

## 1.1. TITLE, INTENT AND APPLICABILITY

### 1.1.1. TITLE

- A. The official title of this document is Chapter 157: Unified Development Ordinance for the City of Monroe, North Carolina and is referred to throughout this document as “the Unified Development Ordinance”, “this Ordinance”, or “this UDO”.
- B. This UDO is adopted pursuant to the authority contained in Chapter 160D of the North Carolina General Statutes, and as amended, and for the purpose of promoting the health, safety, morals, or general welfare of the citizens of the City of Monroe.

### 1.1.2. INTENT

This UDO is adopted to protect and promote the public health, safety and general welfare of residents and businesses in the City of Monroe. Forward Monroe is recognized as the City’s blueprint for development and the foundation upon which land use decisions are based. While Forward Monroe serves as a guide for land use and future development, the UDO shall act as an implementation and regulatory document for all policies and goals contained within the Forward Monroe and other officially adopted plans. Specifically, this UDO intends to accomplish the following objectives:

- A. Provide regulations to support compatible, orderly growth and development within the City;
- B. Support and encourage economic development;
- C. Preserve and enhance the visual attractiveness and vitality of Monroe;
- D. Promote the safety and well-being of the citizens of Monroe;
- E. Secure the safety of landowners and residents from flooding, fire, seismic activity, and dangers presented from extreme weather events, to the extent possible;
- F. Protect and revitalize Monroe’s neighborhoods and gateways;
- G. Ensure the provision of adequate open space;

- H. Facilitate the adequate and economical provision of transportation, water, sewage, schools, parks, and other public services;
- I. Improve the built environment and provide a comfortable environment for pedestrians;
- J. Encourage development patterns that support a variety of housing stock and community forms;
- K. Maintain the character of areas within the City, including commercial corridors, downtown, and suburban and traditional neighborhoods;
- L. Allow for a mixture of uses in certain areas of the City and promote compact urban form and walkability;
- M. Ensure sufficient land availability for public rights-of-way and utilities;
- N. Better manage and lessen congestion in the streets;
- O. Encourage increased densities in areas which can support an increase in dwelling units; and
- P. Require safe, compatible development through the use of development regulations.

### 1.1.3. EFFECTIVE DATE

This UDO was adopted on \_\_\_\_\_ and became effective on \_\_\_\_\_ by Ordinance No. \_\_\_\_\_, and repeals and replaces Monroe’s form Unified Development Ordinance, as originally adopted on December 16, 2003, and subsequently amended, which is referred to throughout this document as “the previous Unified Development Ordinance”, “the previous Ordinance”, or “the previous UDO.”

### 1.1.4. AUTHORITY

- A. This UDO is consolidates the City’s zoning, subdivision, and flood damage prevention regulations, as authorized by the North Carolina General Statutes.
- B. This UDO is adopted in accordance with:
  1. The Monroe City Charter;

2. Chapter 160A, Article 8 (Police Powers);
  3. North Carolina General Statute (G.S.) § 160D-103 (Unified development ordinance);
  4. G.S. § 160D-201 (Planning and development jurisdiction);
  5. G.S. §160D-202 (Municipal extraterritorial jurisdiction);
  6. G.S. §160D-702 (Grant of power);
  7. G.S. § 160D-801 (Subdivision Regulation – Authority).
  8. Chapter 143, Article 21 (Water and Air Resources);
  9. Chapter 113A, Article 4 (Sedimentation and Pollution Control);
  10. All other relevant laws of the state of North Carolina; and
  11. Any special legislation enacted by the North Carolina General Assembly.
- C. Whenever any portion, Section, or provision of this UDO refers to or cites a section of the North Carolina General Statutes, the North Carolina Administrative Code, or any other adopted state law or regulation, and that section is later amended or superseded, this UDO shall be deemed amended to refer to the amended section.

#### 1.1.5. APPLICABILITY

The provisions of this Ordinance shall apply to the development of all land within the corporate limits and Extraterritorial Jurisdiction (ETJ) of the City of Monroe, as shown on the adopted Official Zoning Map.

