



Harrisburg, North Carolina

Unified Development Ordinance Update

Module 1 Draft

Chapter 120: Zoning Districts and Land Uses

Chapter 121: Building and Site Design

Chapter 122: Subdivision Standards

Chapter 123: Environmental Management

Chapter 128: Word Usage



TITLE XV: LAND USAGE (HARRISBURG DRAFT UNIFIED DEVELOPMENT ORDINANCE (UDO))

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CHAPTER 120: ZONING DISTRICTS AND LAND USES

§ 120.01 General Provisions

120.01.01 Purpose and Applicability (1.1.3; 4.1)

- A. **Purpose.** The purpose of this Chapter is to:
1. *Establish Districts.* Establish base, special purpose, and overlay zoning districts that implement the Comprehensive Plan, known as the Harrisburg Area Land Use Plan (HALUP), that provide for development and redevelopment within the Town, and that correspond to the purpose statements set out in Table 120.01.03-1, *Zoning Districts*;
 2. *Developmental and Dimensional Standards.* Provide developmental and dimensional standards for such districts;
 3. *Land Use Standards.* Provide standards for specific land uses that are listed as limited or special in § 120.02, *Zoning Districts and Standards*.
 4. *Measurements and Allowances.* Establish methods for measuring various characteristics of a structure, lot, or other features and provide allowances for administrative flexibility related to such features.
- B. **Applicability.**
1. *Effect.* The districts set out in this Chapter apply to all land, buildings, structures, and appurtenances within the corporate boundaries of the Town and the extraterritorial jurisdiction.
 2. *Standards.* The standards of this Chapter apply to new development, redevelopment, and substantially improved properties.
 3. *Transition to New Districts.* As of the effective date of this Title, land zoned with a district classification from the previous Unified Development Ordinance will be reclassified to one of the district classifications in this Chapter, as set out in Sec. 120.01.03, *Zoning Districts Establishment*. Displayed in Table 120.01.03-1, *Zoning Districts*, are the name and letter designation of each district, how each district relates to the Harrisburg Area Land Use Plan (HALUP) designations, the purpose of the district, and the former zoning district designation.
- C. **Required Conformance.** Except as specified otherwise in this UDO, no building or land may be used, and no building may be erected, altered, or moved that is used or designed to be used for any purpose other than a use that is permitted or conditionally permitted in a zoning district in which that building or land is located. To be built upon, a parcel of land shall be platted or meet the requirements and criteria set out in Chapter 122, *Subdivision Standards*.

120.01.02 Official Zoning Map

- A. **Incorporated by Reference.** The Official Zoning Map, together with all legends, references, symbols, boundaries, and other information, is part of, and has the same force of law as the text of this UDO. The Official Zoning Map is incorporated by reference in this UDO.
- B. **Boundaries.** The boundaries of zoning districts established by this UDO shall be designated on a map or maps entitled Official Zoning Map(s) of the Town of Harrisburg.
- C. **Location.** The Official Zoning Map shall be on file and available for inspection during regular business hours in the Office of the Administrator and a copy of the Official Zoning Map shall be kept on file with the Town Clerk. Any changes thereto shall be clearly shown on the Official Zoning Map.
- D. **Official Record.** The Official Zoning Map shall be the official record of zoning status of areas within the Town. Land within zoning districts on the Official Zoning Map shall be classified with a zoning district designation, which shall supersede any contrary designation on the Former Official Zoning Map. Regardless of the existence of any purported copy of the Official Zoning Map, the zoning map located in the office of the Administrator shall be the final authority as to the current zoning status of land, wet areas, buildings, and other structures.

- E. **Missing Designation.** If a zoning district is eliminated and there is no corresponding zoning district classification on the Official Zoning Map, the property shall remain subject to all restrictions, regulations and conditions imposed under the UDO in effect at the time that the Former Official Zoning Map was effective, unless and until the zoning classification of the property is amended pursuant to this UDO.
- F. **PUD or UROD.** If a property is zoned “PUD” or “UROD” at the time of adoption of this UDO, it shall remain subject to all terms, conditions, and restrictions of approval under the UDO in effect when the PUD or UROD classification was approved, including any specific modifications of the then-existing PUD or UROD or general regulations, and any approved final plans, unless and until the zoning classification of such property is amended pursuant to this UDO.
- G. **Interpreting the Official Zoning Map.** Where the map appears to be unclear regarding the location of district boundaries, or where there is a dispute as to the boundary or location of property within a zoning district, the boundaries shall be interpreted by the Administrator who shall make a determination using the following criteria:
 - 1. *Rights-of-Way or Easements.* Where boundary lines appear to follow existing streets, alleys, railroad tracks, utility lines, or similar features, the zoning boundary shall be construed to follow the center line of the rights-of-way or easement. Where the location of these features on the ground differs from that shown on the Official Zoning Map, the features on the ground control.
 - 2. *Town or County Limits and Section Lines.* Where district boundaries are indicated as approximately following the Town or County limits or section lines, such Town or County limits or section lines shall be considered the district boundaries.
 - 3. *Property Lines.* Where the boundaries are indicated as approximately following property lines, such lines shall be construed to be the boundaries.
 - 4. *Watercourses.* Boundaries shown as following, or approximately following, the centerline of drainage ways, streams, water bodies, or other watercourses shall be construed as following the centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the centerline.
 - 5. *Divided Parcels.* If a parcel of land is divided by a zoning district boundary line at the time of enactment of this UDO or by subsequent amendments to this UDO, the appropriate standards and uses for each district shall apply on the portion of the parcel covered by that district.
- H. **Measurement.** Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- I. **Vacation or Abandonment.** Where a public right-of-way is officially vacated or abandoned, the regulations applicable to the abutting property apply equally to the vacated or abandoned street or alley.
- J. **Annexed and Undesignated Lands.** For the purposes of ensuring that all land has a zoning designation, any land that is annexed into the Town shall be zoned in accordance with its associated future land uses as set forth in the Harrisburg Area Land Use Plan (HALUP).
- K. **Uncertain Boundaries.** If the boundary remains uncertain, the Planning and Zoning Board, acting as the Board of Adjustment, shall interpret the Official Zoning Map to determine the location of the boundary in question
- L. **Appeals.** Any aggrieved person may appeal such determination to the Planning and Zoning Board, acting as the Board of Adjustment, as set out in Sec. 125.01.10, *Appeals of Legislative, Quasi-Judicial, and Subdivision Decisions.*

120.01.03 Zoning District Establishment

- A. **Generally.** The Town and its extraterritorial jurisdiction (ETJ) are divided into zoning districts as enumerated in Table 120.01.03-1, *Zoning Districts*, below, which specifies each district along with the recommended land use category of the Future Land Use Map of the Harrisburg Area Land Use Plan (HALUP).
- B. **HALUP Consistency.** Pursuant to NCGS §160D-501, *Plans*, this UDO shall be consistent with the HALUP. This Section describes the relationship between the various zoning districts and the land use categories described in the HALUP, along with the purposes of each district..
- C. **District Types.**

