

CHAPTER 2: DISTRICTS

2.1 Purpose

To carry out the provisions of this Land Development Ordinance within the jurisdiction of the City of Salisbury, the following districts are hereby established.

These districts are ordered and classified according to a Rural-Urban Transect. The Transect is a method of classifying the

natural and built environments as a continuum of six conditions, ranging from rural to urban. The value of the Transect is that it serves to locate any given place within a context in which all of the parts fit together harmoniously.

For example, a rural street typically has no curbs or sidewalks and its buildings look like farmhouses or barns. An urban street, depending on the intensity of urbanism, may have curbs and gutters, regularly placed street trees, sidewalks, and building forms that include common walls, flat roofs, and cornices. Each Transect zoning category has detailed provisions for each neighborhood, for density, height, street design, the design of parks, the mix of uses, building design, parking, and other aspects of the human environment.

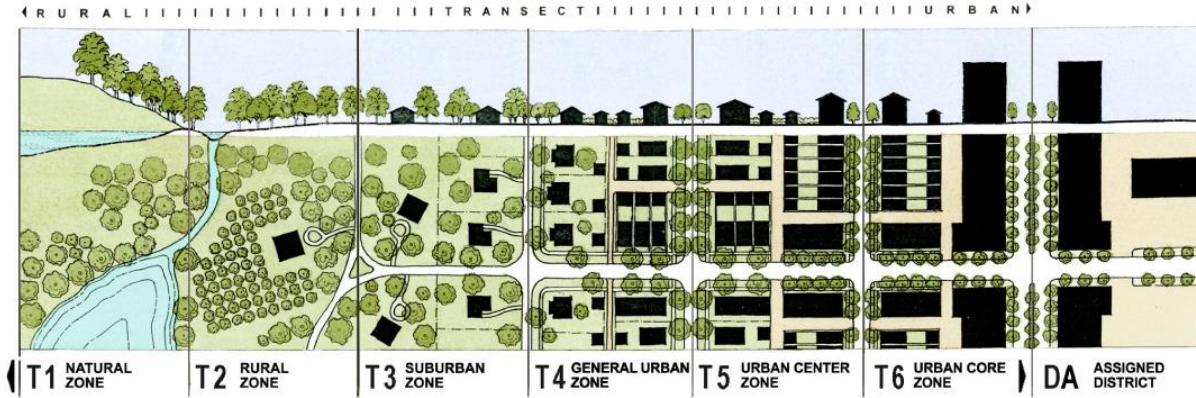
The Transect begins with two zones that are entirely rural in character: Natural Zone (or T-1), which is made up of lands protected in perpetuity; and Rural Zone (T-2), which includes areas of high environmental or scenic quality that are not currently preserved, but perhaps should be.

The transition zone between countryside and town is called the Suburban Zone (T-3), which encompasses the most rural part of the neighborhood, and the countryside just beyond. The T-3 area is primarily single family homes. Although the T-3 area is the most purely residential zone, it can have some mixed-use, such as civic buildings; schools are particularly appropriate for the T-3 area. Next is the General Urban Zone (T-4), typically the largest zone. Urban Residential is primarily residential, but more urban in character, having somewhat higher density with a mix of housing types and a slightly greater mix of uses allowed.

At the more urban end of the spectrum are two zones which are primarily mixed use: Urban Center, or T-5. This can be a small neighborhood center or a larger town center, the latter serving more than one neighborhood. The Urban Core or Downtown (T-6) serves the region, not only adjacent neighborhoods, and is typically understood as the central business district. Additionally, the Special Districts make allowance for auto-dependent activities, such as big box retail, institutional campuses, and industrial zones.

The zoning districts for the City of Salisbury have thus been ordered along this Transect providing an appropriate detailing of development at each end of the continuum (rather than homogenous standardization) as well as a simplified tool for users of this Ordinance to use to facilitate appropriate development. The graphic on this page shows the defining features of various types of developments at either end of the Rural-Urban spectrum.

2.1 Purpose
2.2 Placement of District Provisions
2.3 Base Districts
2.4 Specific Base District Provisions
2.5 Maximum Density by District
2.6 Overlay Districts
2.7 Uses Permitted By District



Graphic by Duany Plater-Zyberk and Company

	← Less Density	More Density →
	← Primarily Residential	Primarily Mixed-Use →
	← Smaller Buildings	Larger Buildings →
	← More Greenspace	More Hardscape →
	← Detached Buildings	Attached Buildings →
	← Rotated Frontages	Aligned Frontages →
	← Yards & Porches	Stoops & Shopfronts →
	← Deep Setbacks	Shallow Setbacks →
	← Articulated Massing	Simple Massing →
	← Wooden Buildings	Masonry Buildings →
	← Generally Pitched Roofs	Generally Flat Roofs →
	← Small Yard Signs	Building Mounted Signage →
	← Livestock	Domestic Animals →
PRIVATE	← Roads & Lanes	Streets & Alleys →
	← Narrow Paths	Wide Sidewalks →
	← High L.O.S. Standards	Low L.O.S. Standards →
	← Opportunistic Parking	Dedicated Parking →
	← Larger Curb Radii	Smaller Curb Radii →
PUBLIC	← Open Swales	Raised Curbs →
	← Starlight	Street Lighting →
	← Mixed Tree Clusters	Aligned Street Trees →
CIVIC	← Local Gathering Places	Regional Institutions →
	← Parks & Greens	Plazas & Squares →

