the zoning map can change from time-to-time. Users should also be sure that they are using the most recent version of the UDO document and zoning map. Questions about the UDO, the zoning map, or other aspects of the development review process should be directed to the Town's Planning Department at 919.269.7455. The Planning Department offices are open during normal business hours at 1003 North Arendell Avenue in Zebulon. Information is also available on the Town's website at [www.townofzebulon.org](http://www.townofzebulon.org).

Thank you for reviewing this material, and we look forward to serving you.

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# 1: GENERAL PROVISIONS

## 1.1. TITLE

This Ordinance is officially titled as the "Town of Zebulon, North Carolina Unified Development Ordinance," and may be referred to as "the Unified Development Ordinance," "this Ordinance," or by one or more other abbreviated references ("the UDO," "this UDO," or "UDO").

## 1.2. EFFECTIVE DATE

This Ordinance shall be in full force and effect on January 1, 2020, and it repeals and replaces the Town of Zebulon Land Use Ordinance, as originally adopted on September 8, 1992, and as subsequently amended.

## 1.3. AUTHORITY

The authority to enact, administer, and enforce this UDO is derived from the following sources:

### 1.3.1. GENERAL ASSEMBLY

The authority granted to the Town of Zebulon by the General Assembly of the State of North Carolina.

### 1.3.2. NORTH CAROLINA GENERAL STATUTES

The North Carolina General Statutes, including:

- A.** Chapter 160A, Article 8 (Police Powers);
- B.** Chapter 160A, Article 15 (Streets, Traffic, and Parking);
- C.** Chapter 160D (Planning and Regulation of Development);
- D.** Chapter 143, Article 21 (Water and Air Resources); and
- E.** Chapter 113A, Article 4 (Sedimentation and Pollution Control).

### 1.3.3. TOWN CHARTER

The Zebulon Town Charter.

### 1.3.4. OTHER RELEVANT LAWS

- A.** All other relevant laws of the State of North Carolina; and
- B.** Any special legislation for the Town of Zebulon enacted by the North Carolina General Assembly.

## 1.4. PURPOSE AND INTENT

The purpose of this Ordinance is to promote the public health, safety, morals, and general welfare of the community, and to ensure that all development within the Town's planning jurisdiction is generally consistent with the Town's adopted policy guidance pertaining to growth and development. More specifically, this Ordinance is intended to pursue the following:

### 1.4.1. KEEP TOWN RESIDENTS AND VISITORS SAFE

- A.** The UDO is intended to protect the health and safety of all Town residents and visitors by ensuring the provision of adequate open space between uses for light, air, and fire safety.
- B.** The UDO seeks to require appropriate setbacks for buildings and other structures to facilitate the safe movement of vehicular and pedestrian traffic, ensure the provision of adequate fire lanes, and maintenance of an adequate distance between residential uses and the dust, noise, and fumes created by vehicular traffic.

## ARTICLE 1: GENERAL PROVISIONS

### 1.4. Purpose and Intent

- C. The UDO also seeks to secure the safety of landowners and residents from flooding, fire, seismic activity, and dangers presented from extreme weather events, to the extent possible.

#### 1.4.2. FOSTER A CONVENIENT, COMPATIBLE ARRANGEMENT OF LAND USES

- A. The UDO is intended to establish a compact and convenient arrangement of land uses across the landscape in ways that promote orderly growth and compatibility between different kinds of land uses like residential, commercial, mixed-use, and agriculture.
- B. The UDO strives to produce a sustainable balance of land uses (residential, commercial, industrial, etc.) in order to assist with the fiscal wellbeing of the Town and to ensure a diverse tax base.
- C. The UDO seeks to promote redevelopment of underutilized sites served by public infrastructure while at the same time protecting existing established development and neighborhoods from incompatible infill and redevelopment.

#### 1.4.3. PROTECT THE NATURAL ENVIRONMENT

- A. The UDO intends to protect air and water quality, preserve open space, protect natural resource areas (like wetlands and riparian areas), and preserve a sufficient amount of wildlife habitat.
- B. The UDO promotes sustainable development practices, like energy conservation, low-impact development, and alternative modes of transportation that do not contribute to the formation of greenhouse gases.

