CITY OF MORGANTON

UNIFIED DEVELOPMENT ORDINANCE (UDO)

ORDINANCE ASSESSMENT

OCTOBER 2026

CITY OF MORGANTON
Your City. Your Voice. Your Ordinance.

CITY OF MORGANTON

UNIFIED DEVELOPMENT ORDINANCE (UDO)

TABLE OF CONTENTS

INTRODUCTION....2
PURPOSE OF THE ASSESSMENT....2
STAFF AND PUBLIC INPUT....3
RELATION TO *IMAGINE 2040*....6
EXISTING ORDINANCE FRAMEWORK....8
RECENT LEGISLATION AND CASE LAW....15
PROPOSED ORDINANCE STRUCTURE....19

INTRODUCTION

The City of Morganton, located in Burke County in the foothills of North Carolina, is undertaking the creation of its first Unified Development Ordinance (UDO). This effort will consolidate several existing regulatory documents into a single development ordinance, including the Zoning Ordinance, Subdivision Ordinance, Phase II Stormwater Regulations, Watershed Protection Regulations, and Vested Rights Regulations.

The purpose of this project is to create a coordinated and user-friendly set of development regulations through strategic updates to the City's existing ordinances. Once adopted, the UDO will serve as a single resource for residents, property owners, developers, business owners, City staff, appointed boards, and elected officials. The ordinance will establish clear and consistently enforceable standards while supporting the community's vision for future growth and development. A key goal of the project is to simplify regulations, improve usability, modernize development standards, and create a document that is easier for all users to navigate and understand.

A primary component of this effort is the modernization of Morganton's Zoning Ordinance, which was adopted in 2015. The ordinance was developed to reflect the community's vision, development patterns, and priorities at that time and has guided development within the City for more than a decade. Since its adoption, Morganton has continued to evolve through new development, changing community priorities, public investments, and the adoption of Imagine Morganton 2040, the city's comprehensive plan. As a result, the UDO process provides an opportunity to revisit and modernize the City's development regulations so they better reflect Morganton today while supporting the community's vision for the future.

The project team is working closely with City staff, elected officials, appointed boards, stakeholders, and the broader community throughout the UDO process. Significant coordination has already occurred through stakeholder interviews, advisory committee discussions, staff meetings, community workshops, and other engagement activities. The information gathered through these efforts provides valuable insight into how the City's regulations are functioning today and where opportunities for improvement may exist. Early stakeholder and community input has highlighted a desire for regulations that are simpler to navigate, more flexible, and better aligned with current development realities while maintaining the character and vision of Morganton.

The UDO process is organized into a series of phases, beginning with project initiation and stakeholder engagement and concluding with ordinance adoption. This assessment represents the next step in the UDO process. It provides a comprehensive evaluation of Morganton's existing development regulations and establishes the foundation for drafting and organizing the City's first Unified Development Ordinance.

PURPOSE OF THE ASSESSMENT

This assessment provides a comprehensive review of Morganton's existing development regulations and serves as the foundation for the creation of the Unified Development Ordinance. The assessment summarizes the purpose and content of each existing ordinance, identifies the regulatory topics currently addressed by the City, and evaluates opportunities for improvement, clarification, modernization, and consolidation. The review considers the overall effectiveness of the regulations, including their organization, readability, consistency, ease of administration, and ability to implement the City's planning goals.

The assessment combines the findings of the Kimley-Horn project team with feedback received from City staff, stakeholder interviews, advisory committee discussions, community engagement efforts, and previous planning initiatives. Together, these sources help identify regulatory strengths, recurring challenges, and areas where the existing ordinances may not fully support the City's goals and objectives. Particular attention is given to themes consistently identified through outreach efforts, including ordinance complexity, opportunities for greater flexibility, housing choice, redevelopment, administrative efficiency, and development standards that can potentially increase project costs.

In addition to reviewing local regulations, this assessment considers recent legislative changes, case law, and legal requirements affecting planning, zoning, and land development in North Carolina. Understanding these statutory requirements is essential to developing a UDO that is legally compliant, aligned with Chapter 160D and other applicable laws, and capable of being consistently administered over time.

The assessment also evaluates relevant plans, studies, and policy documents that provide guidance for future development in Morganton. Particular emphasis is placed on Imagine Morganton 2040, which is the City's adopted Comprehensive Plan and establishes a long-range vision for growth, development, community character, housing, transportation, and economic development. As one of the primary implementation tools of the Comprehensive Plan, the UDO should directly support and advance the goals, policies, and recommendations established within Imagine Morganton 2040.

The assessment concludes with recommendations regarding the overall structure and organization of the Unified Development Ordinance. These recommendations are intended to guide the drafting process and establish a framework for the development of a modern, coordinated, and effective regulatory document that is clear, accessible, and reflective of Morganton's vision for the future. The resulting UDO should provide a predictable development framework, improve usability for all audiences, support quality growth and redevelopment, and create a regulatory structure capable of serving the City for years to come.

STAFF AND PUBLIC INPUT

Engagement Activities Completed

A critical component of the Unified Development Ordinance process is understanding how Morganton's existing regulations are working for those who use, administer, and are affected by them. To inform the assessment, the project team conducted a series of stakeholder interviews, staff discussions, and community outreach activities intended to capture a wide range of perspectives regarding the City's existing development regulations.

As of the preparation of this assessment, the project team has completed eight stakeholder meetings involving community members, business representatives, property owners, appointed and elected officials, City staff, City department leaders, planning staff, Chamber of Commerce representatives, downtown stakeholders, development and design professionals, and members of the development community. Together, these participants represented a broad range of interests and perspectives, including planning and development, architecture, engineering, landscaping, economic development, downtown revitalization, housing, infrastructure, and community growth. The stakeholder process was designed to capture feedback from these diverse groups and incorporate a wide variety of professional expertise, community perspectives, and development-related interests throughout the assessment. These discussions were supplemented by Advisory Committee meetings, public workshops, and ongoing coordination with City staff throughout the UDO process. In addition to stakeholder engagement, two public engagement events have been held to date. A summary of these events is provided later in this document.

The purpose of these discussions was not to identify specific ordinance amendments, but rather to understand what is working well within the current regulatory framework, where challenges exist, and how the City's development regulations can better support Morganton's vision for the future. While participants often approached issues from different perspectives, several common themes emerged consistently throughout the engagement process.