Table by Duany Plater-Zyberk and Company

2.2 Placement of District Provisions

- A.** For specific additional use standards, such as specific requirements for Special Uses or uses with additional standards, see Chapter 3: Additional Use Standards.
- B.** For subdivision platting, infrastructure, and other horizontal requirements, see Chapter 4: Subdivisions & Infrastructure.
- C.** For dimensional regulations and building design requirements, see Chapter 5: Building Types and Standards.
- D.** For Infill Standards, general lot requirements, requirements for additions or modifications, accessory and temporary structures, and outdoor storage, see Chapter 6: Lot, Infill, Additions & Accessory Provisions.
- E.** For the allocation or dedication of recreational open space, see Chapter 7: Recreational Open Space.
- F.** For landscaping requirements, see Chapter 8: Landscaping.
- G.** For Stormwater, watershed protections, and other environmental protection provisions, see Chapter 9: Environmental Protection.
- H.** For parking requirements, see Chapter 10: Parking.
- I.** For lighting on private property requirements, see Chapter 11: Lighting on Private Property.
- J.** For signage requirements, see Chapter 12: Signs.
- K.** For nonconformity requirements and processes, see Chapter 13: Nonconformities.
- L.** For requirements and information related to city boards and commissions, see Chapter 14: Agencies, Boards, and Commissions.
- M.** For the Site Plan or Subdivision approval process, see Chapter 15: Development Process.
- N.** For submittal requirements on all types of plans, see Chapter 16: Development Plan Requirements.
- O.** For civil violations and penalties, see Chapter 17: Violations and Penalties.
- P.** For definitions, see Chapter 18: Definitions.

2.3 Base Districts

In accordance with North Carolina General Statute 160A-382 that sets forth the establishment of zoning regulation by district, the City of Salisbury, as indicated on the Land Development District Map, is hereby divided into various districts that set forth uniform regulations for the development of land within each district.

The purpose of these district regulations is to provide a regulating plan for the use of land and buildings in conditions of good health and safety and in conditions of orderly community development. These regulations shall apply to all land and structures within the respective zoning district.

- Open Space Preserve (OSP)
- Rural Residential (RR)
- General Residential (GR)
- Urban Residential (UR)
- Historic Residential (HR)
- Residential Mixed-Use (RMX)
- Neighborhood Mixed-Use (NMX)
- Corridor Mixed-Use (CMX)
- Downtown Mixed-Use (DMX)
- Highway Business (HB)
- Light Industrial (LI)
- Heavy Industrial (HI)
- Hospital Services (HS)
- Community & Institution (CI)
- Traditional Neighborhood Development (TND)
- Manufactured Home Development (MHD)

A. Natural Preserve

1. OSP: Open Space Preserve *

The Open Space Preserve District is intended to protect areas that are permanently preserved in government ownership or conservation easements as natural and/or environmentally significant lands. Such areas include rural parks, wetlands, and areas placed in a conservation easement.

** Specific Base District Provisions apply to this district.*

B. Residential

The residential districts are intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain the desired physical character of existing neighborhoods. While the districts primarily accommodate detached residential uses, townhomes and apartments at a lower density range that are compatible with the surrounding neighborhoods are also allowed with additional standards.

1. RR: Rural Residential *

The Rural Residential District is intended to accommodate low-density, rural residential and agricultural uses, protect natural vistas, and landscape features that define our rural heritage.

** Specific Base District Provisions apply to this district.*

2. GR: General Residential

The General Residential District is intended for City’s existing predominately-residential neighborhoods as well as provide for new primarily-residential development in accordance with a suburban pattern. These Districts are differentiated only by the density of the overall development relative to the planning goals of the City as set forth in the Comprehensive Plan.

3. HR: Historic Residential *

The Historic Residential District is intended to solidify development patterns and land uses inherent to existing historic neighborhoods currently listed on the National Register of Historic Places or within a local historic district designated by the City of Salisbury.

** Specific Base District Provisions apply to this district.*

4. UR: Urban Residential

The Urban Residential Districts accommodate the in-town neighborhoods of the City and provides for a variety of compatible housing types and a limited mix of uses in a walkable context. These Districts are differentiated only by the density of the overall development relative to the planning goals of the City as set forth in the Land-Use Plan.

C. Mixed-Use

The residential and commercial mixed-use districts are intended to accommodate a variety of housing opportunities, office, retail, and service uses, and to ensure that these areas are compatible with the character of existing neighborhoods at intensities compatible with the applicable Transect Zone and scale of development. These districts primarily accommodate townhomes, apartments, upper-story residential, and commercial uses in order to promote live-work and mixed-use opportunities.

1. RMX: Residential Mixed-Use

The Residential Mixed-Use District is intended to accommodate moderately higher density residential and transitional non-residential development in close proximity (within ½ - ¼ mile) to existing and planned commercial nodes and along the boundaries of existing neighborhoods with immediate access to a thoroughfare. The intent is to permit density increases in areas that do not harm existing lower-density neighborhoods while complimenting commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles along with a limited mix of neighborhood-friendly uses are encouraged.

2. NMX: Neighborhood Mixed-Use

The Neighborhood Mixed-Use District is coded to provide pedestrian-scaled, higher density residential and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached.

3. CMX: Corridor Mixed-Use

The Corridor Mixed-Use District is coded to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of auto-oriented uses along the City's older major thoroughfares. Developments in this district should be traditionally detailed and encourage pedestrian use through connections to adjacent neighborhoods and the construction of vertically mixed-use buildings.

4. DMX: Downtown Mixed-Use

The Downtown Mixed-Use District is coded for the traditional downtown area. Individual buildings are encouraged to be multi-story with uses mixed vertically, street level commercial and upper level office and residential. Higher densities of residential development are encouraged. It is the purpose of these regulations to encourage vitality by excluding certain activities which have a negative effect on the public realm through auto-dominated or non-pedestrian oriented design or uses.

D. Assigned Districts

The assigned districts are “specialized districts” that are intended to accommodate specialized uses and districts that do not fit into the prescribed Transect categories, such as airports, college campuses, industrial parks, and regional hospitals. In the City of Salisbury case, this also includes the accommodation of a broad range of high-intensity, automotive-oriented retail and service uses that require high visibility and highly- accessible locations along arterial thoroughfares or boulevards and do not cater directly to pedestrians while requiring sufficient off-street parking.