#### 1.4.4. ENSURE PROPERLY FUNCTIONING INFRASTRUCTURE

- A. The UDO seeks to ensure sufficient and adequately functioning infrastructure, including transportation, potable water, wastewater, recreation, stormwater management, and communications through standards requiring dedication of sufficient land for such facilities, and requirements to construct or make payment in-lieu of constructing required infrastructure.
- B. The UDO seeks to improve Town-wide and regional connectivity for vehicles, pedestrians, and bicyclists through new extension and connection provisions for greenways, trails, bicycle lanes, sidewalks, and streets.
- C. The UDO seeks to coordinate the development of streets with other public facilities so as to better manage and lessen congestion in the streets as well as provisions that ensure the construction of necessary community service facilities.

#### 1.4.5. ESTABLISH A UNIQUE SENSE OF PLACE

The UDO promotes the Town's unique "sense of place" in eastern Wake County by promoting revitalization of the downtown and surrounding areas, encouraging the establishment of new greenways, and establishing new requirements for open space set-asides.

#### 1.4.6. PROMOTE A STRONG AND DIVERSE ECONOMY

The UDO emphasizes high-quality, aesthetically-appealing development and site features as a means of attracting and retaining talent and promoting the Town's economic competitiveness.

#### 1.4.7. PROVIDE ADEQUATE AND DESIRABLE HOUSING

- A. The UDO encourages urban densities in appropriate locations such as downtown while also providing for a wider variety of housing types, sizes, and standards of quality in order to meet changing housing preferences and housing challenges facing Town residents.
- B. The UDO also intends to preserve established neighborhood character and ensure that infill development and redevelopment maintain compatibility with established residential surroundings.

## **1.5. APPLICABILITY**

### **1.5.1. TERRITORIAL JURISDICTION**

This Ordinance shall apply to any development that occurs within the corporate limits and extraterritorial jurisdiction (ETJ) of the Town of Zebulon, unless expressly provided otherwise by the terms of this Ordinance. When referenced together, the land area within the corporate limits and the ETJ shall be referred to as the Town's "planning jurisdiction."

### **1.5.2. DEVELOPMENT SUBJECT TO THIS ORDINANCE**

Except as otherwise provided in writing elsewhere in this Ordinance (e.g., Section 1.5.3, Activities Exempted from this Ordinance), any of the following activities shall be subject to the requirements in this Ordinance:

**A. ANY CONSTRUCTION**

Any construction, reconstruction, erection, installation, placement, relocation, renovation, remodeling, demolition, or alteration in the size of a building or other structure on land.

**B. NEW USES OR CHANGES IN USE**

The establishment of a new use of land or structure, a new open-air use of land, or any change in such use.

**C. CHANGES IN INTENSITY**

Any change in the intensity of the use of land or a structure, such as:

1. An increase in the number of businesses, establishments, offices, dwelling units, or lodging units comprising the use;
2. An increase in the number of off-street parking spaces provided by the use;
3. An increase in the volume or characteristics of vehicular traffic generated by the use;
4. An increase in noise levels, thermal conditions, or emissions of waste materials associated with the use;
5. An increase in the minimum landscaping, screening, or buffering requirements associated with the use;
6. An increase in the number of off-street parking spaces;
7. An increase in the number of signs, sign face area, or sign height; or
8. An increase in the duration of a temporary or seasonal use.

**D. CHANGES IN IMPERVIOUS SURFACE**

Any land-disturbing activity that increases or changes the amount of impervious or partially impervious cover or that otherwise decreases the infiltration of precipitation or surface water runoff into the soil.

**E. ALTERATION OF TOPOGRAPHY**

An alteration of the natural topography of land, such as mining, grading, ditching, extracting earth materials, dredging, excavation, filling, or deposition of soil.

**F. REMOVAL OF REQUIRED VEGETATION**

The removal of required vegetative cover, such as site clearing or the removal of protected existing trees.