Key Themes from Stakeholder and Staff Engagement

Although each stakeholder group brought unique perspectives and areas of expertise, five primary themes emerged consistently throughout the engagement process:

1. The Ordinance is Too Complex and Difficult to Navigate

The most common observation was that Morganton's existing ordinances are difficult to navigate, and challenging for applicants, residents, and even experienced users to understand. Stakeholders noted that the ordinance contains multiple layers of regulations, overlapping requirements, and provisions that are difficult to locate or interpret. Many participants expressed a desire for a more user-friendly document that incorporates graphics, flowcharts, tables, limited hyperlinks, and clear intent statements throughout the ordinance.

2. Greater Flexibility is Desired

Stakeholders generally indicated that the City's regulations provide clear standards but often lack flexibility when addressing unique site conditions, redevelopment opportunities, or changes in market conditions. Several participants noted that existing procedures frequently require applicants to seek relief through review bodies for issues that could potentially be addressed administratively. Staff flexibility, lessen redevelopment cost/barriers, and clearer alternative compliance pathways were recurring topics of discussion.

3. Development Standards May Increase Costs Without Corresponding Benefits

Participants across multiple stakeholder groups identified landscaping, parking, and building design standards as significant contributors to project costs. In particular, stakeholders expressed concerns regarding landscaping requirements for redevelopment projects, architectural regulations in certain districts, parking standards, and requirements that may create unintended barriers to investment and business growth. Many participants emphasized the importance of balancing community character and development quality with economic feasibility and market realities.

4. Housing Diversity and Affordability are Community Priorities

Housing emerged as one of the most frequently discussed topics throughout the engagement process. Stakeholders highlighted the need for additional housing options across a range of price points and housing types, particularly those serving younger residents, older adults, and workforce households. These concerns reflect broader housing challenges being experienced by communities across the country, including the need to expand housing choice while maintaining community character. Participants discussed opportunities to revisit minimum lot sizes, housing diversity, missing middle housing, duplexes, quadplexes, cottage courts, and other housing products that may help address current and future housing needs while remaining compatible with Morganton's character.

5. Downtown Requires a Tailored Approach

Stakeholders consistently expressed support for the continued growth and success of downtown Morganton while recognizing the need to preserve its character and identity. Discussions centered around encouraging redevelopment, increasing housing opportunities, supporting new investment, improving flexibility, and evaluating whether some architectural and development standards should vary between the downtown core and surrounding areas. Participants generally supported maintaining the qualities that make downtown unique while ensuring that regulations do not unintentionally discourage investment or adaptive reuse opportunities.

In summary, Stakeholders consistently expressed support for the continued growth and success of downtown Morganton while recognizing the need to preserve its character and identity.

To supplement stakeholder and community input, City staff completed a detailed review of the existing ordinances and provided comments regarding specific sections, standards, procedures, and administrative practices. The resulting comment matrix contains 151 comments organized by topic and ordinance section.

Key Themes from Public Meeting #1 and Pop-Up Event #1

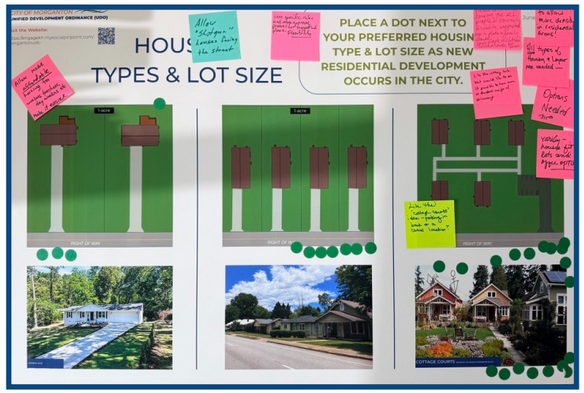
On June 25th, 2026, members of the project team partnered with Morganton Staff and community for a city-wide public workshop. The purpose of the workshop was to provide information about the project and work with the community to gain their input on development and current conditions in Morganton.

The meeting showcased various interactive boards which gave participants the opportunity to provide input that will be used in the project process.

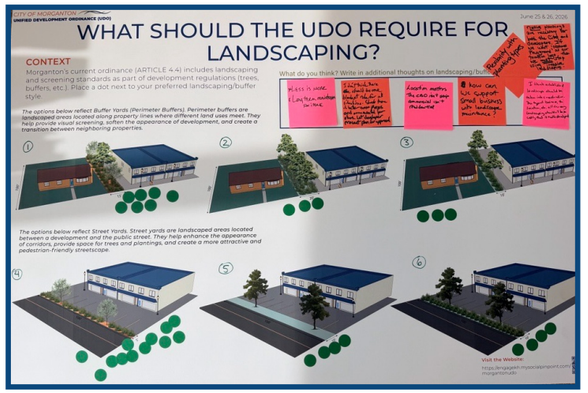
Board one asked community members to place a dot next to their preferred housing type and lot size as new residential development occurs in Morganton. Cottage Courts were favored among participants followed by four dwelling units per acre and two dwelling units per acre. Further feedback highlighted the desire for higher density in residential areas and more housing options overall.

Board two gave participants the option to choose their preferred landscaping and buffer style. A 15-foot perimeter buffer and 5-foot street yard were the most popular among the six options. Additional thoughts included flexibility with planting type, inquiry about long-term maintenance and standards for native planting.

Board three featured a map of Morganton asking participants to place a dot where they live and work. Both employment and residential locations were predominantly within the downtown Morganton area with a few outliers outside the city's center.