1. HB: Highway Business

The intensity of commercial development in the Highway Business District is established by the traffic of the fronting thoroughfare. The intent of these regulations is to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of excessive signage and parking lots.

2. HS: Hospital Services

The Hospital Mixed-Use District serves as a primary employment center generally concentrated within ¼ mile of a local hospital complex. It permits the continuation and expansion of the hospital complex, as well as supporting uses such as office, lodging, and limited retail uses in close proximity.

3. CI: Community & Institution

The Community & Institution District is coded to permit the development and continuation of uses that either serve or are of interest to a community or the general public. The CI district may be located in either residential or non-residential areas; therefore, uses are generally limited to non-profit or institutional.

4. LI: Light Industrial *

The Light Industrial District is coded to permit the development and operation of light and/or flex space uses that are typically too large in scale to fit within a neighborhood environment and should be buffered from surrounding neighborhood uses. Light Industrial districts may not be used for retail uses except for those uses clearly subordinate to any on-site principal use such as a sales showroom for a warehouse. In the interest of economic development this District is reserved for non-residential uses only to preserve adequate opportunities for future relocation and expansion of employment-based uses.

** Specific Base District Provisions apply to this district.*

5. HI: Heavy Industrial *

The Heavy Industrial District is coded to permit the development and operation of heavy industrial uses, including manufacturing, processing, and assembling of parts and products and distribution of products at the wholesale or retail level. The standards established for heavy industrial areas are designed to promote sound, permanent industrial development. Heavy Industrial districts may not be used for retail uses except for those uses clearly subordinate to any on-site principal use such as a sales showroom for a warehouse. In the interest of economic development this District is reserved for non-residential uses only to preserve adequate opportunities for future relocation and expansion of employment-based uses.

** Specific Base District Provisions apply to this district.*

6. TND: Traditional Neighborhood Development *

The intent of this District is to allow for the development of fully integrated, mixed-use, pedestrian-oriented neighborhoods that minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation.

Traditional Neighborhood Developments adhere to the following design principles:

** Specific Base District Provisions apply to this district.*

- All neighborhoods have identifiable centers and edges
- Edge lots are readily accessible to retail by non-vehicular means (a distance not greater than ¼ - ½ mile)
- Uses and housing types are mixed and in close proximity to one another
- Street networks are interconnected and blocks are small
- Civic uses are given prominent sites throughout the neighborhood
- All lots are in walking distance of recreational open space

7. **MHD: Manufactured Home Development ***

Manufactured housing is a recognized form of affordable housing. To provide for this type of housing in an organized manner, this district permits planned development of a neighborhood using any combination of site built and manufactured homes. Manufactured Home Developments shall take the form of Manufactured Home Neighborhoods or Manufactured Home Parks, subject to the requirements below and the approval process for Conditional Districts.

* *Specific Base District Provisions apply to this district.*

2.4 **Specific Base District Provisions**

A. **OSP: Open Space Preserve**

Minimum lot size of 20 acres when not part of a Conservation Neighborhood as permitted in the OSP district and detailed in Chapter 4 of this Ordinance.

B. **RR: Rural Residential**

Minimum lot size of 5 acres when not part of a Rural Subdivision as permitted in the RR district and detailed in Chapter 4 of this Ordinance.

C. **HR: Historic Residential**

Existing historic house types (built prior to 1955) shall not be subdivided beyond that of a single-family use.

D. **LI & HI: Light & Heavy Industrial**

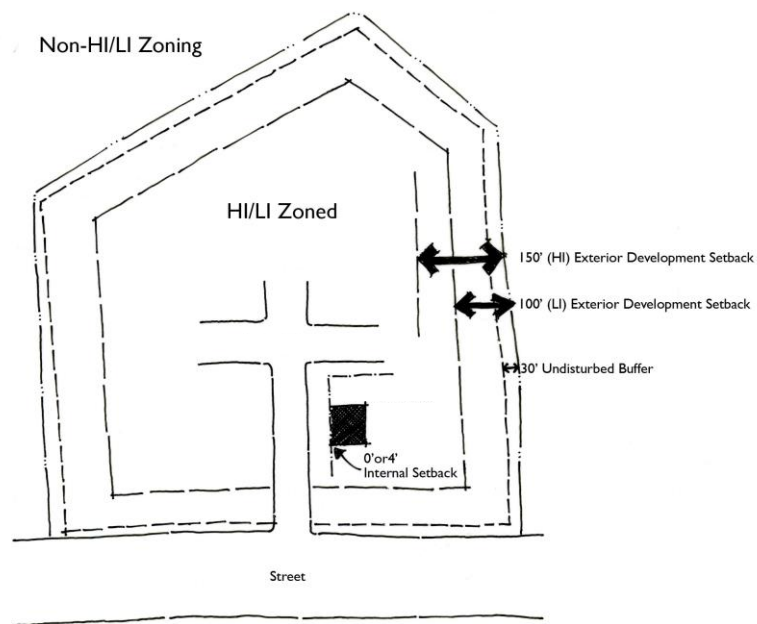
1. **Building Design Standards:** All portions of buildings within 100 ft. of the street shall be designed in a manner that is pedestrian in scale and massing unless a technological requirement demands a different design. Required building design elements include the following, unless waived by the Administrator based on determination that the requirements would adversely impact the intended use of the building:

a. **Building Materials:** All building walls visible from a public street shall be brick or decorative concrete masonry unit, or other materials similar in appearance and durability.

b. **Building Facades:** Avoid long, blank walls by integrating design variety along the façade through wall offsets, change in material patterning, awnings, windows, or doors or other techniques used to avoid wall monotony.