- A. No land shall be developed, unless exempted, without compliance with this Ordinance and all other applicable city, state, and federal regulations.
- B. No person shall use, occupy, or divide any land or a building or authorize or permit the use, occupancy, or division of land or a building under their control, without compliance with this Ordinance and all other applicable city, state, and federal regulations.
- C. No building, or portion thereof, shall be erected, used, occupied, maintained, moved, or altered except in conformity with the applicable regulations in this

Ordinance.

#### 1.1.6. GRAPHIC IMAGES

Graphic illustrations, illustrative intents, and any photographic images used throughout this Ordinance are intended only to graphically portray the regulatory standards and overall intents established throughout this Ordinance. These images are considered guidelines as opposed to regulatory standards. Where in conflict, numerical metrics shall take precedence over graphic illustrations.

#### 1.1.7. MINIMUM REQUIREMENTS

In the interpretation and 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 under the North Carolina General Statutes.

#### 1.1.8. REVIEW OF PRIVATE AGREEMENTS

The City may review private agreements, such as those related to maintenance of private common open space, shared parking, or cross access easements, but the City is not responsible for monitoring or enforcing private covenants and restrictions.

#### 1.1.9 EXISTING AGREEMENTS OR VESTED RIGHTS

Nothing in this UDO 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.

#### 1.1.10 SEVERABILITY

The legislative intent of the City Council in adopting this Ordinance is that all provisions shall regulate development in accordance with the existing and future needs of the City as established in this Ordinance, and promote the public health, safety, and general welfare of the landowners and residents of Monroe. If any section, subsection, sentence, boundary, or clause of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases are declared invalid.

### 1.1.11. PROCEDURES UPON DISCOVERY OF VIOLATIONS.

- A. If the Planning Director finds that any provision of this chapter is being violated, he or she shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Planning Director's discretion.
- B. The final written notice (and the initial written notice may be the final notice) shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the Administrator's decision or order may be appealed to the Board of Adjustment.
- C. Violations of this chapter will be handled in pursuant to §§ 10.19 and 10.99 of the City of Monroe Code of Ordinances.

## 1.2. ZONING MAP

### 1.2.1. OFFICIAL ZONING MAP

- A. The boundaries and locations established by this Ordinance shall be designated on a map or maps entitled Official Zoning Map(s) of the City of Monroe. The Official Zoning Map, as amended, is hereby incorporated by reference herein and made part of this Ordinance.
- B. No changes shall be made in the Official Zoning Map except in conformity with the procedures set forth in this UDO.
- C. The Official Zoning Map is the final authority as to zoning status of all lands and waters in the City.
- D. In accordance with G.S. § 160D-105, the Official Zoning Map shall be maintained in a digital format and paper copies shall be kept on file in the Planning and Development Department and are available for public inspection during normal business hours.
- E. The digital version of the Official Zoning Map maintained in the offices of the Planning and Development Department shall be the final authority as to the status of the current zoning district classification of land in the City's jurisdiction.
- F. In the event that any uncertainty exists with regards to intended boundaries as

shown on the Official Zoning Map, the Planning and Development Director is authorized to interpret the boundaries. The following rules shall apply:

1. For boundaries shown as approximately following a street, highway alley, road, right-of-way, parkway, utility line, railroad, stream, or watercourse, the boundary shall be deemed to be the centerline of such feature.
2. If a street, alley, railroad, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.
3. Boundaries indicated as approximately following lot lines, shall be construed as following the lot line as it existed when the boundary was established; provided, however, that, where such boundaries are adjacent to a street or alley and the zoning status of the street or alley is not indicated, the boundaries shall be construed as running to the middle of the street or alley. If a subsequent minor adjustment (such as from settlement of boundary dispute or overlap) results in the lot line moving ten (10) feet or less, the zoning boundary shall be interpreted as moving with the lot line.
4. Boundaries indicated as approximately following the boundary of the City limits shall be construed as following the boundary of municipal corporation.
5. Boundaries indicated as approximately following a river, stream, canal, lake or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural resources (flooding, erosion, sedimentation, etc.).
6. Boundaries indicated as following physical features other than those mentioned in subsections of this Section shall be construed as following such physical features, except where variation of the actual location from the mapped location would change the zoning status of a lot or parcel, and in such case the boundary shall be interpreted in such manner as to avoid changing the zoning status of any lot or parcel.