Board 1: House Type & Lot Size



Board 2: Buffers & Landscaping

Board four asked the question “What are the barriers to development?” Answers included:

- Noise impacts for downtown residents
- Need for point system update
- Lack of clarity around the development process and standards
- Land use flexibility

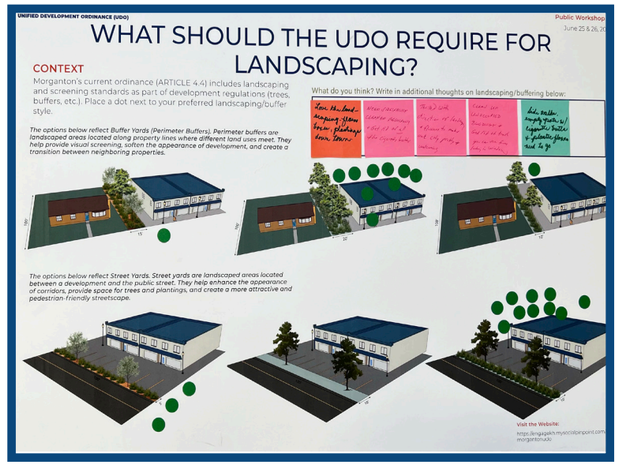
Additional feedback from community members included:

- Need for rehabilitation and/ or redevelopment of aging and vacant structures
- Preserve and enhance current landscape planning approach
- Elevate facades and lighting in the downtown area
- Strengthen residential parking and yard maintenance standards
- Improve downtown cleanliness, maintenance and overall appearance
- Address residential parking issues downtown

Following the public workshop held on June 25th, the project team attended the June 26th TGIF Concert Series at Historic Burke County Courthouse Square. Community members provided input on development preferences and existing conditions using the same interactive boards displayed at the public workshop. Overall, feedback from the two engagement events was fairly consistent. Cottage Courts remained the preferred housing type, followed by four housing lots per acre and two housing lots per acre. Community members also identified downtown Morganton as the primary location where they live, work, and recreate, with only a handful of responses occurring outside the city’s core. The most notable difference between the two engagement events was related to landscaping preferences. While participants at both events generally favored the more robust landscaping options, attendees at the TGIF pop-up event showed even stronger support for the more intensive landscaping treatments, including the 20-foot perimeter buffer and 10-foot street yard options. This preference suggests continued community support for higher-quality landscaping and streetscape enhancements as future development occurs.



Booth from TGIF Event



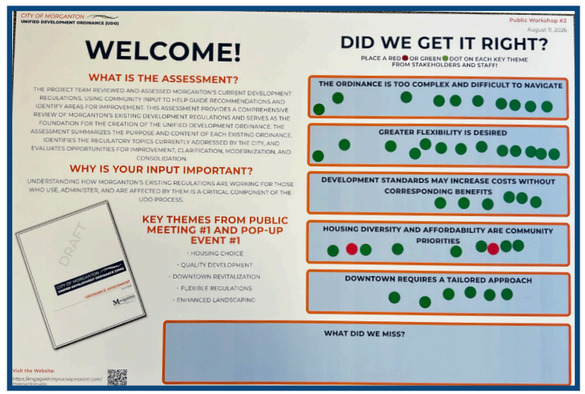
Buffers & Landscaping Board from TGIF Event

The purpose of these discussions was not to identify specific ordinance amendments, but rather to understand what is working well within the current regulatory framework, where challenges exist, and how the City’s development regulations can better support Morganton’s vision for the future. While participants often approached issues from different perspectives, several common themes emerged consistently throughout the engagement process.

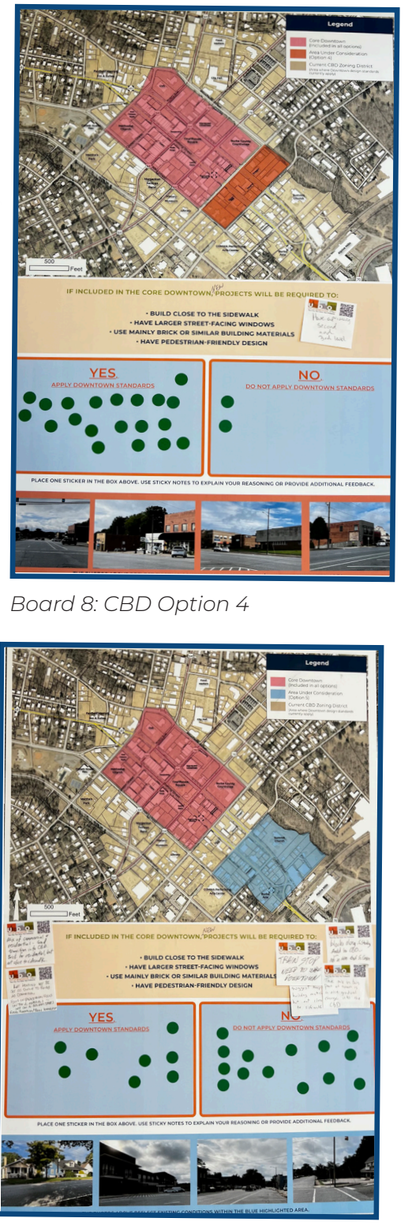
Key Themes from Public Meeting #2

A second public workshop was held on August 11th to gather feedback on the current ordinances, building design standards, and potential downtown boundaries as they relate to zoning requirements. Participants generally favored a simpler, more flexible ordinance moving into the future, with housing diversity and affordability identified as key priorities. Feedback on downtown zoning requirements was mixed, with some participants expressing concern that additional standards may increase development costs without corresponding benefits. Similarly, participants had mixed answers for their preferences on building design outside of downtown, but overall favored greater flexibility.

Responses for cottage court-style preferences overwhelmingly showed that the feature that appealed the most to respondents was walkable neighborhood design, while smaller lots was the least popular. Subsequent to this board, a set of different options to define the Central Business District (CBD) as it relates to planning and zoning requirements were presented to the public. Participants showed Option 4 to be the most popular while Option 5 showing the proposed CBD disconnected from the current CBD as the least favorite. Options 1-3 were also favorable among particpants with the majority of the comments being positive, and evenly distributed. A few of the boards with participants’ input presented in the meeting are shown in this document for reference.



Board 1: Ordinance Asssessment Overview



Board 8: CBD Option 4

Board 9: CBD Option 5

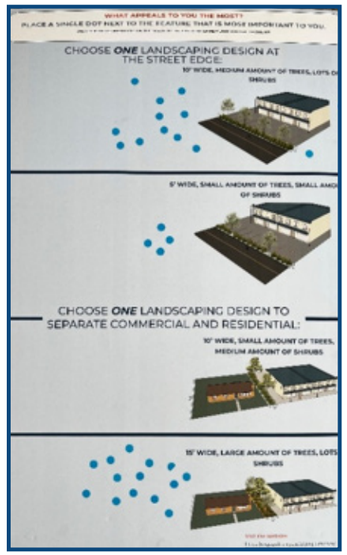
Key Themes from HMF

Members of the project team stationed a booth containing information on the Unified Development Ordinance (UDO) project during the Historic Morganton Festival on September 11th and 12th. At the booth, festival attendees shared feedback on a range of land development regulation topics. Responses showed a strong preference for landscaping that enhances functionality, community character, and compatibility between uses. Wider landscape buffers and the preferred street-edge and commercial-to-residential separation options received the strongest support. Shade and streetscape enhancements ranked as the highest priorities, followed by landscaping that buffers commercial and residential uses.