1. **Base Districts.** The districts set out in Table 120.01.03-1, *Zoning Districts*, are those for which uses are permitted by right (permitted), subject to supplemental standards (limited), or subject to a public hearing (special use). Base districts may be established by Town Council approval as set out in Sec. 125.03.02, *Zoning Map Amendment*. Such approval authorizes the full range of uses in accordance with the standards applicable to the district.
2. **Conditional Zoning Districts.** Conditional zoning districts may be established by the Town Council pursuant to the procedures established in Subsection 125.03.03, *Conditional Zoning Approval*. Conditional zoning districts parallel general zoning districts and require an approval of an accompanying Special Use Permit, which incorporates district-specific site plans and conditions agreed to by the owner(s) of the rezoned land. A Special Use Permit application must be submitted within one year of an approved conditional district rezoning pursuant to the procedures established in Sec. 125.04.03, *Special Use Permit*. Such approval authorizes the development of the conditional use district-specific site plan in accordance with the standards applicable to the general use district as modified by the stipulations contained within the Special Use Permit.

Table 120.01.03-1, Zoning Districts

HALUP Future Land Use Category	Zoning District	Development Type	Purpose	Former Zoning District
Agricultural and Residential				
Very Low Density Residential	AG, Agricultural	Countryside	Provide areas for low-intensity agricultural operations, agri-business, where appropriate, supportive rural business uses, protect and preserve valuable agricultural areas and pasturelands, and set very low residential densities.	AG, Agricultural
	RE, Rural Estate	Conventional	Provide transition areas between low- and medium- or high-density residential land uses, designed as larger, estate-sized lots or conservation development with smaller lots that are clustered around common open space to protect environmental resources, such as woodlands, wetlands, floodplains and riparian areas, and as a buffer or recreational set-aside.	RE, Rural Estate
Conservation		RL, Residential Low-Density		
Low Density Residential	RL, Residential Low	Conventional	Provide areas for low- density single-family residential uses on moderately-sized lots or smaller lots clustered around common open space used as buffers and to preserve environmentally-sensitive and agricultural land areas.	RL, Residential Low-Density
		Conservation		RM-1, Residential Medium-Density
		Planned		PUD, Planned Unit Development
Medium Density Residential	RM, Residential Medium	Conventional	Provide areas for medium-density, single-family residential uses on smaller lots or single-family detached and attached dwellings clustered around common open space used as buffers between districts or housing types and to provide for resource protection and preservation of sensitive lands.	RM-2, Residential Medium Density
Conservation				
High Density Residential	RH, Residential High	Conventional	Provide areas for single-family detached and attached dwellings and, in a master planned development, multiple-family	RV, Residential Village
		Planned		RC, Residential Compact

Table 120.01.03-1, Zoning Districts				
HALUP Future Land Use Category	Zoning District	Development Type	Purpose	Former Zoning District
			<p>dwelling where both densities and open spaces increase proportionately. Common open spaces are used to buffer districts and housing types and to provide ample space for passive and recreational activities. This district promotes an urban character in suitable areas that have adequate public infrastructure, facilities, and services.</p>	
Non-Residential and Mixed Use				
Mixed Use	MU, Mixed Use	Traditional Neighborhood	<p>Provide for a master planned horizontal mixture of residential and commercial uses typically in structures that vary in height depending on context and developed at a pedestrian-oriented scale. The district may be for transitioning areas along corridors, infill and redevelopment sites, or as a master planned development and should be adjacent to CC, NC, and other MU Districts.</p>	TND, Traditional Neighborhood Development
		Transit-Oriented		TOD, Transit-Oriented Development
Mixed Use Center	CC, City Center	Mix of Uses	<p>Provide concentrated retail, service, office, and mixed uses in the developed parts of the Town. Urban design standards maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center.</p>	CC, City Center
Institutional Office	O-I, Office and Institutional	Mix of Office and Institutional	<p>Provide for public and private agencies and offices together with supporting commercial development in contexts where single-use, single-building developments are appropriate.</p>	O-I, Office and Institutional
Commercial	NC, Neighborhood Commercial	Neighborhood Oriented Commercial	<p>Provide small areas for low-intensity nonresidential development, designed in scale with surrounding residential uses, and reflecting the economic needs of residents and business owners. The district is ideally located at the intersections of collector streets.</p>	B-1, Neighborhood Commercial
	GC, General Commercial	Light Commercial and Institutional	<p>Provide areas for indoor commercial and some institutional uses in well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for an orderly transition between the NC district and more intense districts. Development sites and buildings are of greater height and impervious surface, and provide for more auto-intensive</p>	C-1, Light Commercial C-2, General Commercial

Table 120.01.03-1, Zoning Districts				
HALUP Future Land Use Category	Zoning District	Development Type	Purpose	Former Zoning District
			establishments, than the NC district. Parking is largely accommodated by off-street parking lots. This district is ideally located on or within proximity to major and/or minor thoroughfares.	
Light Industrial	CD, Campus Development	Campus Development	Provide for a high-quality mixture of employment and/or institutional uses of varying types in a single coordinated development. The district may include light manufacturing, office, warehousing, distribution, institutional and limited retail sales and service uses in an attractive campus or corporate park setting with architectural design standards, landscaping, screening and buffering. It is not intended that this district be used to accommodate single-use, single building developments which can be located in other zoning districts. The district provides significant flexibility in internal arrangement of uses while assuring a satisfactory integration of the district into the surrounding area. Emphasis will be placed on the project's relationship to existing and future public facilities such as roads and greenways. The district is intended for application in select areas of the Town primarily for new development on previously undeveloped land. However, the district may also be applied to areas that are appropriate for redevelopment or conversion where it is apparent that all of the development standards may be fulfilled.	CD, Campus Development
	EC, Employment Center	Light Industrial and Employment Centers	Provide for areas of light industrial, office, and multi-tenant flex space that are suitable based upon adjacent land uses, access to transportation, and the availability of public services and facilities. This district should be located so that it is unencumbered by nearby residential or mixed use development with direct access to or within proximity to a major or minor thoroughfare.	I-1, Light Industrial I-2, General Industrial
Overlays and Special Purpose Districts				
N/A	HPOD, Historic Preservation Overlay District	<u>Historic Preservation</u>	Provide protection and conservation of the heritage of the Town, County, and State by safeguarding the character and heritage of historic districts by preserving the important elements	HPOD, Historic Preservation Overlay District