**G. ALTERATION OF WATERCOURSE**

Any alteration of the channel, bank, shore, floodway, or floodplain of a watercourse, body of water, or wetland.

**H. DIVISION OF LAND**

Any division of a parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) except where

## ARTICLE 1: GENERAL PROVISIONS

### 1.5. Applicability

exempted by State law, and any division of land involving dedication of a new street or a change in existing streets.

#### 1.5.3. ACTIVITIES EXEMPTED FROM THIS ORDINANCE

The following activities do not constitute development subject to this Ordinance, but may be subject to other provisions in the Town Code of Ordinances:

**A. INSPECTION**

The inspection, maintenance, or repair of an existing transportation facility (e.g., roadway, walkway, trail, railroad tracks, traffic control device, etc.) or an existing utility, stormwater management device, or public service facility (pipe, cable, valve, catch basin, outlet, ditch, basin, bulk refuse container pad, etc.), if no substantial engineering redesign is involved;

**B. MAINTENANCE**

The ordinary maintenance and repair of existing structures, where no activities identified in Section 1.5.2, Development Subject to this Ordinance, or subject to State Building Code(s) requirements are involved;

**C. PLANTING**

The ordinary planting or maintenance of vegetative landscaping or gardens not otherwise required by this Ordinance;

**D. CHANGE IN OWNERSHIP**

A change in the ownership or form of ownership of any parcel or structure;

**E. CHANGES IN TITLE**

The creation or termination of easements, covenants, condominium titles, or other rights in land or development, where no street right-of-way dedication is involved; or

**F. EXEMPT DIVISION OF LAND**

Any division of land proposed as one of the activities specially listed as excluded from the definition of "subdivision" in Section 9.4, Definitions.

#### 1.5.4. APPLICATION TO GOVERNMENTAL UNITS

To the extent allowed by law, this Ordinance shall apply to any development by Town, county, state, or federal agencies within the Town's planning jurisdiction, and any land, buildings, and structures—including uses thereof—owned or otherwise controlled by such agencies. Where this Ordinance does not control the development of land, buildings, and structures, such agencies are encouraged to meet the provisions of this Ordinance.

#### 1.5.5. EMERGENCY EXEMPTIONS

The Town Manager may, without any otherwise required prior notice or public hearing, authorize Town agencies to deviate from the provisions of this Ordinance during and after an emergency (such as a hurricane or other storm, flooding, chemical spill or leak) when the need to act quickly to secure the public health, safety, or welfare makes it impossible to submit to the normal procedures and requirements of this Ordinance.

#### 1.5.6. MINIMUM REQUIREMENTS

In the application of this Ordinance, all provisions shall be considered as minimum requirements and shall not be deemed to limit or repeal any other powers or authority granted to the Town under the North Carolina General Statutes.

#### 1.5.7. UTILITY ALLOCATION POLICY

In order to preserve and enhance property values, manage its limited water supply as a vital natural resource, promote economic development, and incentivize smart growth practices,

## ARTICLE 1: GENERAL PROVISIONS

### 1.6. Adopted Policy Guidance

the allocation of Zebulon's potable water and sanitary capacity shall adhere to an approved Utility Allocation Policy for the following development processes:

- A. Site Plan for development of non-residential site (new or redevelopment)
- B. Site Plan for residential development consisting of three or more dwellings
- C. Conditional Rezoning requests
- D. Planned Development requests
- E. Special Land Use Requests
- F. Major Subdivision Requests

## 1.6. ADOPTED POLICY GUIDANCE

### 1.6.1. POLICY GUIDANCE IDENTIFIED

The administration, enforcement, and amendment of this Ordinance shall be accomplished in accordance with the Town's adopted policy guidance. This includes the Comprehensive Plan and all other Town-adopted policy guidance pertaining to land use and development.

### 1.6.2. CONFORMANCE

#### A. ADVISORY

Adopted policy guidance is advisory in nature and does not carry the effect of law. Except as provided in Section 160D-605 of the North Carolina General Statutes, consistency with adopted policy guidance shall not be a requirement for the continuing validity of any provision of this Ordinance.