2. Lot, Building, and Accessory Structure Dimensional Requirements:

	LI All Structures	HI All Structures
Exterior District/Development Setback <i>(Minimum)</i>	100 ft.	150 ft.
Undisturbed District/Development Buffer <i>(Minimum)</i>	30 ft.	30 ft.
Internal Setbacks <i>(Minimum)</i>	0 ft. or 4 ft.	0 ft. or 4 ft.



E. TND: Traditional Neighborhood Development

1. **Development Size (Minimum-Maximum):** 40 acres – 200 acres
(Note: Projects in excess of 200 acres should be developed as multiple Traditional Neighborhoods, each individually subject to all such provisions)
2. The entire land area of the TND shall be divided into blocks, streets, lots and recreational open space areas.
3. Similar land use categories shall generally front across streets. Dissimilar use categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.
4. The long axis of streets exceeding 500 feet in length shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.
5. **Open Space:** No portion of the TND shall be further than ¼-mile from recreational open space as defined in Chapter 7, including recreational open space outside of the TND boundaries. Recreational open space shall be provided in accordance with the requirements of Chapter 7.
6. **Building Types, Dimensional Standards, and Net Density:** The building types, dimensional standards, and net density shall be established in accordance with the neighborhood design, but within 200 feet of all adjacent property boundaries (not across streets) the lot widths and depths and building types shall be generally consistent with the adjacent zoning district(s) of a lower development intensity/density.
7. **Use Standards:** The proposed uses shall be consistent with the requirements of subsection F.8, below, and the permitted uses listed in the Use Matrix of Section 2.7. However, within 200 feet of all property boundaries (but not across streets), the allowed uses shall be only those permitted in the adjacent zoning district(s).
8. **Land Allocation By Use**

	Minimum	Maximum
Single-Family Uses	15%	75%
Two-Family and Multi-Family Uses	10%	40%
Lodging/Office/Retail Uses	2%	40%
Civic Uses	2%	none
Open Space	Per Chapter 7	

F. MHD: Manufactured Home Development

1. Manufactured Home Neighborhood

- a) **General Description:** The Manufactured Home Neighborhood is a subdivision of land that permits double-wide manufactured houses that are aligned on the lots in a manner similar to site built homes with their front doors facing the streets.
- b) Individual homes shall be placed upon separately platted lots.
- c) Design of manufactured homes should be in compliance with the architectural standards in Chapter Section 5.7.C.
- d) Neighborhoods with 30 or more lots shall have at least two (2) entrances.
- e) **Lot and Dimensional Specifications:**

	All Structures
Minimum Development Size	3 acres
Maximum Development Size	40 acres
Maximum Development Density <i>(Units/Acre)</i>	6
External Development Boundary	50 ft.
Internal Setbacks <i>(Minimum)</i>	None

2. **Manufactured Home Parks**

- a) **General Description:** The location of two or more manufactured homes on a parcel of land shall constitute a manufactured home park and shall be subject to the provisions of this sub-section.
- b) **General plan:** Each application for a manufactured home park as a Special Use Permit shall be accompanied by general plans, including contoured site plans (two-foot intervals). The general plan shall show the circulation pattern, manufactured home spaces, permanent structures and other site design requirements as may be considered essential by the TRC. The general plan shall also show that all improvements would meet the following minimum standards.
- c) **Lot and Dimensional Specifications:**

	All Structures
Minimum Development Size	5 acres
Maximum Development Size	40 acres
Maximum Development Density (Units/Acre)	6
Exterior Development Setback	50 ft.
Minimum Area for Manufactured Home Space	7,000 sq. ft.
Distance between Units	25 ft.
Internal Setbacks (Minimum)	None

- d) **General Requirements:** The following standards shall be considered the minimum requirements for all new manufactured home parks:
 - i. The area on which the manufactured home rests shall be a level, well-drained area of stabilized material, such as crushed stone, of such composition that it shall securely support the underpinning of the manufactured home.
 - ii. All interior roadways shall be lighted at night by 100-watt, high-pressure sodium or equivalent fixture spaced at intervals of no more than two hundred (200) feet apart. The maintenance of such lighting shall be the responsibility of the park owner.
 - iii. A covered garbage receptacle (rollout) shall be provided for each lot and shall be located in an easily accessible place.

- iv. There shall be a patio of at least four (4) inches thick of concrete or other appropriate surfacing materials located adjacent to the area where the manufactured homes shall rest. Said surface shall be so located as to coincide with the main entrance to the manufactured home. Said area shall be no less than eight (8) feet by fifteen (15) feet.
- v. **Recreational Open Space:** At least ten percent of the total area to be used as a manufactured home park shall be set aside for recreational open space as defined in Chapter 7.

e) Streets and Parking

- i. No manufactured home shall have direct access to a public street. Convenient access to each manufactured home space shall be provided by streets or drives with a minimum of 20 feet graded, drained, and paved with a durable dustless surface, for automobile circulation. Maintenance of such streets shall be provided for by the owner and/or operator of the manufactured home park.
- ii. **Parking Spaces:** A minimum of two automobile parking spaces (paved with a durable, dustless surface) shall be provided adjacent to each manufactured home space, but shall not be located within any public right-of-way or within any street in the park.

f) Planting Yard

A densely planted buffer consisting of trees, shrubs, and other planting at least 15 feet in width shall be provided along the rear and/or side property lines of the manufactured home park. The buffer shall include an eight (8) foot tall planted screen giving “visual separation” within three years of planting between the manufactured home and adjacent uses. In the event that natural growth exists as a buffer, the degree of planting may be reduced to ten (10) feet by the TRC, but not beyond the point that provides adequate screening both for both height and width.