7. Boundaries indicated as parallel to or extensions of features indicated in subsections of this Section shall be construed as being parallel to or extensions of such feature.
8. Wherever a single lot is located within two or more different zoning districts, each portion of the lot shall be subject to all the regulations applicable to the zoning district where it is located.
9. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

### 1.3. ZONING DISTRICTS

#### 1.3.1. ZONING DISTRICTS ESTABLISHED

- A. **Purpose.** For this purpose of this UDO, the City of Monroe is hereby divided into traditional zoning districts, mixed-use districts, overlays, and conditional districts. Land zoned under the previous UDO shall be reclassified to one of the zoning district classifications in this UDO, as set forth in Sections 4-6.
- B. **Intent.** It is the intent of this Section to list all zoning districts (traditional and mixed use).
  1. Section 4 of this UDO establishes all standards for traditional zoning districts.
  2. Section 5 establishes all standards for mixed-use districts. The location of mixed-use zoning districts shall be consistent with the mixed-use nodes recognized in the City's Land Use Plan, Forward Monroe.
  3. Section 6 establishes all standards for overlays.
  4. Conditional districts shall follow the standards set forth in Section 3 and Section 4.6 of this UDO.
- C. **Transition to New Zoning Districts.** As of the effective date of this UDO, land zoned with a zoning district classification from the previous UDO shall be translated or reclassified to one of the zoning district classifications in this UDO as set forth in Sections 4-6. Table 1.3.1 below shows the translation or reclassification of the former zoning districts used in the previous UDO to the corresponding new zoning districts under this UDO. If a use was a lawfully

established permitted use before the effective date of this UDO, and is subsequently made a special use in Table 7.1 Table of Permissible Uses, the use shall be considered a lawfully-established special use. Previously approved conditional districts are recognized as conforming and shall continue under the provisions of the adopted conditional district ordinance. Unless prohibited by City Council as part of the original approval, a conditional rezoning approved before the effective date of this UDO may include minor changes from the approved conditions in accordance with the standards for site and development plan reviews in Section 3.4.17. To the extent a landowner proposes development that is not allowed by a conditional zoning approved before effective date of this UDO, it must be amended in accordance with the standards for a zoning map amendment (rezoning) consistent with Section 3.4.6.

Table 1.3.1. Former Districts and New Districts

Former Zoning District	New Zoning District
<b>Residential</b>	
R-40 (Residential Low Density)	RR (Residential Rural)
R-20 (Residential Low Density)	RLD (Residential Low Density)
R-10 (Residential High Density)	RMD (Residential Medium Density)
R-MF (Residential, Multi Family)	RHD (Residential High Density)
R-MH (Residential, Manufactured Home)	RLD (Residential Low Density)
<b>Commercial</b>	
CBD (Commercial Business District)	OM (Office/Medical) and DC-MX, DG-MX
OT (Office/Transitional)	OM (Office/Medical)
GB (General Business)	NB (Neighborhood Business) and GB (General Business)
<b>Industrial</b>	
GI (General Industrial)	GI (General Industrial)
	HI (Heavy Industrial)
<b>Planned</b>	
	PCD (Planned Commerce Development)
	PUD (Planned Unit Development)
<b>Mixed-Use</b>	



	DC-MX (Downtown Central Mixed-Use)
	DG-MX (Downtown Gateway Mixed-Use)
	CC-MX1 (Community Corridor Mixed-Use 1)
	CC-MX2 (Community Corridor Mixed-Use 2)
	RC-MX (Regional Corridor Mixed-Use)
	MD-MX (Medical District Mixed-Use)

**1.3.2. ZONING DISTRICTS – PURPOSE AND INTENT**

**A. Residential.**

1. Residential Rural (RR) – Intends to implement the rural residential land use character area as identified in Forward Monroe.
2. Residential, Low Density (RLD) – Intends to implement the rural residential land use character area as identified in Forward Monroe.
3. Residential, Medium Density (RMD) – Intends to implement the suburban residential land use character area as identified in Forward Monroe.
4. Residential, High Density (RHD) – Intends to implement the traditional residential land use character area as identified in Forward Monroe.