#### B. CONSISTENCY

1. This Ordinance is intended to promote development that is consistent with the goals, objectives, policies, strategies, and actions contained in the Town's adopted policy guidance.
2. Consistency between a decision made under this Ordinance and the Town's adopted policy guidance is desirable, but is not a legal requirement.
3. Decisions on applications for amendments to the text of this Ordinance or to the Official Zoning Map shall be accompanied by a statement of consistency recognizing if the proposed decision is or is not consistent with the Town's adopted policy guidance in accordance with Section 160D-605 of the North Carolina General Statutes.

#### C. AMENDMENT UPON INCONSISTENCY

1. To the extent this Ordinance is or becomes inconsistent with the Town's adopted policy guidance, either this Ordinance or the adopted policy guidance, as appropriate, should be amended to retain consistency.
2. All amendments to this Ordinance's text or to the Official Zoning Map should maintain and enhance consistency between this Ordinance and adopted policy guidance.
3. The Board of Commissioners may, as part of the approval of an amendment to the text of this Ordinance or the Official Zoning Map, declare that the Town's adopted policy guidance is also amended for consistency with the approved amendment.

## 1.7. PROCEDURES MANUAL

The Procedures Manual is a separate document that supplements the procedures and requirements in this Ordinance with application forms, submittal requirements, certification statements for inclusion on plans or plats, the timing of review, and other resource information for applicants.

- 1.7.1. The Planning Director, with assistance from the Public Works Director, shall maintain the Procedures Manual.

## ARTICLE 1: GENERAL PROVISIONS

### 1.8. Relationship to Other Laws and Agreements

- 1.7.2.** Material in the Procedures Manual is supplemental and is not intended to replace any of the standards or requirements of this Ordinance or other regulatory document. In the event of a conflict between the Procedures Manual and other adopted ordinance of the Town, the adopted ordinance shall control.

## 1.8. RELATIONSHIP TO OTHER LAWS AND AGREEMENTS

### 1.8.1. REVIEW OF PRIVATE AGREEMENTS

- A.** The Town may review and comment on private agreements, when necessary, including, but not limited to: the establishment and operation of an owners' association; maintenance of private infrastructure held in common by an owners' association; maintenance and operation of off-street parking agreements; easements in favor of the Town; or access easements in favor of the general public.
- B.** The Town is not responsible for monitoring or enforcing private agreements, covenants, or deed restrictions between individuals or members of an owners' association.

### 1.8.2. EXISTING AGREEMENTS OR VESTED RIGHTS

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing private agreements or vested rights, provided such agreements or vested rights are lawfully established and remain in effect.

## 1.9. CONFLICT

### 1.9.1. CONFLICTS WITH STATE OR FEDERAL LAW

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

### 1.9.2. CONFLICTS WITH OTHER TOWN CODES OR LAWS

If a provision of this Ordinance is inconsistent with another provision found in other adopted ordinances of the Town, the more restrictive provision shall govern, unless the terms of the more restrictive provision specifies otherwise.

### 1.9.3. CONFLICTS BETWEEN THE STANDARDS IN THIS ORDINANCE

- A. GENERALLY**  
In cases where two or more standards in this Ordinance conflict with one another, the more restrictive standard shall control.
- B. DEVELOPMENT REVIEW PROCEDURES**  
In cases where the standards in Section 2.3, Application Processing, or information in the Procedures Manual conflict with the standards in Section 2.2, Application Review Procedures, the standards in Section 2.2, Application Review Procedures, shall control.
- C. OVERLAY DISTRICTS**  
**1.** In cases where applicable overlay zoning district standards are in conflict with applicable general zoning district standards, the overlay district standards shall control.  
**2.** In cases where applicable overlay zoning district standards are in conflict with applicable conditional zoning district standards, the more restrictive standards shall control.
- D. AUTHORIZED DEVIATIONS OR INCENTIVES**  
Development configured in accordance with an allowable deviation (e.g., administrative adjustment) or incentive (e.g., sustainable development incentives) authorized by this Ordinance shall not be considered to conflict with otherwise applicable more restrictive standards in this Ordinance.