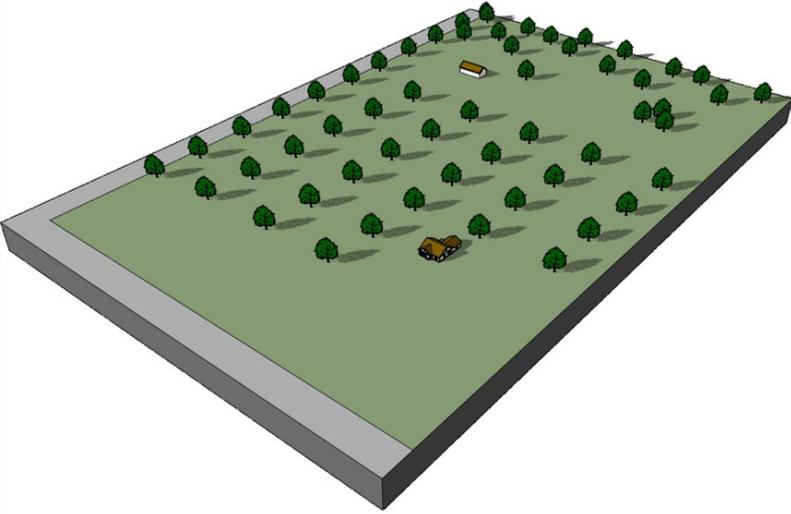
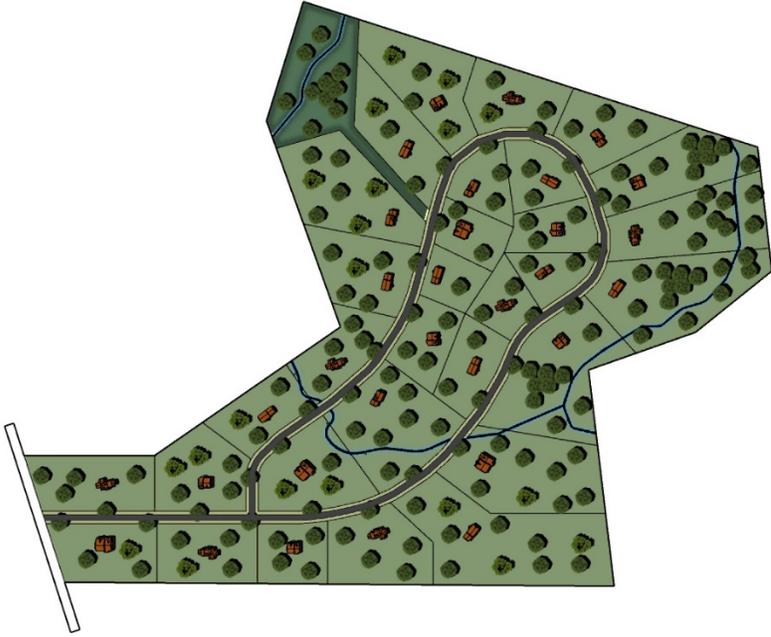
Table 120.01.03-1, Zoning Districts				
HALUP Future Land Use Category	Zoning District	Development Type	Purpose	Former Zoning District
			of their social, economic, cultural, political, or architectural history. This district promotes the conservation of historic districts and landmarks for the education, pleasure, and enrichment of residents of the districts and the Town, County and State as a whole. In addition, this district fosters civic beauty and stabilizes and enhances property values, thus contributing to the improvement of the general health and welfare of the Town and the residents of the districts.	
N/A	FPOD, Floodplain Protection Overlay District	<u>Flood Plain Development</u>	Provide for the minimization of public and private losses due to flood conditions within flood-prone areas by provisions designed to: Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities; Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction; Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters; Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.	FPOD, Floodplain Protection Overlay District
N/A	PID, Public Interest Development	<u>Special Public Interest</u>	Provide for the creation of special districts in areas having special and substantial public interest, by virtue of unique environmental, economic, cultural, entertainment, or other characteristics or conditions not generally shared by other areas of the Town. Such districts and their regulations shall be in accord with and promote the policies set forth in the Comprehensive Plan. The PID addresses situations which affect the entire region, which create intermittent or unusual impacts and public benefits, and which require flexibility in the administration of this UDO.	PID, Public Interest Development

§ 120.02 Zoning Districts and Standards

Sec. 120.02.01, Residential Districts

- A. **Applicability.** This Section establishes the provisions necessary for designing a residential development, which include development types, permitted uses, housing types and standards, and site development standards.
- B. **Development Type.** Within the residential districts, there are four development types: countryside, conventional, conservation, and planned. The development types described in Table 120.02.01-1, *Residential Development Types*, are selectively permitted in each district as listed in the respective tables of this Section. The abbreviations defined in this table are used in subsequent tables in this Section

**Table 120.02.01-1
Residential Development Types**

Symbol Name Description	Illustration
<p>CT Countryside</p> <p>Countryside development preserves the agricultural use of land in the peripheral areas of the Town. Generally, it is not intended for suburban or urban development yet it may accommodate individual homesteads.</p>	
<p>CV Conventional</p> <p>Conventional development is the standard form whereby the maximum density is achieved by use of minimum lot sizes and common open space.</p>	

**Table 120.02.01-1
Residential Development Types**

Symbol Name Description	Illustration
<p>CS Conservation</p> <p>Conservation development preserves and accommodates topography and site resources by consolidating smaller lots and/or different housing types around the natural resources of the property. Conservation may produce the same or higher densities than that of a conventional development, often resulting in lower infrastructure costs per dwelling.</p>	
<p>PL Planned</p> <p>Planned development may include a mixture of different lot sizes, retail and office uses, and varying housing types clustered around civic spaces, greenways, and resource features in a horizontal mixed-use environment.</p>	

**Table 120.02.01-2
Permitted Uses by Residential Zoning District and Development Type¹**

Key
 CT - Countryside
 CV - Conventional
 CS - Conservation
 PL - Planned
 P – Permitted by Right
 S – Permitted as Special Use
 -- – Prohibited Use
 L – Permitted with Limitations