2.5 Maximum Density By District

Density is the number of housing units per unit of land and is usually expressed as “units per acre”. For the purpose of this Ordinance, density shall be calculated on a project by project basis in terms of gross density, which includes the area necessary for streets, open space, and other public facilities. Following are the density maximums for each district:

- Open Space Preserve (OSP) 1 unit per 20 acres
- Rural Residential (RR) 1 unit per 5 acres
- General Residential (GR3) 3 units per acre
- General Residential (GR6) 6 units per acre
- Urban Residential (UR8) 8 units per acre
- Historic Residential (HR) 8 units per acre
- Urban Residential (UR12) 12 units per acre
- Residential Mixed-Use (RMX) 18 units per acre
- Neighborhood Mixed-Use (NMX) No Maximum
- Corridor Mixed-Use (CMX) No Maximum
- Downtown Mixed-Use (DMX) No Maximum
- Highway Business (HB) No Maximum
- Light Industrial (LI) Not Applicable
- Heavy Industrial (HI) Not Applicable
- Hospital Services (HS) No Maximum
- Institutional Campus (IC) No Maximum
- Traditional Neighborhood Development (TND) No Maximum
- Manufactured Home Development (MHD) 6 units per acre

2.6 Overlay Districts

Pursuant to North Carolina General Statute 160A-382, the following overlay districts are established. There are two types of overlay districts within this Ordinance: Fixed Overlay Districts and Floating Overlay Districts.

Fixed Overlay Districts

A. G-EIO: Gateway – East Innes Street Overlay

Appendix A of this LDO. These specific overlay provisions were adopted under Ordinance 2003-57 on September 2, 2003 and remain in full force and effect.

B. AZO: Airport Zoning Overlay

Appendix D of this LDO. These specific overlay provisions were adopted under Ordinance 2005-06 on February 1, 2005 and remain in full force and effect.

C. LHO: Local Historic Overlay

1. **Purpose and Intent:** The historical heritage of Salisbury is one of our most valued and important assets. The Local Historic Overlay (LHO) District is created to encourage the restoration, preservation, rehabilitation, and conservation of districts, buildings, sites, and objects with historical and/or architectural significance and to prevent the decline, decay, and/or demolition of such districts, buildings, sites, and objects.
2. **Uses Permitted:** All uses permitted in the underlying zoning district shall be permitted in the LHO. Regulations of this Section shall not be interpreted to further regulate the use of the structures in the underlying zoning districts.
3. **Regulation of Exterior Features:** No exterior feature of any building or other structure, landscape or natural feature, above-ground utility structure or any type of on-premise sign shall be erected, altered, restored, moved or demolished within an LHO until an application for a Certificate of Appropriateness has been submitted to and approved by the Historic Preservation Commission. Exterior features include the architectural style, general design, color and general arrangement of the exterior of the building or other structure, including the kind and texture of the 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. In the case of outdoor advertising signs, exterior features refer to the style, material, size, color, and location of all such signs.
4. **Features Not Considered:** The Historic Preservation Commission shall not consider interior arrangement nor take any action to restrict interior changes except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, or outdoor advertising signs in the LHO which would be incompatible with its historic aspects.

- 5. Standards and Design Guidelines:** All buildings, structures, features, sites, objects, or surroundings in an LHO District shall be subject to the design guidelines adopted by the Historic Preservation Commission. These guidelines shall be based upon the United States Secretary of the Interior's Standards for Rehabilitation as follows:
- a) A property shall be used for its historical purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d) Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.
 - e) Distinctive features, finishes, and constructive techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new one shall match the old in design, color, texture, and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i) New additions, exterior alterations, or related new construction shall not destroy historical materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, and architectural features to protect the historic integrity of the property and its environment.
 - j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

6. **Land use, interior arrangement, maintenance, emergency repairs not considered**
- a) Nothing herein shall be construed to prevent a property owner from making any use of his or her property not prohibited by other statutes, Ordinances or regulations.
 - b) The commission may enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the commission may enter any private building or structure without express consent of the owner or occupant thereof.
 - c) Except as provided in paragraph (4) below, the commission shall have no jurisdiction over interior arrangement and shall take no action except to prevent the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, outdoor advertising signs, or other significant features which would be incongruous with the special character of a landmark or of the district.
 - d) Notwithstanding paragraph (3) above, the jurisdiction of the commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned designated landmarks; and of privately owned historic landmarks for which consent for interior review has been given by the owner. Said consent of any owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed in the office of the register of deeds and indexed accordingly to the name of the owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the commission's jurisdiction over the interior.
 - e) The ordinary maintenance or repair of any exterior architectural feature of a landmark, or in the Historic District 'A' which does not involve a change in design, material, color or outer appearance thereof, shall not be prevented by the requirements pertaining to the designated landmark or historic district.
 - f) Nothing in this article shall be construed to prevent (a) the maintenance or (b) in the event of an emergency, the immediate restoration of any existing above-ground utility structure without approval by the commission.
 - g) The construction, reconstruction, alteration, restoration, moving or demolition of any exterior architectural features, which the city code inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition, shall not be prevented by the requirements pertaining to the landmark, or the historic district.

D. WPO: Watershed Protection Overlay

1. **Purpose and Intent:** The purpose and intent of this Section is to regulate the development and land-use density in certain watershed areas in order to limit water supply watershed exposure to non-point source discharge and pollution. The non-point source discharge can contribute biological contamination, turbidity from soil erosion and sedimentation, nutrient enhancement, and heavy metal pollution; all of which endanger the water supplies that provide drinking water to the City.

As required by the Water Supply Watershed Protection Act of 1989 (G.S. § 143-214.5), the State of North Carolina has classified each of North Carolina's drinking water supply watersheds to an appropriate classification. The designated watershed within the Salisbury planning and zoning jurisdiction is classified as "WS-IV" and is a protected water supply that is moderately to highly developed.

The existing built-upon surface area is not counted toward the allocated built upon area. For the purposes of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

2. **Watershed IV Protected Area:**

Only new development activities that require an erosion/sedimentation control plan under North Carolina law are required to meet the provisions of this Ordinance when located in a WS-IV-PA watershed.