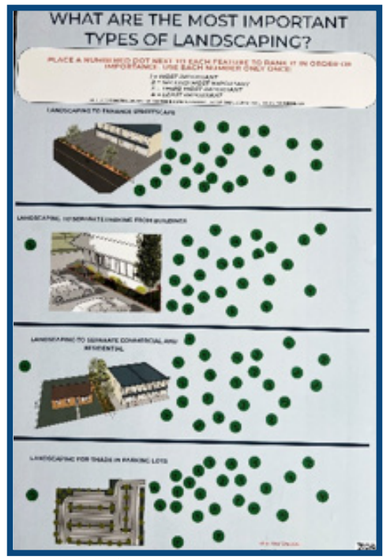
Lastly participants were asked to identify what should be changed or preserved in the current development regulations by writing their thoughts on an note to show open-ended responses. Among the topics discussed, participants consistently emphasized the importance of additional landscaping, particularly more trees in downtown areas to provide shade and enhance comfort. This preference aligns with feedback from other boards, which showed strong support for shaded parking lots and increased greenery throughout the community.



HMF Project Booth



Board 3: Preferred Landscaping Design



Board 3: Preferred Landscaping Type



Board 4: UDO Open-ended Comments

RELATION TO IMAGINE 2040

Adopted in August 2024, Imagine Morganton 2040 was developed through an extensive public engagement process that included community workshops, stakeholder interviews, advisory committee meetings, online engagement, pop-up events, Planning and Zoning Commission discussions, and City Council work sessions. The goals, policies, and implementation actions identified within the Plan represent community-driven priorities and a shared vision for Morganton's future. As one of the primary implementation tools of the Comprehensive Plan, the Unified Development Ordinance should support and advance these adopted policies through updated development regulations, procedures, and standards. Accordingly, the following actions were identified as having a direct relationship to the creation of the UDO and are considered throughout this assessment and the subsequent drafting process.

Comprehensive Plan Actions Relevant to the UDO		
Comprehensive Plan Action	Policy Direction	Potential UDO Action
GROW 2.1	Update, modernize, and consolidate the City's zoning and subdivision ordinances to codify the Future Land Use Map.	Consolidate existing ordinances into a single UDO and align zoning districts with the Future Land Use Map.
THRIVE 2.1	Review the zoning ordinance to ensure flexibility in allowable uses within industrial, service, and mixed-use areas.	Review use tables, expand flexibility in industrial and mixed-use districts, and modernize permitted use classifications.
LIVE 1.1	Analyze development standards to ensure they are not prohibitive to new development and redevelopment.	Evaluate building design, landscaping, parking, buffering, and site development standards.
LIVE 1.2	Examine required lot sizes, setbacks, and height restrictions.	Review dimensional standards, lot size requirements, setbacks, density, and height regulations.
LIVE 1.3	Continue to allow accessory dwelling units and review standards.	Evaluate ADU regulations and opportunities for additional housing flexibility.
LIVE 2.1	Promote Missing Middle Housing and housing diversity.	Consider standards for duplexes, quadplexes, cottage courts, townhomes, and other housing types.
LIVE 2.2 / 2.3	Encourage additional housing options through revisions to density standards.	Evaluate density regulations, permitted housing types, and compatibility standards.

LIVE 3.1	Identify opportunities for new infill development.	Review redevelopment standards, infill provisions, nonconformities, and undersized lot standards.
ACTIVATE 1.2	Ensure downtown uses are appropriate and financially viable.	Review downtown permitted uses, redevelopment barriers, and first-floor residential regulations.
ACTIVATE 2.1	Promote housing opportunities within the Downtown Core and Downtown Edge.	Evaluate downtown residential development opportunities and mixed-use standards.
ACTIVATE 2.3	Distinguish development expectations between the Downtown Core and Downtown Edge.	Create context-sensitive standards and consider separate zoning approaches for downtown areas.
ACTIVATE 2.5	Protect downtown character while allowing additional housing opportunities.	Revisit downtown development and design standards to support investment and housing.
EMBRACE 1.2	Ensure gateway development contributes to community character and aesthetics.	Review corridor overlays, landscaping standards, signage, and gateway development requirements.
EMBRACE 2.2	Evaluate zoning changes that protect historic and culturally significant places.	Evaluate historic preservation tools, overlay districts, and context-sensitive development regulations.
MOVE 1.1	Update the corridor overlay to support the transportation vision.	Review and revise corridor overlay requirements and transportation-related development standards.
MOVE 1.2	Utilize the Street Design Priority Matrix when designing or improving streets.	Review subdivision street standards, sidewalk requirements, connectivity requirements, and multimodal design standards.
PRESERVE 1.1	Encourage low-impact development and green infrastructure.	Evaluate stormwater standards, low-impact development techniques, and green infrastructure provisions.
PRESERVE 1.2	Update ordinances to conserve and promote the natural environment through landscaping and recreation requirements.	Review landscaping, open space, recreation, and subdivision design requirements.
PRESERVE 1.3	Encourage preservation of healthy trees and natural features.	Evaluate tree preservation, buffers, streetscape planting, and environmentally sensitive area protections.
PRESERVE 1.4	Require native and non-invasive plant materials where appropriate.	Review approved plant lists, invasive species standards, and landscaping requirements.
PRESERVE 1.5	Promote tree planting and urban forest preservation.	Review street tree, buffer, and canopy requirements.
PRESERVE 3.3	Support indoor and outdoor recreation activities through zoning and development regulations.	Review recreation-related land uses and associated development standards.
PLAN 1.1	Consider infrastructure and public services when making development decisions.	Review development review procedures, utility coordination requirements, and subdivision design standards.