Use Category	Specific Use	Zoning Districts and Development Types										Standards	
		AG	RE			RL			RM		RH		
		CT	CV	CS	CV	CS	PL	CV	CS	CV	PL		
	Hunting, Fishing and Game Preserve (Commercial)	S	--	--	--	--	--	--	--	--	--	--	N/A
	Pet Care Service (excluding outdoor boarding)	P	--	--	--	--	--	--	--	--	--	--	N/A
	Swine farm	S	--	--	--	--	--	--	--	--	--	--	N/A
	Veterinarian Office or Hospital, Large Animal	L	--	--	--	--	--	--	--	--	--	--	120.04.04.B
	Veterinarian Office or Hospital, Small Animal	P	--	--	--	--	--	--	--	--	--	L	120.04.04.B
Household Living	Accessory Dwelling Unit	S	S	L	L	L	L	L	L	L	L	L	120.04.08.B
	Duplex	--	--	--	--	P	P	L	P	P	P	P	120.04.05.M
	Multi-family Dwelling	--	--	--	--	--	--	S	S	S	L	L	120.04.04.E
	Single-Family Attached Dwelling	--	--	--	--	P	P	L	P	P	P	P	120.04.05.M
	Single-Family Detached Dwelling	L	P	P	P	P	P	S	S	S	S	S	120.04.04.F
	Single-family Manufactured Home Park	--	--	--	--	--	--	L	--	--	--	--	120.04.05.P
	Single-family Manufactured Home Subdivision	L	--	--	--	--	--	S	--	--	--	--	120.04.05.P
	Single-Family Modular Home	L	P	P	P	P	P	S	S	S	S	S	120.04.04.F
Group Living	Family Care Home	P	P	P	P	P	P	P	P	P	P	P	N/A
	Residential Care Facility	L	L	L	L	L	L	L	L	L	L	L	120.04.05.X
	All Other Group Living Uses	--	--	--	--	--	--	L	L	L	L	L	120.04.05.X
Institutional and Civic													
Community Amenities	All Community Amenities	S	S	S	S	S	L	S	S	S	L	L	120.04.05.A
Day Care	All Day Care Uses	L	L	S	L	S	L	S	S	L	L	L	120.04.05.B
Educational Facilities	School, Public or Private, Elementary or Secondary	P	P	P	P	P	P	P	P	P	P	P	N/A
	University or College	S	--	--	--	--	--	--	--	--	--	--	N/A
	All Other Educational Facilities	--	--	--	--	-	--	--	--	--	--	--	N/A
Government Facilities	Correctional Institution	S	--	--	--	--	--	--	--	--	--	--	N/A

Table 120.02.01-3 Housing Types and Bulk and Lot Standards									
RM — Residential Medium									
Development/ Housing type		Lot Dimensions, minimums		Bulk Standards					
Subtype	Dev. type	Lot area & (Lot Area per D.U.)	Lot width	Height, max.	Yard, min. (ft.)				Building coverage, max.
		(sq. ft.)	(ft.)	(ft.)	Front	Side int.	Street Side	Rear	(%)
Duplex									
site-built/ factory-built (modular)	Conventional								
	Cluster								
Multi-family Dwelling									
<i>small</i> (3–5 D.U.)	Conventional								
	Cluster								
<i>medium</i> (6–10 D.U.)	Conventional								
	Cluster								
<i>large</i> (10+ D.U.)	Conventional								
	Cluster								
Single-Family Attached Dwelling									
site-built/ factory-built (modular)	Conventional								
	Cluster								
Single-Family Manufactured Home									
Subdivision	Conventional								
Park	Conventional								
Group Living and Nonresidential									
<i>As permitted</i>									
Notes:									

Sample Open Space Table to be Addressed in Module 2

Table 120.02.01 Required Open Space for Subdivisions			
(A) Zoning District(s)	(B) Required Percentage of Open Space	(C) Required Percentage of Open Space for Conservation Districts (see 120.03.01)	(D) Maximum Percent in Inaccessible Land*
Table Notes: *			

120.02.02 Nonresidential and Mixed-Use Districts

- A. **Applicability.** This Section establishes the factors necessary for designing a residential development, which include development types, permitted uses, housing types and standards, and site development standards.
- B. **Development Type.** Within the nonresidential and mixed-use districts, there are two specialized development types: traditional neighborhood development and transit-oriented development. The development types described in Table 120.02.02-1, *Nonresidential and Mixed-Use Development Types*, are selectively permitted in each district as listed in the respective tables of this Section. The abbreviations defined in this table are used in subsequent tables in this Section

Table 120.02.02-1 Nonresidential and Mixed-Use Development Types	
Abbreviation Name Description	Illustration
<p style="text-align: center;">TND</p> <p>Traditional Neighborhood Development</p> <p>Development that consists of a variety of residential lot sizes and housing types, along with neighborhood supportive commercial development, in a vertical mixed-use setting.</p>	<p>Placeholder</p> 
<p style="text-align: center;">TOD</p> <p>Transit-Oriented Development</p> <p>A higher density, mixed-use development within walking distance (approximately a 1/2 mile) of a transit station.</p>	<p>Placeholder</p> 

C. **Permitted Uses.** Table 120.02.02-1, *Permitted Uses by Nonresidential and Mixed-Use Zoning District and Development Type*, lists the land uses permitted in the various nonresidential and mixed-use zoning districts.

1. **Symbols.** Table 120.02.02-2 uses the following symbols:
 - a. "P" means that the land use is Permitted by Right, subject to the standards that apply to all Permitted Uses. The use is approved by the Administrator.
 - b. "L" means that the land use is Permitted with Limitations, in the same manner as a Permitted Use, but is also subject to Section 120.04, *Land Use Standards (Administrative and Special)*.
 - c. "S" means that the use is allowed as a Special Use, which may be approved following a public hearing by the Board of Adjustment, subject to:
 - i. The standards in Section 120.04; and
 - ii. The procedures set forth in Subsection 125.04.03, *Special Use Permit*.
 - d. "--" means that the use is a Prohibited Use in the specified zoning district.

2. **Standards.** The "Standards" column provides a reference to associated standards for uses Permitted with Limitations and for Special Uses. Where "N/A" is in the column, the use is Permitted by Right in all districts.
3. **Unlisted Use Categories and Uses.** A use category or specific use is prohibited if it is not listed in Table 120.02.02-2 and if the Administrator cannot interpret an unlisted specific use as functionally similar to a use that is allowed, based on the criteria in Section 120.04.03, *New and Unlisted Uses*.