**B. Commercial.**

1. Office/Medical (OM) – Intends to accommodate a mixture of office, medical, and residential uses. OM shall help act as a transition between commercial areas and residential districts.
2. Neighborhood Business (NB) – Intends to permit neighborhood commercial establishments.
3. General Business (GB) – Intends to allow for a variety of commercial establishments.

**C. Industrial.**

1. General Industrial (GI) – Intends to allow for varying intensities of light industrial

uses.

2. Heavy Industrial (HI) – Intends to allow for heavy industrial uses.

#### D. Planned

1. Planned Commercial Development (PCD) – Intends to allow for master planned commercial developments.
2. Planned Unit Development (PUD) – Intends to allow for master planned residential developments.

- E. **Mixed-Use Districts.** The mixed-use districts intend to allow for a mixture of uses with varying development standards to promote compact, walkable, urban environments.

1. Downtown Central Mixed-Use (DC-MX)
2. Downtown Gateway Mixed-Use (DG-MX)
3. Community Corridor Mixed-Use 1 (CC-MX1)
4. Community Corridor Mixed-Use 2 (CC-MX2)
5. Regional Corridor Mixed-Use (RC-MX)
6. Medical District Mixed-Use (MD-MX)

## 1.4. TRANSITIONAL PROVISIONS

### 1.4.1. EXISTING NONCONFORMITIES

A legal structure, use, or lot that conformed to previous standards and regulations set forth in the previous UDO prior to the effective date of this UDO, but no longer meets the standards set forth in this UDO, the structure, use, or lot shall be deemed nonconforming and shall meet the provisions set forth in Section 10: Nonconformities.

### 1.4.2. ILLEGAL STRUCTURES, USES OR LOTS

Any structure, use, or lot which has been created or configured illegally prior to the adoption of this UDO, but is subsequently made legal by this UDO, shall be deemed as legal on the effective date of this UDO adoption. Conversely, any structure, use or lot which was illegal prior to the adoption of this UDO, and still does not meet the standards

and regulations in the UDO are considered illegal. Illegal structures, uses, and lots shall not be considered under this Ordinance as nonconforming.

#### 1.4.3. PRIOR APPROVALS

- A. Any development approvals granted before effective date of this UDO shall remain valid until their expiration date.
- B. Developments with valid approvals 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 approval is valid and has not expired.
- C. If an approval expires or is revoked, any subsequent development of the site shall be applied for in accordance with the procedures and standards of this UDO.
- D. An applicant shall be deemed to have initiated an approved development upon the subsequent application and diligent pursuit of other required city, state, or federal permits or approvals.
- E. To the extent an application approved prior to the effective date of this UDO proposes development that does not comply with this UDO, the subsequent development, although permitted, shall be nonconforming and subject to the provision of Section 10: Nonconformities. Any prior approvals under the previous UDO shall be authorized, unless the applicant fails to perform work before the approval expires.

#### 1.4.4. PENDING APPLICATIONS

An application that is submitted to the City prior to the effective date of this UDO is deemed to be a pending application and shall meet the following requirements where applicable:

- A. **Complete Applications.** Applications accepted as complete prior to the effective date of this UDO may be reviewed in accordance with either the regulations in affect at the time the application was determined complete or the regulations in this UDO, as requested by the applicant. Completed applications shall be processed in good faith and shall comply with all applicable time frames for review, approval, and completion. If the applicant fails to comply with the

required time frames, the application shall expire and future development shall be subject to the requirements of this UDO.

- B. **Submitted, but Not Complete Applications.** Applications that have been submitted prior to the effective date of this UDO, but not determined to be complete by the Director as of the effective date, shall be reviewed and decided in accordance with this UDO.

#### 1.4.5. PENDING APPLICATIONS

Any prior violation of the previous ordinance shall continue to be a violation under this Ordinance, unless the development complies with this Ordinance. Violations of this Ordinance shall be subject to Chapter 9: Enforcement.