EXISTING ORDINANCE FRAMEWORK

Part 9 of the City Code of Morganton, NC

Chapter 3 – Subdivision Regulations

Overview:

This chapter serves as the City's primary regulatory framework for the creation of lots, construction of public infrastructure, and development of new subdivisions. The chapter includes procedures for subdivision approval, standards for streets, utilities, stormwater facilities, open space, sidewalks, and other required improvements.

Kimley-Horn Project Team Findings & Questions for City:

As part of the UDO assessment process, the Kimley-Horn project team evaluated the ordinance and identified the following observations and potential opportunities for consideration during the creation of the Unified Development Ordinance. The individual assessment of the zoning ordinance includes only bulleted findings and considerations for future reference during the UDO creation process.

- The ordinance contains references and provisions that predate the adoption of Chapter 160D. As part of the UDO process, all statutory references, procedures, and administrative requirements will be reviewed through coordination with the City's Attorney and updated as necessary to ensure consistency with current North Carolina law.
- Strong purpose language exists currently (Sec. 9-3001 (d)). No reductions in language are recommended.
- References to subdivision administration occur throughout the chapter and should be reviewed and updated during the UDO drafting process to ensure consistency with the administrative structure and titles ultimately adopted by the City.
- Following a review of the definitions contained within this chapter, the Kimley-Horn project team did not identify any definitions that require immediate revision. However, as the UDO drafting process progresses and regulations are consolidated, there may be a need to modify existing definitions, remove redundant definitions, or introduce new definitions to support updated standards, procedures, and development regulations. Consistency with terminology used throughout the UDO should and will be evaluated as part of the drafting process. This also applies to Sec. 9-3001 (2)

- Consider adding an as-built drawing requirement for subdivisions that include public infrastructure improvements. Currently, references to as-built drawings are limited and primarily located in Chapter 8.
- The ordinance allows the Subdivision Administrator to waive the sketch plan requirement but does not provide specific waiver criteria. Consider establishing waiver standards or limiting sketch plan requirements to major subdivisions.
- Consider relocating review timelines and submittal deadlines from the ordinance to the associated application materials or administrative procedures. This approach provides greater flexibility to update review schedules as needed without requiring a text amendment to the UDO.
- **Question for Staff Consideration:** The ordinance assigns final street classification determinations to City Council. Staff input is requested regarding whether this provision is actively utilized or whether street classifications are generally determined administratively based on adopted transportation plans and engineering standards.
- **Question for Staff Consideration:** The ordinance currently assigns City Council discretion to determine when street connections to adjoining properties should be required. Is this authority actively utilized during subdivision review, or are connectivity decisions typically made administratively based on adopted transportation plans, engineering standards, or subdivision design criteria? If the latter, should this determination be delegated to staff through objective connectivity standards in the UDO?
- As part of the UDO consolidation process, cross-references between regulatory chapters should be reviewed and updated to improve organization, reduce redundancy, and ensure consistency throughout the ordinance. This is a general note, as many external references to the "Zoning Code" are included within the subdivision regulations.
- Several sections (most specifically 9-3004(b)) of the Subdivision Ordinance contain detailed engineering, stormwater, drainage, and infrastructure design requirements. As part of the UDO process, the Kimley-Horn project team will coordinate with engineering staff and utilize engineering expertise within the project team to evaluate these provisions and other technical requirements throughout the ordinance to ensure consistency with current standards, practices, and City objectives.
- The neighborhood recreation dedication requirement (9-3003 (j)) is intended to ensure that new residential development contributes toward the recreation, open space, and park needs generated by future residents. The current methodology appears to rely on census-derived household size data, which may result in unnecessary complexity. Consider evaluating a more predictable and administratively efficient approach, like a fixed acreage requirement per dwelling unit (e.g., 0.03 acres per dwelling unit), while maintaining the objective of reducing impacts on the broader park system and providing neighborhood-level recreation opportunities.
- All financial guarantee provisions require an update to ensure consistency with NCGS 160D.

Chapter 4 - Zoning Ordinance

Overview:

The Zoning Ordinance serves as the primary tool for regulating land use and development within the City of Morganton. The ordinance establishes zoning districts, development standards, permitted uses, and administrative procedures that shape how growth and redevelopment occur throughout the community. This assessment evaluates the ordinance's organization, effectiveness, and alignment with current planning goals and identifies opportunities for modernization as part of the UDO creation process. In addition to the project team's review, City staff conducted a detailed review of the zoning ordinance and provided section-specific comments and recommendations based on their experience administering the regulations.

Article 4 - Development and Performance Standards

4.1 General Development Standards

- Evaluate opportunities to provide additional administrative (4.1.5) flexibility for staff through clearly defined and objective approval criteria. As part of the UDO creation, this discussion should occur concurrently with updates to development standards throughout the ordinance to ensure flexibility is paired with measurable standards, predictable outcomes, and consistent administration.

4.2 Density and Dimensional Standards

- Update lot size, lot width, setback, and density standards to better support housing choice, affordability, infill development, ADUs, and redevelopment opportunities.
- Adjust dimensional standards where appropriate to align with community preferences identified throughout the planning and engagement process.

4.3 Performance Standards

- Evaluate the relationship City's pros and cons for Performance Standards (Section 4.3). If the Performance Standards are retained, update the performance criteria and incentives to ensure they remain clear, relevant, and aligned with current City objectives.

4.4 Landscaping and Screening Standards

- *General Note:* The Kimley-Horn team will continue evaluating the landscaping and screening standards (Section 4.4) and will incorporate feedback provided by City staff into future discussions and recommendations as the UDO process progresses. Particular attention will be given to opportunities for simplification, administration, and continued achievement of the City's buffering and screening objectives.
- Simplify landscaping and screening requirements by reducing the number of buffer types, yard classifications, and planting calculations.
- Consolidate landscaping requirements into a simpler framework focused on perimeter buffering, street trees, parking lot landscaping, and screening.
- Revisit buffer widths and screening requirements to ensure standards remain proportional to adjacent land use impacts.
- Review the fencing standards applicable within the Neighborhood Conservation Overlay. Currently, one of the primary distinctions between the overlay and underlying zoning regulations is the limitation on chain link fencing within front yards. As part of the UDO update, the City should evaluate whether this standard remains appropriate and whether additional fencing standards are needed to achieve neighborhood character objectives.