**Table 120.02.02-2
Permitted Uses by Nonresidential and Mixed-Use Zoning District and Development Type**

Use Category	Specific Use	Zoning Districts and Development Types								Standards
		MU		CC	O-I	NC	GC	CD	EC	
		TND	TOD							
Agricultural and Residential										
Agricultural and Animal-Related	Animal Boarding or Shelter	--	--	--	--	--	S	--	P	N/A
	Farmer's Market or Fruit / Vegetable Stand	--	--	L	--	--	P	--	--	120.04.04.C
	Pet Care Service (without outdoor kennels)	--	--	P	--	--	P	--	P	N/A
	Pet Care Service (with outdoor kennels)	--	--	--	--	--	P	--	P	N/A
	Veterinarian Office or Hospital, Large Animal	--	--	L	--	--	--	--	--	120.04.04.B
	Veterinarian Office or Hospital, Small Animal	--	--	P	--	P	P	P	--	120.04.04.B
	All Other Agricultural and Animal-Related Uses	--	--	--	--	--	--	--	--	N/A
Household Living	Accessory Dwelling Unit	L	L	--	--	--	--	--	--	120.04.08.B
	Duplex	L	L	--	L	--	--	--	--	120.04.04.D
	Multi-family Dwelling	L	L	L	L	--	L	--	--	120.04.04.E
	Single-Family Attached Dwelling	L	L	L	L	--	--	--	--	120.04.04.D
	Single-Family Detached Dwelling	--	--	--	S	--	--	--	--	120.04.05.D
	Single-family Manufactured Home Park	--	--	--	--	--	--	--	--	120.04.04.G
	Single-family Manufactured Home Subdivision	--	--	--	--	--	--	--	--	120.04.04.G
	Single-Family Modular Home	--	--	--	S	--	--	--	--	120.04.05.D
Group Living	Family Care Home	--	--	L	S	--	--	--	--	N/A
	Residential Care Facility	L	L	L	L	L	L	--	--	120.04.04.H

**Table 120.02.02-2
Permitted Uses by Nonresidential and Mixed-Use Zoning District and Development Type**

Use Category	Specific Use	Zoning Districts and Development Types								Standards
		MU		CC	O-I	NC	GC	CD	EC	
		TND	TOD							
	All Other Group Living Uses	--	--	P	--	--	P	--	--	120.04.04.H
<i>Institutional and Civic</i>										
Community Amenities	All Community Amenities	L	L	P	S	L	P	--	--	120.04.05.A
Day Care	All Day Care Uses	L	L	L	L	L	L	L	--	120.04.05.B
Educational Facilities	School, Technical or Trade	--	--	--	S	--	P	P	P	N/A
	University or College	--	P	P	S	--	P	P	--	N/A
	All Other Educational Facilities	P	P	P	P	P	P	--	--	N/A
Government Facilities	Correctional Institution	--	--	S	--	--	--	--	S	N/A
	All Other Government Facilities	P	P	P	P	P	P	P	P	N/A
Medical Facilities	Medical and Dental Office	P	P	P	P	L	P	P	P	
	All Other Medical Facilities	--	P	P	P	--	P	P	--	N/A
Parks and Open Areas	Campground, Private	--	--	--	--	--	--	--	S	120.04.05.C
	Cemeteries, Crematories, & Mausoleums	--	--	S	S	S	P	P	P	120.04.05.D
	Country Club	--	--	--	--	--	--	P	P	N/A
	Zoo	--	--	--	--	--	S	S	S	N/A
	All Other Parks and Open Areas	P	P	P	P	P	P	P	P	N/A
Passenger Terminals	Airport	--	--	--	--	--	--	--	S	N/A
	Park-and-Ride Facility/Transit Terminals	P	P	--	--	--	--	--	--	N/A
	All Other Passenger Terminals	P	P	--	P	S	P	P	P	N/A
Public Assembly	Club, Private	L	L	--	--	P	P	L	--	120.04.05.E
	Convention Center / Visitors Bureau	--	P	P	--	P	P	P	--	N/A
	All Public Assembly Uses	L	L	P	L	L	P	--	P	120.04.05.F
Social Service	All Social Service Uses			P	S	S	P	P	--	N/A
Utilities	Solar Energy Facilities (Level 1)	P	P	P	P	P	P	P	P	N/A
	Solar Energy Facilities (Level 2)	L	L	L	L	L	L	L	L	120.04.05.G

**Table 120.02.02-2
Permitted Uses by Nonresidential and Mixed-Use Zoning District and Development Type**

Use Category	Specific Use	Zoning Districts and Development Types								Standards
		MU		CC	O-I	NC	GC	CD	EC	
		TND	TOD							
	Solar Energy Facilities (Level 3)	S	S	S	S	S	S	S	S	120.04.05.G
	Wireless Telecommunications Tower	S	S	S	S	S	S	S	S	120.04.05.H
	All Other Major Utilities	S	S	S	S	S	S	S	S	N/A
	All Minor Utilities	P	P	P	P	P	P	P	P	N/A
Commercial										
Entertainment, Indoor	Amusement Arcade	P	P	--	--	--	P	--	--	N/A
	Brewpub / Microbrewery, Microwinery, Microdistillery, Microcidery	L	L	L	--	--	L	L	L	120.04.05.I
	Electronic Gaming Establishment	--	--	--	--	--	S	--	--	120.04.05.K
	Fortune Telling / Palm Reading	--	--	--	--	--	S	--	--	N/A
	Reception Facility	--	--	--	--	--	S	--	--	
	Tattoo Parlor, Body Piercing	--	--	--	--	--	S	--	--	N/A
	All Other Indoor Entertainment	P	P	P	--	--	P	--	P	N/A
Entertainment, Outdoor	All Outdoor Entertainment	--	--	--	--	--	S	--	S	N/A
Offices	Bank or Credit Union	L	L	S	P	P	P	P	--	120.04.05.L
	Contractor's Office (without outdoor storage)	--	--	--	P	P	P	P	P	N/A
	Contractor's Office (with outdoor storage)	--	--	--	--	--	--	P	P	N/A
	All Other Office Uses	L	L	P	P	P	P	P	--	120.04.05.L
Overnight Accommodations	Bed & Breakfast Inn or Short-Term Rental	L	L	L	--	L	L	--	--	120.04.05.M
	All Other Overnight Accommodations	P	P	P	--	--	P	P	--	N/A
Parking, Commercial	Truck, Tractor Trailer, or Bus Storage	--	--	--	--	--	--	S	P	N/A
	All Other Commercial Parking Uses	S	S	S	P	S	P	P	P	N/A
Retail Repair, Sales, and Service Uses	Auction House (General Merchandise)	--	--	--	--	--	P	--	--	N/A