A natural vegetative buffer of 50-100 feet shall be provided on all lands contiguous to each side of all perennial streams and watercourses in this Watershed.

- a) **Allowed Uses**

- i. Agriculture subject to the provisions of the Food Security Act of 1985, the Food, Agriculture, Conservation, and Trade Act of 1990, and 15A NCAC 2H.0217 are permitted. (Note: The Soil and Water Conservation Commission is the designated management agency responsible for implementing the provisions of this Chapter relating to agricultural activities.)
- ii. Silviculture, subject to the provisions of the Forest Practices Guidelines related to water quality (15 NCAC 11.6101-.0209).
- iii. Residential development.
- iv. Non-residential development.

b) Density and Maximum Built-Upon Limits

- i. Single Family Residential Uses (Low Impervious Cover Option):**
Development shall not exceed two (2) dwelling units per acre on a project by project basis. Cluster developments are also allowed in accordance with sub-section D below. Required natural vegetative buffer: 50 feet.
- ii. All Other Permitted Residential and Non-Residential (Low Impervious Cover Option):** Development under the low density option shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. Required natural vegetative buffer: 50 feet.
- iii. High Density Cover Option:** Where new development is proposed to exceed either two (2) dwelling units per acre or 24% built-upon area, engineered stormwater controls (BMPs) shall be used to control runoff from the first inch of rainfall. In no instance may development exceed seventy (70%) built-upon area on a project by project basis. All BMPs shall meet the standards of Section C below. Required natural vegetative buffer: 100 feet.

3. Best Management Practices (BMPs)

One or more of the following best management practices (BMPs) are required to achieve an efficiency of 85% Total Suspended Solids (TSS) Removal:

Practice	Assumed TSS Removal Efficiencies
Wet detention ponds	85%
Extended detention wetlands	85%
Pocket wetlands	35%
Bioretention/biofiltration areas	85%
Sand filters	85%
Grassed swales	35%
Filter strips	35%
Extended dry detention	50%
Infiltration practices	85%

4. Cluster Development

Cluster development is allowed in the Watershed Area under the following conditions:

- a)** Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in the underlying zoning districts. Density or built-upon area for the project shall not exceed that allowed for the critical area or protected area, whichever applies.

- b) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- c) The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government for preservation as a park or open space; to a conservation organization for preservation in a permanent easement; or it may be privately held, as long as a permanent conservation easement is placed on the land. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

Floating Overlay Districts

A. CD: Conditional District

1. **Purpose and Intent:** The Conditional District (CD) is a floating overlay zoning district that exempts specific Ordinance provisions so as to encourage innovative design. Although not measured against all provisions of this Ordinance, the City will review CD development in light of all applicable, adopted plans and policies in order to provide greater certainty as to the resulting project.

For the developer, the Conditional District has the highest level of flexibility for the design of the development. The CD is not subject to *all* of the traditional Ordinance standards. Instead, design elements are determined *for the specific development* and are written into the rezoning Ordinance, which becomes law. For City Council and the community, since the urban design elements are expressly stated in the rezoning Ordinance and become law, there is a greater degree of certainty as to the final product. The City Council can negotiate with the developer to add conditions, requirements or limitations.

2. **Minimum Area:** There shall be no minimum land area required for a Conditional District except when developed as an MHD-CD, where the minimum land area shall be 3 acres.
3. **District Provisions:** The Conditional District is an alternative zoning process that may permit a mixture of land uses and alternative development standards as may be required to address the unique characteristics of an individual property through a Master Plan. The plan shall be designed such that, at a minimum, the location, integration and arrangement of land uses, buildings, structures, utilities, access, transit, parking, and streets collectively yield a context sensitive development. The CD is not intended to relieve hardships that would otherwise be handled using a variance procedure; rather, the CD is intended as a means of accommodating design innovation and market expectations.

When designing a CD Master Plan, the following chapter and/or section provisions are not applicable. The Master Plan may identify any alternatives to those provisions, but when a plan is not providing an alternative, those provisions shall remain applicable.

- a) Section 2.4.D of Districts
- b) Sections 5.5 through 5.17 of Building Types and Standards
- c) Sections 4.8, 4.10 of Subdivisions and Infrastructure
- d) Chapter 10: Parking
- e) Chapter 11: Lighting

B. GD-A: General Development-A District

1. **Purpose and Intent:** The general development-A district is intended as an area where any use authorized in the base (underlying) zoning district shall be permitted only when it is developed and maintained in accordance with a site plan approved by the City Council.
2. **Applicability:** The general development-A district shall be recognized as an additional floating overlay district that existed under the previous Ordinance and may remain in existence where adopted by City Council; however, no new or expansion of the boundaries of existing GD-A districts shall be authorized under this Ordinance. Within a general development-A district (GD-A) any commercial or industrial use permitted in the base zoning district shall be permitted only when developed and maintained in accordance with a City Council-approved site plan. City Council review and consideration shall be according to the procedure and standards set out for Major Site Plan review as outlined in Section 15.9 of this Ordinance.

2.7 Uses Permitted By District

- A. All uses permitted in this Ordinance have been divided into nine (9) general categories as detailed in Chapter 18 and are generally defined as follows:
1. **Residential:** Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than a month's duration.
 2. **Lodging:** Premises available for short-term human habitation, including daily and weekly rental.
 3. **Office/Service:** Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component.
 4. **Retail/Restaurants:** Premises available for the commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing.
 5. **Entertainment/Recreation:** Premises for the gathering of people for purposes such as arts and culture, amusement, and recreation.
 6. **Manufacturing/Wholesale/Storage:** Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
 7. **Civic/Institutional:** Premises available for organizations dedicated to religion, education, government, social service, health care, and other similar functions.
 8. **Infrastructure:** Uses and structures dedicated to transportation, communication, information, and utilities.
- B. **Interpretation of Use Matrix**
1. Uses not listed as a permitted (P), permitted with additional standards (PS) or requiring a special use permit (SUP) are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Use Matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this Chapter. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing. Should the Administrator determine that a materially similar use does not exist, this Chapter may be amended to establish a specific listing for the use in question.