4.5 Open Space Standards

- Revisit the applicability thresholds for open space requirements. Currently, open space standards primarily apply to developments containing more than five dwelling units and developments utilizing the Performance Standards framework. As part of the UDO update, the City should evaluate whether broader applicability is warranted and ensure the standards are coordinated with the subdivision ordinance, park planning objectives, and any desired level-of-service standards for recreational amenities and open space.
- Review open space requirements to ensure the public benefit being achieved remains proportional to the development requirement being imposed, particularly if open space standards are expanded beyond developments utilizing the Performance Standards framework.

- Evaluate whether alternative compliance options, such as park improvements, greenway construction, or fee-in-lieu contributions for subdivisions should be explored where on-site open space may not provide the greatest community benefit.

4.6 Parking and Access

- Revise parking regulations to reflect recent changes in North Carolina law that limit local governments' ability to require minimum off-street parking spaces. As part of the UDO creation, the project team will focus primarily on parking maximums, parking design, access management, and site layout standards rather than minimum parking requirements.
- Evaluate whether existing triggers, such as the 20% building or parking expansion threshold, continue to be appropriate or whether additional flexibility is warranted to support redevelopment and reinvestment.
- Review how parking lot landscaping requirements are triggered for site expansions and redevelopment projects. This discussion should occur in conjunction with the broader evaluation of landscaping standards and redevelopment incentives.
- Evaluate the downtown (CBD) requirement for walls associated with parking lot expansions to determine whether the standard continues to achieve its intended purpose and whether alternative screening or design solutions may provide similar outcomes at a lower implementation cost.
- Reevaluate the additional parking lot landscaping requirements associated with the Corridor Overlay and River District Overlay to ensure the standards remain proportional to the desired development outcomes and are consistent with any future simplification of Article 4 landscaping requirements.
- Review standards related to pedestrian circulation within parking lots, including sidewalk connections, landscape islands, building access, and separation of pedestrian and vehicular movements.

4.7 Infrastructure

- Evaluate which infrastructure standards should remain within the UDO and which standards are more appropriately administered through City engineering standards, technical manuals, utility requirements, or public works regulations.
- Compliance assurance is necessary for all of 4.7 in light of recent changes to North Carolina law and evolving state limitations on local street design and infrastructure requirements. Infrastructure standards should be coordinated with applicable NCDOT requirements, City engineering standards, and subdivision regulations to ensure consistency and legal defensibility.
- The lighting standards generally appear comprehensive and effective.

4.8 Building Design Standards

- Work with City staff, elected officials, and the community to establish clear expectations for vertical articulation, horizontal articulation, façade variation, and overall building massing for non-residential development.
- Refine non-residential building design standards to better distinguish between primary corridors, downtown, mixed-use areas, and employment districts where design expectations may differ.
- Evaluate whether certain design objectives currently achieved through the Performance Standards framework could instead be addressed through conditional rezoning for residential and mixed-use projects.
- Simplify and consolidate overlapping architectural standards while maintaining the City's desired development character and design objectives.
- Update material standards and façade requirements outside the CBD to ensure standards remain flexible, durable, and reflective of contemporary building materials and construction practices.
- Explore opportunities to incorporate public art into the built environment, including artistic treatments of utility infrastructure such as electrical boxes and other public-facing facilities.
- Consider incentives or administrative flexibility for projects that provide enhanced architecture, public art, streetscape improvements, or other design features that contribute to the public realm.

4.9 Affordable Housing Standards

- Maintain the Affordable Housing Standards framework and ensure applicable provisions are carried forward into the updated UDO.
- If the City elects to expand the use of conditional rezoning for residential and mixed-use development, evaluate opportunities for affordability commitments to be incorporated as site-specific conditions where appropriate and mutually agreed upon by the applicant and the City.

Article 5 - Sign Standards

Article 5 presents different guidelines regarding signs in order to support an appealing visual appearance and enhancement of the visual environment of Morganton. These guidelines are mentioned as standards that must be followed to comply with the city's UDO as clearly as possible. This article covers multiple aspects of design specifications, sign exceptions, maintenance requirements, and uses that are summarized in the following points:

- Signs are to be used as complimentary aspects of buildings / spaces and adhere to specific height, setbacks, and illumination requirements to not interfere with public safety and urban aesthetics.
- Signs that do not require a permit must still fulfill UDO requirements of area, height, number, and setbacks.
- Permanent and long-term signs require a permit and must follow UDO requirements of area, height, number, and setbacks.
- Any signs that negatively impact public safety and signing functionality are strictly prohibited.

Considerations:

- *General Note:* Careful consideration will be given to all signage regulation so as not to conflict with SB 382.
- No mention of screens or electronic signs besides the prohibition of glare and flashing. This should be revised with careful consideration given to SB 382.
- No mention of general non-conventional signs (despite mentioning inflatable, vehicle, and transportable signs). A section could be created in which all of these examples are added, and more cases are mentioned to expand on the category besides the specifics.
- Images, diagrams, and tables work exceptionally well together to communicate requirements and restrictions of different sign options.

Article 6 - Nonconformities

Article 6 establishes standards for the continuation, modification, and eventual elimination of nonconforming lots, uses, structures, development features, and signs that were lawfully established prior to the adoption or amendment of the ordinance. The article establishes thresholds for repairs, reconstruction, discontinuance, and enlargement of nonconforming uses and structures, including restrictions on rebuilding damaged structures and replacing nonconforming manufactured homes. Additional provisions address nonconforming parking, landscaping, infrastructure, building design, and signage, while allowing the Board of Adjustment to approve certain modifications through a Certificate of Nonconformity Adjustment.

Considerations and Staff Questions:

- Is there additional flexibility needed for redevelopment of nonconforming lots? Do the current standards work? We recommend reviewing standards for nonconforming lots to determine whether additional flexibility for infill development, dimensional adjustments, or development of undersized lots could facilitate redevelopment while maintaining neighborhood character.

Chapter 6 - Vested Rights

Overview:

This chapter establishes a process for obtaining statutory vested rights that protect an approved site-specific development plan from subsequent changes to zoning and development regulations, consistent with North Carolina law. The chapter outlines application procedures, review and hearing requirements, and alternative methods for obtaining vested rights through special use permits, conditional use approvals, or subdivision approvals. The chapter also identifies the duration of vested rights, circumstances under which they may be modified or terminated, and procedures for addressing annexation, changes in law, and public health and safety concerns.