**Table 120.02.02-2
Permitted Uses by Nonresidential and Mixed-Use Zoning District and Development Type**

Use Category	Specific Use	Zoning Districts and Development Types								Standards
		MU		CC	O-I	NC	GC	CD	EC	
		TND	TOD							
	Cemetery Monument Sales	--	--	--	--	--	P	--	--	N/A
	Funeral Home	--	--	S	P	--	P	P	--	N/A
	Lawn and Garden Supply (without outdoor display or storage)	--	--	P	--	--	P	P	P	N/A
	Lawn and Garden Supply (with outdoor display or storage)	--	--	--	--	--	S	S	S	N/A
	Liquor Sales (ABC Store)	S	S	--	--	--	P	P	--	N/A
	Shopping Center	L	L	--	--	L	L	L	--	120.04.05.N
	Pawnshop	--	--	S	--	--	P	--	--	N/A
	Tobacco Store or Vapor Shop	--	--	--	--	--	S	--	--	N/A
	All Other Retail Sales and Service	--	--	P	--	P	P	--	--	N/A
Restaurant	Restaurant, Limited-Service (delivery, carryout, drive-thru)	S	S	S	--	--	P	--	--	N/A
	All Other Restaurants Uses	P	P	P	--	P	P	P	--	N/A
Sexually-Oriented Business	All Sexually-Oriented Businesses	--	--	--	--	--	S	--	--	120.04.05.O
Vehicle Sales and Service Uses	Automobile Repair, Major	--	--	--	--	--	S	P	P	N/A
	Automobile Repair, Minor	--	--	--	--	--	P	P	--	N/A
	Car Wash	--	--	--	--	--	P	--	--	N/A
	Fuel Sales	--	--	S	--	S	L	--	--	120.04.05.P
	Manufactured / Modular Home and Storage Building Sales	--	--	--	--	--	S	--	--	120.04.05.Q
	Truck Stop, Travel Plaza	--	--	--	--	--	S	--	--	N/A
	Vehicle Sales and Rental	--	--	--	--	--	L	L	L	120.04.05.R
	All Other Vehicle Sales and Service Uses	--	--	--	--	--	P	--	--	N/A
Industrial										
Heavy Industrial	All Heavy Industrial Uses	--	--	--	--	--	--	--	S	N/A

**Table 120.02.02-2
Permitted Uses by Nonresidential and Mixed-Use Zoning District and Development Type**

Use Category	Specific Use	Zoning Districts and Development Types								Standards
		MU		CC	O-I	NC	GC	CD	EC	
		TND	TOD							
Light Industrial	Contractor's Office (with outdoor storage)	--	--	--	--	--	--	--	P	N/A
	Contractor's Office (without outdoor storage)	--	--	--	L	L	L	P	P	120.04.05.S
	Micromanufacturing	L	L	L	--	--	L	P	P	120.04.05.T
	Publishing Industry	--	--	--	P	P	P	P	P	N/A
	Scientific Research & Development Services	--	--	S	--	--	--	P	P	N/A
	All Other Light Industrial Uses	--	--	--	--	--	--	P	P	N/A
Resource Extraction	All Resource Extraction Uses	--	--	--	--	--	--	--	S	120.04.05.U
Self-Service Storage	All Self-Service Storage Uses	--	--	--	--	--	S	P	P	120.04.05.V
Warehousing and Storage	All Warehousing and Storage Uses	--	--	--	--	--	P	P	P	N/A
Waste Related Service	Demolition Landfill	L	L	L	L	L	L	L	L	120.04.05.W
	Salvage Yard	--	--	--	--	--	--	--	S	120.04.05.X
	All Other Waste Related Service	--	--	--	--	--	--	--	P	N/A
Wholesale Trade	Building Material Supply (with outdoor storage)	--	--	--	--	--	S	--	P	N/A
	Farm Products Sales, Bulk	--	--	--	--	--	--	--	S	N/A
	Farm Supply Product Sales (with outdoor storage)	--	--	--	--	--	--	--	S	N/A
	Florist and Nursery Supply, (with outdoor storage)	--	--	--	--	--	S	--	P	N/A
	All Other Wholesale Trade (without outdoor storage)	--	--	P	--	--	P	P	P	n/a

Sample Dimensional Tables to be Addressed in Module 2

Table 120.02.02-1 Development & Lots Standards by Zoning District									
Development Standard		MU		CC	O-I	NC	GC	CD	EC
		TND	TOD						
Development Area (ac.)	min.								

Lot Area (in 1,000s of sq. ft.)	min.								
Lot Width or Street Frontage (ft.)	min.								
Landscape Surface Ratio (%)	min.								
Density	max.								

Table 120.02.02-2 Building and Bulk Standards by Zoning District									
Development Standard		MU		CC	O-1	NC	GC	CD	EC
		TND	TOD						
Floor Area (1,000 sq. ft.)	max.								
Bulk Maximums	Height (ft.)								
	Building coverage (%)								
Minimum Setbacks (ft.)	front								
	rear								
	interior side								
	street side								
	residential district								
Minimum Setbacks (ft.), Parking	front								
	street side								

§ 120.03 Special Purpose and Overlay Districts (Module 2)

§ 120.04 Land Use Standards

120.04.01 Purpose and Applicability

- A. **Purpose.** The purpose of this Section is to promote compatibility among land uses in the Town by establishing specific standards for the establishment of limited, special, accessory, and temporary uses.
- B. **Applicability.**
1. *Approval of Uses Permitted with Limitations.* For uses permitted with limitations(L), the Administrator shall use the standards set out in Section 120.04.04, *Limited Use Standards*, to determine whether to approve or disapprove a Zoning Certificate in accordance with Section 125.02.05, *Zoning Clearance*.
 2. *Approval of Special Uses.* For special uses (S), the Board of Adjustment shall use the criteria set out in Section 120.04.07, *Special Use Standards*, to determine whether to approve, approve with conditions, or disapprove a Special Use Permit in accordance with Section 125.04.03, *Special Use Permit*.
 3. *Other Applicable Standards.* The standards of this Section are applied in addition to the other applicable standards of this UDO.

120.04.03 New and Unlisted Uses

- A. **Authorization of Proposed Use.**
1. *Administrator Discretion.* Each of the use categories and specific uses listed in the tables in § 120.02, *Zoning Districts and Standards*, are defined in § 128.03, *Definitions*. A use that is not listed shall be authorized by the Administrator as appropriate within a defined use category or as functionally the same as a permitted, limited, or special use.
 2. *Referral to Planning and Zoning Board.* Should the Administrator determine that it is necessary, he or she may refer the determination of whether a use fits in a use category or is functionally similar to a specific use to the Planning and Zoning Board.
- B. **If Not Authorized Then Prohibited.** If the Administrator or Planning and Zoning Board determines that a proposed use is not part of a defined use category or functionally similar to a listed specific use use, then the use is a prohibited use.
- C. **Decision Criteria.** The Administrator or the Planning and Zoning Board, as appropriate, shall evaluate the proposed use based on the following criteria:
1. Parking demand;
 2. Average daily and peak hour trip generation (cars and trucks);
 3. Impervious surface;
 4. Regulated air or water emissions;
 5. Noise;
 6. Lighting;
 7. Dust;
 8. Odors;
 9. Solid waste generation;
 10. Potentially hazardous conditions, such as projectiles leaving the site;
 11. Use and storage of hazardous materials;
 12. Character of buildings and structures;
 13. Nature and impacts of operation; and
 14. Hours of operation.