2. The Administrator may determine that a use is materially similar if:
 - a) The use is listed as within the same Structure or Function classification as the use specifically enumerated in the Use Matrix, as determined by the Land-Based Classification Standards (“LBCS”) of the American Planning Association [Reference: <http://www.planning.org/lbcs/index.html>]. The use shall be considered materially similar if it falls within the same LBCS classification and meets the requirements of subsection b below.
 - b) The proposed use shall not generate average daily trips exceeding other similar uses proposed in the zoning district by more than ten percent (10%), as determined by the Institute of Transportation Engineers, Trip Generation (7th ed., 2003)(the “ITE Manual”), which document is hereby incorporated by this reference. If the trip generation is not listed in the ITE Manual, then the use shall be considered materially similar to the use that most closely approximates the proposed use. The Administrator may also refer to similar local traffic studies.
3. In order to assist in interpretation of the Use Matrix, the LBCS numbers where applicable are enumerated in Chapter 18, Definitions. In interpreting the Use Matrix, the following rules of construction shall apply:
 - a) If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar LBCS code number. The numbers increase as the classifications get more specific.
 - b) Some uses are listed separately, but fall within the same LBCS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS classification.

CHAPTER 2: DISTRICTS

C. Use Matrix

P	Permitted	SUP	Special Use Permit required and subject to Additional Standards in Chapter 3
PS	Permitted subject to Additional Standards in Chapter 3	—	Not Permitted
PND	Permitted as new development only	CD	SUP is not required when proposed and adopted as part of a Conditional District

BASE DISTRICT	T1	T2	T3	T4			T5			T6			Assigned Districts			Planned Development		
	OSP	RR	GR	UR	HR	RMX	NMX	CMX	DMX	HB	LI	HI	HS	CI	MHD	TND		
Residential																		
Dwelling-Single Family	P	P	P	P	P	P	P	P	P	—	—	—	—	P	P	P		
Dwelling-Multifamily 4 units/bldg. or less	—	—	PND	P	PS	P	P	P	P	P	—	—	P	—	P	P		
Dwelling-Multifamily more than 4 units/bldg.	—	—	—	—	—	P	P	P	P	P	—	—	P	—	—	P		
Dwelling-Secondary	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	P	P	P	—	—	—	P	—	—	P		
Family Care Home (6 or less residents)	—	P	P	P	P	P	P	P	P	P	—	—	P	P	—	P		
Home Occupation	PS	PS	PS	PS	PS	PS	—	—	—	—	—	—	PS	PS	PS	PS		
Housing Service for the Elderly	—	—	PS	PS	—	P	P	P	P	P	—	—	P	P	—	P		
Live-Work Unit	—	—	—	—	—	PS	PS	PS	PS	—	—	—	PS	—	—	PS		
Manufactured Housing	—	PS	—	—	—	—	—	—	—	—	—	—	—	—	PS	—		
Lodging																		
Bed and Breakfast	—	P	P	P	P	P	P	P	P	P	—	—	P	—	—	P		
Hotel/Motel/Inn	—	—	—	—	—	—	—	P	P	P	—	—	P	—	—	P		
Rooming or Boarding House	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	P		
Office / Service																		
Animal Services	—	PS	—	PS	—	—	P	P	P	P	P	P	P	—	—	P		
Banks, Credit Unions, Financial Services	—	—	—	—	—	P	P	P	P	P	—	—	P	—	—	P		
Business Support Services	—	—	—	—	—	P	P	P	P	P	P	P	P	—	—	P		
Child Care Home	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	—	—	PS	PS	PS	PS		
Child Care Center in Residence	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	PS	PS	PS	PS	PS	—	—	PS	PS	PS	PS		
Commercial Child Care Center	—	—	—	—	—	SUP/CD	PS	PS	PS	PS	—	—	PS	PS	—	PS		
Community Service Organization	—	—	—	—	—	P	P	P	P	P	—	—	P	P	—	P		
Drive Thru Service	—	—	—	—	—	PS	PS	P	SUP/CD	P	—	—	—	—	—	SUP/CD		
Equipment Rental	—	—	—	—	—	—	—	P	PS	P	P	P	—	—	—	—		
Funeral Home	—	—	—	—	—	—	P	P	P	P	—	—	P	—	—	P		
Group Care Facility (More than 6 residents)	—	—	—	SUP/CD	—	PS	PS	PS	PS	PS	—	—	PS	PS	—	PS		
Government Services	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD		
Laundry Services	—	—	—	—	—	P	P	P	P	P	—	—	—	—	—	P		
Medical Clinic	—	—	—	—	—	P	P	P	P	P	—	—	P	SUP/CD	—	P		

P	Permitted	SUP	Special Use Permit required and subject to Additional Standards in Chapter 3
PS	Permitted subject to Additional Standards in Chapter 3	—	Not Permitted
PND	Permitted as new development only	CD	SUP is not required when proposed and adopted as part of a Conditional District