## ARTICLE 1: GENERAL PROVISIONS

### 1.10. Transitional Provisions

#### 1.9.4. CONFLICTS WITH PRIVATE AGREEMENTS

In cases where the standards in this Ordinance conflict with private agreements, covenants, or deed restrictions and the standards in this Ordinance are more restrictive, the standards in this Ordinance shall control.

#### 1.9.5. DETERMINATION OF THE MORE RESTRICTIVE STANDARD

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

### 1.10. TRANSITIONAL PROVISIONS

The standards in this section address existing violations, nonconformities, and applications in process at the time this Ordinance becomes effective.

#### 1.10.1. PRIOR VIOLATIONS CONTINUE

- A. Any violation of the previous UDO shall continue to be a violation under this Ordinance, unless the development complies with the express terms of this Ordinance or the statute of limitations on enforcement has expired in accordance with Section 8.3, Statute of Limitations
- B. Any violation of the previous UDO that is no longer a violation under this Ordinance shall not be considered a violation.
- C. Violations of this Ordinance shall be subject to the penalties set forth in Article 8: Enforcement, unless the development complies with the express terms of this Ordinance.

#### 1.10.2. EXISTING NONCONFORMITIES

If any use, building, structure, lot, sign, or site feature legally existed on January 1, 2020, but does not fully comply with the standards of this Ordinance, the use, building, structure, lot, sign, or site feature is considered nonconforming under this Ordinance and shall be subject to the requirements in Article 7: Nonconformities.

#### 1.10.3. PENDING APPLICATIONS

##### A. FINAL ACTION PENDING

- 1. Any development application filed and accepted as complete before January 1, 2020, but still pending final action as of that date, may be decided in accordance with either the regulations in affect at the time the application was determined complete or the regulations in this Ordinance, as requested by the applicant in accordance with Section 143-755 of the North Carolina General Statutes.
- 2. To the extent an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 7: Nonconformities.
- 3. If the development subject to an application approved under the Town's prior development regulations fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.

##### B. FILED, BUT NOT COMPLETE APPLICATIONS

Applications that have been filed prior to January 1, 2020, but not determined to be complete by the Planning Director shall be reviewed and decided in accordance with this Ordinance.

#### 1.10.4. APPROVED APPLICATIONS

The following standards apply to applications approved prior to January 1, 2020:

- A. Any development approvals shall remain valid until their expiration date.
- B. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired.



## ARTICLE 1: GENERAL PROVISIONS

### 1.10. Transitional Provisions

- C. Portions of developments, including subdivisions, reserved as future development sites where no lot lines are shown on a preliminary plat, site plan, or other approved plan of development shall comply with the provisions of this Ordinance.
- D. If an approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance.
- E. Timelines for the commencement or expiration of development in accordance with an approved application shall be suspended in the event of legal challenge.

#### 1.10.5. EXISTING DEVELOPMENT

##### A. EXISTING SPECIAL USE ZONING DISTRICT DESIGNATION

- 1. Land subject to a special use zoning district designation on January 1, 2020 shall continue to be subject to the district designation and all applicable conditions of approval after January 1, 2020.
- 2. Amendments to the zoning district designation of a lot after January 1, 2020 shall only be to a zoning district established in this Ordinance and in accordance with Section 2.2.24, Zoning Map Amendment, or Section 2.2.13, Planned Development, as appropriate.

##### B. PRIOR APPROVED PLANNED RESIDENTIAL DEVELOPMENT

- 1. A planned residential development subject to a special use permit approved prior to January 1, 2020 is authorized to continue to subject to its master plan, special use permit, and all associated conditions of approval.
- 2. Amendments to a planned residential development established prior to January 1, 2020 shall only be considered in accordance with Section 2.2.13, Planned Development.