120.04.04 Agricultural and Residential Limited Use Standards (5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17, 5.18, 5.19, 5.20, 5.21, 5.23, 5.24, 5.25, 5.26, 5.27, 5.28, 5.29, 5.30, 5.31, 5.32, 5.33, 5.34,)

120.04.04.A Animal Production and Support

1. **Purpose And Scope.** The purpose of this Section is to provide rules and regulations for the keeping of agricultural animals or other livestock so that these animals do not become a nuisance, hazard, and/or health problem to the adjoining neighbors and the general public. The provisions of this section shall not apply to dogs, cats, or other similar household pets. The administrator reserves the right to determine what is considered a household pet.
2. **Agricultural Animals.**
 - a. *Residential Districts.* No livestock shall be kept, maintained or stabled within any Residential Zoning District on any lot not exceeding two acres.
 - b. *Standards.* On parcels of two acres or more, certain livestock shall be permitted subject to the following provisions:
 - i. All buildings or structures (excluding fences) used to house livestock shall be located so that they are no closer than 150 feet from a dwelling unit. The provisions of this section shall not apply if a dwelling unit is constructed so as to encroach upon an existing livestock use, except that such a livestock use may no longer expand towards a newly established residential use.
 - ii. Not more than one animal unit shall be kept, maintained or stabled per 6,000 square feet of land.

120.04.04.B Animal Boarding or Shelter

1. **Applicability.** The provisions of this Section shall apply to any use that includes the commercial boarding or storage of live animals, including but not limited to veterinarian hospitals and kennels.
2. **Standards.** Facilities for the boarding of all dogs and other household pets shall conform to the following:
 - i. *Residential Separation.* Any building housing animals shall be located a minimum of 150 feet from any residentially zoned or developed property.
 - ii. *Wastes.* Animal wastes shall not be stored any closer than 50 feet from any property line or surface waters.
 - iii. *Fencing.* Areas used for grazing, exercising or training of said animals shall be securely fenced to prevent the animals from straying, or a suitable restraint shall be provided to prevent straying. Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six feet in height.

120.04.04.C Farmer's Market or Fruit / Vegetable Stand

A minimum of 75 percent of the displayed inventory of the products sold shall be farm products or value-added farm products.

120.04.04.D Duplex or Single-Family Attached Dwelling

1. **Corner Lots.** Duplexes or single-family attached dwellings are permitted on corner lots only.
2. **Area.** The corner lots shall be fifty percent larger in area than the minimum lot size permitted for conventional development types in the RM district.

120.04.04.E Multi-Family Dwelling

1. **Applicability.** The standards of this Subsection shall apply to multifamily dwellings in a planned development type in the RH district, in a traditional neighborhood development type in the MU district, and in the CC district.
2. **Maximum Height.**

- a. **Two Stories.** A multi-family dwelling built within 60 feet of the AG, RE, or RL district shall have a maximum height of two stories.
 - b. **Three Stories.** A multi-family dwelling built within 100 feet of the AG, RE, or RL district shall have a maximum height of three stories.
 - c. **Building Scale and Massing.** Any part of a multi-family dwelling that is closer than 30 feet from a common property line with the AG, RE, or RL district shall be no higher than 12 feet above the highest point of the closest residential structure. This does not apply if the residential structure is within the same development proposal or is located across the street from the development.
3. **Units per Building.** Buildings shall have a maximum of eight dwelling units per floor.
 4. **Street Access.** A multi-family dwelling shall only take access from a major or minor thoroughfare.
 5. **Unified Development.** A multi-family dwelling shall be part of a unified development that contains a minimum of one permitted nonresidential use with gross floor area in accordance with Table 120.04.04.E, *Minimum Associated Nonresidential Gross Floor Area*. A minimum of 50 percent of the gross floor area of the nonresidential use shall be built and occupied prior to development of the multi-family dwellings.

Table 120.04.04.E Minimum Associated Nonresidential Gross Floor Area	
Number of Multi-Family Units	Minimum Nonresidential Gross Floor Area in Same Development
5 to 24	6,000 square feet
25 to 80	60,000 square feet
More than 80	100,000 square feet

120.04.04.F Single-Family Detached Dwelling

1. **Building.** The dwelling unit shall be limited to a site built, modular, or manufactured housing that complies with NC State Building Code (modular unit).
2. **Dwellings per Parcel.** No more than two additional homes may be added to parcels less than 10 acres in size. Parcels greater than 10 acres may not exceed one dwelling unit per five acres.
3. **Bona Fide Farm.** The applicant shall prove that the property qualifies as a bona fide farm and that the individual(s) who will live in the home derive some portion of their income from the farm.
4. **Buffer.** Dwelling unit shall provide a buffer yard in accordance with Section 121.04.03, *Buffer Yard Landscaping*, to provide a screen from adjacent nonresidential uses.

120.04.04.G Single-Family Manufactured Home Subdivision or Park

1. **Purpose.** The purpose of this Section is to provide sufficient land area for the provision of manufactured housing in order to implement NCGS § 160A-383.1 and to provide affordable housing opportunities for low and moderate income persons. A manufactured home is defined as a structure, used or intended to be used as a Dwelling Unit, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. (Source: The Uniform Standards Code for Manufactured Homes Act," NCGS § 143-145). For purposes of this Ordinance, a "manufactured home" does not include a structure which otherwise complies with this subsection, but which was built prior to June 15, 1976, which units shall be classified as "mobile homes."

2. **Modular Homes Exempted.** Manufactured (or modular) housing constructed to meet the North Carolina State Building Code shall be exempt from the restrictions of this Section and shall be permitted as any single-family detached dwelling subject to any other provisions of this UDO.
3. **Classification Of Manufactured Homes.**
 - a. *Two Types.* The following classification system is hereby adopted for purposes of this Section:
 - i. *Manufactured Home - Type I.* A single-section manufactured home less than 17 feet in width.
 - ii. *Manufactured Home - Type II.* A multi-section manufactured home greater than or equal to 17 feet in width.
 - b. *Measurement.* The width of a manufactured home shall be determined by mean width when all sections are in a final assembly arrangement.
4. **Recreational Vehicles.** Recreational vehicles are permitted in a manufactured home park for a maximum tenure of 180 days provided that:
 - a. *Temporary Only.* Recreational Vehicles shall not be used or occupied as a permanent Dwelling Unit.
 - b. *Placement and Screening.* Recreational Vehicles shall be located on separate spaces and be completely screened from view from any access streets by landscaping, berms or natural obstructions.
 - c. Not more than 10 percent of the total number of spaces within the park may be occupied by a recreational vehicle.
5. **Design and Installation Standards for Manufactured Home Parks.**
 - a. *Constitution of Park.* The location of three or more Class I or Class II manufactured homes on a parcel of land shall constitute a Manufactured Home Park and shall be subject to the provisions of this Section.
 - b. *Master Plan.* Each application for a manufactured home park as a Special Use Permit shall be accompanied by a master plan. The master plan shall show the circulation pattern, manufactured home spaces, permanent structures and other site design requirements that may be considered essential by the Planning and Zoning Board. The master plan shall show how all proposed improvements will meet the following minimum standards.
 - c. *Minimum Site Area.* The minimum land area for the entire site shall be 5 acres.
 - d. *Minimum Space Area.* In lieu of the dimensional and density requirements of Section 120.02.01, *Residential Districts*, spaces for manufactured homes shall comply with the criteria set forth in Table 120.04.04.G, *Manufactured Home Space Dimensional Standards*.