Considerations:

The chapter is based on former G.S. 160A-385.1 and related statutes that were repealed and recodified into Chapter 160D. Kimley-Horn will provide updated language that is consistent with the NCGS 160D-108 and 160D-108.1 and the City's development review procedures.

Chapter 7 - Watershed Protection

Overview:

This chapter provides guidelines for watershed protection set forth by the NCDEQ Water Supply Watershed Program. The chapter establishes watershed areas and area specific regulations that are applicable to density and allowed uses. Watershed review committee details and necessary permit requirements are also found in this chapter. Additionally, necessary stormwater control structures and required performance security requirements are specified.

General Note:

The Phase II Stormwater and Watershed Protection regulations are largely driven by state and federal regulatory requirements and corresponding North Carolina model ordinance language. As part of the UDO creation, these sections should be reviewed for consistency with the most current state requirements, approved model ordinance provisions, permitting standards, and recent legislative changes, including Session Law 2026-39 (HB 162). Among other provisions, HB 162 clarifies that stormwater requirements must generally be applied to the net increase in built-upon area associated with development or redevelopment activities, while existing built-upon area is to be grandfathered and not subject to retroactive stormwater control requirements. Where updates are necessary, the Kimley-Horn stormwater team may provide technical guidance and consultation in coordination with City staff to support regulatory compliance while balancing City objectives.

Chapter 8 - Phase II Stormwater

Overview:

This chapter dictates the actions needed to preserve the health of current storm water systems to protect the city's water resources that could be impacted by development or redevelopment of sites. The chapter covers the importance of its imperative use when designing, maintaining, and adapting infrastructure within the stormwater map city limits. This chapter is also used as a design manual that explains the process of stormwater permits for projects, and the standards needed throughout the development process to be successfully approved.

RECENT LEGISLATION AND CASE LAW

This section contains recent legislature passed by the State as well as recent case law that affects signage, short term rentals, land development, and appeals processes.

Reed v. Town of Gilbert (2015)

The U.S. Supreme Court ruled that municipal ordinances may not regulate signs based on their content. Sign ordinances must be "content neutral" in their regulations.

City of Austin v. Regan National Advertising (2022)

This case served as a continuation of the Reed v. Town of Gilbert case. The U.S. Supreme Court found that the City's Sign Ordinance regarding On- and Off-premises signs as written was content neutral. The Court noted that "the message on the sign matters only to the extent that it informs the sign's relative location. The on-/off-premises distinction is therefore like ordinary [content neutral] time, place, or manner restrictions."

Session Law 2022-55 - Bona Fide Farm Use

Amends G.S. 160D-903 to include any "building or structure that is used solely for storage of cotton, peanuts, or sweet potatoes, or any byproduct of those commodities" to the list of bona fide farm uses.

Session Law 2022-62 - Appeals of Subdivision Decisions

Amends G.S. 160D-1403 generally as follows: If the subdivision plat decision is administrative in nature and made by a staff person or staff committee, then the appeal goes to the board of adjustment, the same as appeals of other staff decisions for development approvals. If the subdivision plat decision is administrative in nature and made by an elected or appointed board, the decision goes to superior court for declaratory or equitable relief. Finally, if the subdivision plat decision is quasi-judicial in nature, then the appeal goes to superior court in certiorari, the same as appeals of other quasi-judicial decisions.

Session Law 2022-64 - Historic Landmark Designation

Amends the procedure for local landmark designation in G.S. 160D-946. The Department of Natural and Cultural Resources (DNCR) has 30 days to provide written comments about the proposed landmark designation or acquisition. If no comments are provided within this timeframe, the local government can move forward without considering comments from the DNCR.

Session Law 2023-5 - Transient Occupancy

Clarifies that G.S. 42-14.6 does not apply to transient occupancies. Defines "transient occupancy" in G.S. 72-1.

Session Law 2023-63 - Bona Fide Farm Use

Adds the recycling of turkey-brooder litter to the list of bona fide farm uses in G.S. 160D-903.

Definition of Agriculture

Expands the definition of agriculture to include areas where pine needles are harvested and biofuel production for commercial sale.

Signs in ROW

Permits farm-related signs to be placed along state-highway ROW. Amends G.S. 136-32.

Session Law 2023-108 - Residential Design Standards

Expands G.S. 160D-702 to include triplex and quadplex buildings in the restrictions on building design elements on residential structures.

Private Driveway Standards

Adds subsection "j" to G.S. 160D-804 that restricts local governments from making pavement design standards more stringent than NCDOT's minimum pavement design standards.

Erosion and Sedimentation Control Review Fee

Allows the applicant to choose how their review fee is calculated, either on a per lot or per acre disturbed basis. Amends G.S. 113A-60.

Stormwater Permit Transfer

Clarifies in G.S. 143-214.7 that the procedure for DEQ to transfer stormwater permits applies to local governments.

Stormwater Facilities Maintenance Funds

Amends G.S. 160D-925 to restrict the authority of local governments to collect funds for the maintenance of a private stormwater facility.

Session Law 2023-134 - Denial of Erosion and Sediment Control Plans

Prohibits local governments from basing a denial of an Erosion and Sediment Control plan solely on the applicant's need for additional environmental permits. Also requires the condition of approval on obtaining other environmental permits and approvals.

Session Law 2023-137 - Parking Space Size

Revises G.S. 160D-702(c) to clarify that zoning ordinances cannot require parking spaces larger than 9' x 20' except for handicap, parallel, or diagonal parking

Redevelopment and Stormwater

Amends G.S. 143-214.7(b3) to clarify that stormwater controls are required only for net increase in impervious surface area.

Exclusion of ROW from Impervious Surface

Amends G.S. 143-214.7(b2)(2) to clarify that any portion of a development within state or municipal ROW does not count towards the entire impervious area of the development.

Joint Stormwater-Permitting Program Application

Amends G.S. 143-214.7(b5) to state an applicant may apply to the local government with jurisdiction over the site or to the other local governments in the joint program.