##### C. PRE-EXISTING CONDITIONAL OR SPECIAL USE PERMIT

- 1. Development subject to a conditional or special use permit issued prior to January 1, 2020 shall continue to be subject to all permit requirements and conditions of approval even in cases where the use type no longer requires a conditional or special use permit in this Ordinance.
- 2. Amendments to a conditional or special use permit established prior to January 1, 2020 shall only be in accordance with the standards in Section 2.2.18, Special Use Permit, unless the use is permitted by-right in this Ordinance.

##### D. ESTABLISHED USES WITHOUT A SPECIAL USE PERMIT

- 1. If a use was a lawfully established by-right use before January 1, 2020 and that use is subsequently made a special use in Table 4.2.3, Principal Use Table, the pre-existing use shall be considered a lawfully-established special use.
- 2. Any changes to a pre-existing lawfully-established special use after January 1, 2020 shall be in accordance with the standards of this Ordinance.



## ARTICLE 1: GENERAL PROVISIONS

### 1.11. Zoning District Translation

#### 1.11. ZONING DISTRICT TRANSLATION

On January 1, 2020, land zoned with a zoning district classification from the previous Land Use Ordinance shall be translated or reclassified to one of the zoning district classifications in this Ordinance as set forth in Section 3.1.3, Zoning Districts Established. Table 1.11, Zoning District Translation, summarizes the translation or reclassification of the zoning districts used in the previous ordinance to the zoning districts used in this Ordinance. (For example, the table shows that all lands classified as Residential-30 (R-30) in the previous ordinance (under the column titled "Districts in the Former Land Use Ordinance") are now classified Residential Suburban (R2) in this Ordinance (under the column titled "Districts in this UDO")).

TABLE 1.11: ZONING DISTRICT TRANSLATION			
DISTRICTS IN THE FORMER LAND USE ORDINANCE		DISTRICTS IN THIS UDO [1]	
RESIDENTIAL DISTRICTS			
R-80W	Residential – 80W	R1	Residential Watershed
R-40W	Residential – 40W		
R-30	Residential – 30	R2	Residential Suburban
R-20	Residential – 20		
R-13	Residential – 13	R4	Residential Neighborhood
R-10	Residential - 10		
R-8	Residential – 8	R6	Residential Urban
RMF	Residential Multi-Family	RMF	Residential Multi-Family
RMF SUD	Residential Multi-Family Special Use District		
RMH	Residential Mobile Home (30, 20, 13, 10, 8)		[DELETE] [2]
COMMERCIAL DISTRICTS			
		NC	Neighborhood Commercial [NEW]
GB	General Business	GC	General Commercial
HB	Heavy Business	HC	Heavy Commercial
HB SUD	Heavy Business Special Use District		
IL	Light Industrial	LI	Light Industrial
		CI	Campus Industrial [NEW]
IH	Heavy Industrial	HI	Heavy Industrial
IH SUD	Heavy Industrial Special Use District		
MIXED USE DISTRICTS			
TR	Transitional Residential	OI	Office and Institutional
TR SUD	Transitional Residential Special Use District		
MA	Medical Arts		
CB	Central Business	DTP	Downtown Periphery
		DTC	Downtown Core
		PD	Planned Development [NEW]
SPECIAL USE DISTRICTS			
R-13 SUD	Residential – 13 Special Use District	R-13 SUD	Residential – 13 Special Use District

## ARTICLE 1: GENERAL PROVISIONS

### 1.12. Severability

**TABLE 1.11: ZONING DISTRICT TRANSLATION**

DISTRICTS IN THE FORMER LAND USE ORDINANCE		DISTRICTS IN THIS UDO [1]	
CA SUD	Commercial Amusement Special Use District	CA SUD	Commercial Amusement Special Use District
NOTES: [1] This table does not list the parallel conditional zoning districts established in <u>Section 3.1.3, Zoning Districts Established</u> . [2] Land within a RMH district shall be translated into the appropriate residential district and included within the proposed Manufactured Housing Overlay (MHO) District.			

### 1.12. SEVERABILITY

If any section, subsection, illustration, sentence, boundary, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, the BOC hereby declares that it would have passed this Ordinance and any section, subsection, illustration, sentence, boundary, clause, and phrase thereof, irrespective of the fact that some portion of this Ordinance may be declared invalid.