BASE DISTRICT	T1	T2	T3	T4	T5			T6			Assigned Districts			Planned Development		
	OSP	RR	GR	UR	HR	RMX	NMX	CMX	DMX	HB	LI	HI	HS	CI	MHD	TND
Office / Service (cont.)																
Outdoor Kennels	—	P	—	—	—	—	—	P	—	P	—	—	—	—	—	—
Post Office	—	—	—	—	—	P	P	P	P	P	P	—	P	P	—	P
Professional Services	—	—	—	PND	—	P	P	P	P	P	P	P	P	—	—	P
Residential Treatment Facility	—	SUP/CD	—	—	—	SUP/CD	SUP/CD	P	—	P	—	—	—	—	—	SUP/CD
Studio: Art, dance, martial arts, music	—	—	—	—	—	P	P	P	P	P	—	—	P	SUP/CD	—	P
Vehicle Services: Minor Maintenance/Repair	—	—	—	—	—	—	P	P	P	P	P	P	—	—	—	—
Vehicle Services: Major Repair/Body Work	—	—	—	—	—	—	—	SUP/CD	PS	PS	P	P	—	—	—	—
Retail / Restaurant																
Alcoholic Beverage Sales Store	—	—	—	—	—	—	SUP/CD	P	P	P	—	—	SUP/CD	—	—	P
Auto Parts Sales	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	—
Bar/Tavern/Night Club	—	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	—	—	—	—	—	P
Drive-Thru Retail/Restaurant	—	—	—	—	—	—	—	P	P	P	—	—	—	—	—	P
Gas Station	—	—	—	—	—	—	PS	PS	PS	P	P	—	—	—	—	PS
General Retail: 3,500 sf or less	—	—	—	—	—	SUP/CD	PS	P	P	P	—	—	P	—	—	P
General Retail: 3,501 sf – 10,000 sf	—	—	—	—	—	SUP/CD	SUP/CD	P	P	P	—	—	P	—	—	P
General Retail: 10,001 sf – 50,000 sf	—	—	—	—	—	—	—	P	P	P	—	—	SUP/CD	—	—	P
General Retail: Greater than 50,000 sf	—	—	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	—	—	—	—	—	SUP/CD
Restaurant	—	—	—	—	—	SUP/CD	P	P	P	P	—	—	P	—	—	P
Vehicle or Heavy Equipment Sales	—	—	—	—	—	—	—	P	PS	P	P	P	—	—	—	PS
Entertainment / Recreation																
Adult Establishment	—	—	—	—	—	—	—	—	—	PS	—	—	—	—	—	—
Amusements, Indoor	—	—	—	—	—	—	—	P	P	P	P	P	P	—	—	—
Amusements, Outdoor	—	—	—	—	—	—	—	P	P	P	P	P	—	—	—	—
Cultural or Community Facility	—	P	—	—	—	P	P	P	P	P	P	P	P	P	P	P
Meeting Facility	—	P	—	—	—	P	P	P	P	P	P	P	P	P	P	P
Recreation Facilities, Indoor	—	P	—	—	—	P	P	P	P	P	P	P	P	P	—	—
Recreation Facilities, Outdoor	P	P	P	P	P	P	P	P	P	P	P	P	P	SUP/CD	P	P
Theater, Movie	—	—	—	—	—	—	—	P	P	P	—	—	—	P	—	—
Theater, Live Performance	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	P

CHAPTER 2: DISTRICTS

P	Permitted	SUP	Special Use Permit required and subject to Additional Standards in Chapter 3
PS	Permitted subject to Additional Standards in Chapter 3	—	Not Permitted
PND	Permitted as new development only	CD	SUP is not required when proposed and adopted as part of a Conditional District

BASE DISTRICT	T1	T2	T3	T4		T5			T6			Assigned Districts			Planned Development		
	OSP	RR	GR	UR	HR	RMX	NMX	CMX	DMX	HB	LI	HI	HS	CI	MHD	TND	
Manufacturing / Wholesale / Storage																	
Agriculture	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Laundry, dry cleaning plant	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	
Manufacturing, Light	—	—	—	—	—	—	—	P	P	P	P	P	—	—	—	—	
Manufacturing, Neighborhood	—	—	—	—	—	PS	P	P	P	P	P	P	—	—	—	P	
Manufacturing, Heavy	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	
Media production	—	—	—	—	—	—	—	P	P	P	P	P	P	—	—	—	
Metal products fabrication, machine or welding shop	—	—	—	—	—	—	—	P	P	P	P	P	—	—	—	—	
Mini-Warehouse	—	—	—	—	—	—	—	P	—	P	P	P	—	—	—	—	
Research and development	—	—	—	—	—	—	—	SUP/CD	SUP/CD	P	P	P	P	—	—	P	
Storage: Outdoor Storage Yard as a primary use	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	—	
Storage: Warehouse/Indoor Storage	—	—	—	—	—	—	—	PS	PS	P	P	P	—	—	—	—	
Wholesaling and distribution	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	
Civic / Institutional																	
Campground	PS	PS	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Cemetery	P	PS	—	—	—	PS	PS	P	P	P	P	P	P	—	P	P	
College/University	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	—	—	—	—	P	—	—	
Hospital	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	—	—	—	P	—	—	—	
Public Safety Station	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	PS	PS	P	P	P	P	P	P	SUP/CD	P	P	
Religious Institution	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
School: Elem. & Secondary	—	P	P	P	P	P	P	P	P	—	—	—	—	P	—	P	
School: Vocational/Technical	—	—	—	—	—	P	P	P	P	P	P	P	P	P	P	P	
Transportation / Infrastructure																	
Air Transportation	—	SUP/CD	—	—	—	—	—	—	—	—	P	P	—	—	—	—	
Parking Lot (primary use)	—	—	—	—	—	P	P	P	P	P	P	P	P	—	—	—	
Parking Structure (primary use)	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	—	—	SUP/CD	
Road/Rail Transit - Passenger	—	—	—	—	—	P	P	P	P	P	P	P	P	—	P	P	
Road/Rail Freight/Courier/Trucking	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	
Utilities-Class 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities-Class 2	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	P	P	P	P	P	P	P	P	P	SUP/CD	
Utilities-Class 3	—	SUP/CD	—	—	—	—	—	SUP/CD	—	SUP/CD	P	P	—	—	—	—	
Wireless Telecomm Facility: Stealth	—	—	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	
Wireless Telecomm Facility: Tower	—	—	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	PS	PS	SUP/CD	SUP/CD	—	—	