Session Law 2023-90 and 2023-108 - Central Water/Sewer Connection

Cities may require a property owner to connect to a sewer line if there is adequate capacity. They may not require a sewer connection if it costs more to connect to the system than to install an on-site wastewater treatment system. They cannot require the property owner to connect to the water system if the water pressure is less than the average pressure in a quarter mile radius, and they cannot require line upsizing to achieve the required water pressure. Amends G.S. 160A-317(a) and G.S. 153A-284(a).

Session Law 2024-32 - Equestrian Activities

Revises G.S. 106-581.1 to include "the boarding of horses" in the definition of agriculture. This definition is included in the bona fide farm zoning exemption in G.S. 160D-903. Adds "the rearing, feeding, training, caring, boarding, and managing of horses" to the list of agricultural activities that sedimentation and erosion control measures do not apply.

Right-to-Farm Defense

Type 1 compost facilities and "the rearing, feeding, training, caring, boarding, and managing of horses" can claim a right-to-farm defense against a nuisance. Amends G.S. 106-701.

Beehives

A city may only regulate beehives operating within the municipal limits. Revises G.S. 106-645(b) that allowed cities to regulate beehives in ETJ.

Session Law 2024-45 - On-Premises Advertising

Additional protection for on-premises advertising in G.S. 160D-912.1

Session Law 2024-49 - Subdivision Performance Guarantees

Subdivision performance guarantees and management amends G.S. 160D-804.1

Curb and Gutter Design

A developer can use the NCDOT curb and gutter design standards for subdivision roads. Amends G.S. 160D-804

Sidewalks in the ETJ

A municipal subdivision ordinance may not require sidewalks in subdivisions of twenty lots or less in a municipal ETJ unless the city accepts long-term maintenance responsibilities in writing with NCDOT. Effective for sidewalks in the ETJ as of Jan 1, 2020. Amends G.S. 160D-804(c)

Recordation of Stormwater and Maintenance Agreements

Stormwater operation and maintenance agreements may be referenced on any instrument of title recorded with the register of deeds. Does not clarify which statute this amends.

"Built-Upon Area"

Revises what may not be considered built-upon area or impervious or partially impervious surface. Amends G.S. 143-214.7.D

Model Homes

New provisions for model homes in subdivision developments. Adds G.S. 160D-1501.

Session Law 2024-57 (SB 382) – The Limits on Local Downzoning

SB 382 eliminated local governments' ability to initiate a down-zoning without unanimous written owner consent.

The following may be considered as a down-zoning, therefore, careful consideration will be given to all affected aspects of the current development ordinances through the UDO creation process:

- Decreases Development Density (Allows fewer units, lower intensity, or less building capacity than the property's previous zoning permitted)
- Reduces Permitted Uses (Removes or narrows the list of uses allowed on the property under the prior zoning classification or use table)
- Creates a Nonconformity (Makes an existing use, lot, structure, or site element nonconforming, even though routine standards updates such as flood or environmental rules.)

Session Law 2026-39 (HB 162) – Parking Lot Reform & Stormwater Control

- Local governments can no longer require a minimum number of spaces for any use whether it be residential, commercial, retail, or restaurant anywhere the law applies.
- Developers may still build parking; the law removes the mandate, not the option. In essence, spaces are sized by market demand, not code.
- Stormwater rules must grandfather existing built-upon area and apply new controls only to net new impervious surface; local ordinances have 12 months to conform.

Session Law 2026-51 (HB 372) – State Rules to Allow No-Impact Home-Based Businesses in Municipalities

- State law now requires municipalities to allow qualifying no-impact home-based businesses and prohibits local permit or approval requirements.
- Local regulations may still address issues such as traffic, parking, compatibility, and public safety, but only through narrowly tailored standards.

PROPOSED ORDINANCE STRUCTURE

Existing Standalone Ordinances to be Consolidated

The proposed UDO structure assumes consolidation of the existing zoning, subdivision, vested rights, watershed protection, Phase II stormwater, and flood damage prevention regulations into one coordinated ordinance.

Existing Ordinance / Regulations	Primary Existing Function	Proposed UDO Destination
Full Zoning Ordinance	Land use, zoning districts, overlays, permitted uses, development standards, signs, nonconformities, administration, enforcement.	Articles 1-5, 8, 11-13; appendices for checklists
Subdivision Regulations	Platting, subdivision review, lots, blocks, streets, required improvements, guarantees, and legal provisions.	Articles 2, 6, 7, 12; appendices for plat submittal checklists and technical standards.
Vested Rights Regulations	Development approvals, permit choice, vested rights, development agreements, and legal predictability.	Article 2 and/or dedicated Article 10, depending on final administration structure.
Watershed Protection Regulations	Water supply watershed district standards, built-upon area, density, stormwater controls, and watershed permitting.	Article 9 Environmental Protection; mapped overlay references in Article 3.
Phase II Stormwater Regulations	Post-construction stormwater requirements, quantity and quality controls, and stormwater permitting.	Article 9 Environmental Protection or Article 10 Stormwater Management, depending on final structure.
Flood Damage Prevention Ordinance	Floodplain administration, flood hazard area standards, permitting, variance procedures, and enforcement.	Article 9 Environmental Protection / Flood Damage Prevention; mapped overlay references in Article 3.

UDO Proposed Table of Contents

Article 1. General Provisions
Article 2. Administration and Procedures
Article 3. Zoning Districts and Overlay Districts
Article 4. Uses and Use-Specific Standards
Article 5. Development Standards
Article 6. Subdivision Standards
Article 7. Public Improvements and Infrastructure Requirements
Article 8. Signs
Article 9. Environmental Protection Standards
Article 10. Vested Rights and Development Agreements
Article 11. Nonconformities
Article 12. Enforcement
Article 13. Definitions, Rules of Measurement, and Abbreviations
Appendices

Please note, This proposed table of contents is intended to establish the organizational framework for the future UDO. Detailed content, draft standards, procedures, and proposed revisions within each article will be presented incrementally through future article deliverables and refined through ongoing discussions with City staff, stakeholders, advisory committees, and elected officials during the drafting process.

This page intentionally left blank.

UDO Project Website:

https://engagekh.mysocialpinpoint.com/morgantonudo

CITY OF MORGANTON
UNIFIED DEVELOPMENT ORDINANCE (UDO)

Kimley»Horn
Expect More. Experience Better.