Table 120.04.04.G Manufactured Home Space Dimensional Standards		
Standard	Manufactured Home Type I (single-section)	Manufactured Home, Type II (double-section)
Area of Space (square feet)	4,000	5,000
Width of Space (feet)	40	50
Depth of Space (feet)	100	100
Front Yard (in feet, measured from pavement edge of internal street to manufactured home)	20	20
Side Yard (in feet, between manufactured homes or permanent buildings)	25	25

- e. *Paved Street.* All manufactured home spaces shall abut upon a paved internal street not less than 24 feet in paved width exclusive of parking.
- f. *Walkway.*
 - i. All manufactured home spaces shall be served by at least a three-foot all-weather surface
 - ii. All common spaces shall be served by four-foot wide all-weather surface sidewalks.

- g. *Parking.* Two paved off-street parking spaces shall be provided for each manufactured home space.
- h. *Recreational Area.* Each manufactured home park shall have a minimum of five percent of the total area set aside and developed for recreational purposes. If a swimming pool is provided, it shall be separated from other uses by a fence having a gate which is capable of remaining closed.
- i. *Solid Waste and Recycling.* Operators of manufactured home parks shall provide adequate solid waste refuse and recycling containers. Individual roll-out containers and/or large dumpsters may be used. Dumpsters shall be located at least 40 feet from any manufactured home unit and at least 10 feet away from internal residential streets. Recycling containers shall be emptied on a regular basis and shall be the responsibility of the park operator.
- j. *Water and Wastewater.* A manufactured home park shall be served by an approved community or public water service. Approved community or public sewer shall be required.
- k. *Lighting.* Adequate illumination shall be provided to ensure the safe movement of pedestrians and vehicles at night. Permanent buildings designed for and used by park residents shall remain illuminated to at least the level of 40-foot candles at all times.

6. **Design and Installation Standards for individual Manufactured Homes.**

- a. *Dimensional Standards.* Any manufactured home on an individual lot shall conform to the same building setback standards, side and rear yard requirements, standards for enclosures, access, vehicle parking, and square footage standards and requirements to which a conventional single-family residential dwelling on the same lot would be subject. The provisions of this Section shall not apply to a Manufactured Home Park where the lots are not subdivided into separate tracts of land.
- b. *Roof Pitch.* A minimum 3:12 roof pitch is required for all Class I units. Class II units are not required a minimum roof pitch.
- c. *Skirting.* A continuous masonry curtain wall or foundation, unpierced except for ventilation and access, shall be installed under the outer perimeter of the dwelling from its base to the ground so as to be compatible with surrounding residential land uses. (Note: See APPENDIX C, Section C-503, Volume VII, North Carolina State Building Code). The provisions of this Section shall not apply to a Manufactured Home Park where the lots are not subdivided into separate tracts of land.
- d. *Foundation.* The dwelling shall be attached to a permanent foundation system in compliance with the N.C. State Building Code as may be amended, and the following requirements:
 - i. All wheels, axles, transporting lights and removable towing apparatus shall be permanently removed prior to installation of the dwelling unit. Hitches may remain, but shall be screened from view unless located within a manufactured home park.
 - ii. The foundation shall be excavated and shall have continuous skirting or backfill leaving no uncovered open areas excepting vents and crawl spaces. The foundation shall be exposed no more than 12 inches above grade.
 - iii. For homes which are narrower than 17 feet in width, the unit shall be oriented on the lot so that its long axis is parallel to the street.
 - iv. For homes which are narrower than 17 feet in width, the unit shall be oriented on the lot so that its long axis is parallel to the street.

120.04.04.H Group Living Uses

1. **State Licensing.** Prior to submission of an application for a certificate of zoning compliance, an owner/operator of a Group Living Use shall have received a license from the State of North Carolina for the operation of such a facility.
2. **Location.** No Group Living Use shall be located within 1,000 feet from any Hazardous Waste Facility.
3. **Security Fencing.** Group Living Uses that provide care to patients who suffer from Alzheimer's disease, dementia or other similar disability that may cause disorientation, shall provide a security

fence, with a minimum height of five feet, along the perimeter of any portion of the site that is accessible to these patients.

120.04.05 Nonresidential Limited Use Standards

120.04.05.A Community Amenities Use

1. **Corner Lots.** Community Amenities are permitted on corner lots only.
2. **Maximum Floor Area.** The structure housing a Community Amenity shall be a maximum of 6,000 square feet in gross floor area.
3. **Street Classification.** The property shall front a street classified as a collector or a thoroughfare.

120.04.05.B Day Care Use

1. **Permit Application.** The following shall be submitted with the application for a zoning compliance permit or certificate of zoning compliance:
 - a. *License.* A copy of the N.C. state license issued to the facility. A written approval from the Harrisburg Fire Marshal's Office will be required prior to Zoning approval and issuance of permit.
 - b. *Drive Permits.* Evidence that the N.C. Department of Transportation has issued driveway permits for the facility (may submit copies).
2. **Location.** Such areas shall be located not less than 1,000 feet from any Hazardous Waste Facility; and shall be enclosed with a fence, with a minimum height of five feet.
3. **Access And Loading/ Unloading.**
 - a. *Access.* Adequate access to and from the site, as well as adequate off-street space must be provided for the pickup and discharge of clients. Standards for access and off-street parking/loading are set forth in § 121.03, *Parking, Loading, Stacking, and Access*, of this UDO.
 - b. *Street Classification.* The use shall front a street classified as a collector or a thoroughfare.

120.04.05.C Campground, Private

1. **No Permanent Residences.** Campgrounds shall not be used as permanent residences except for one owner or manager and up to three permanent maintenance personnel.
2. **Towed Vehicles.** Towed vehicles within the Campground shall not exceed eight feet in width.
3. **Tenure.** No person, other than the owner or operator shall stay in any Campground more than 90 days per calendar year.
4. **Minimum Area and Dimensions.**
 - a. *Area.* Camp sites shall be a minimum of 1,250 square feet and at least 25 feet in width.
 - b. *Dimensions.* Camp sites shall be spaced so that there is at least: 10 feet between sites; eight feet from the interior roadways; 50 feet from exterior roadways; and 15 feet from property lines.
5. **Parking.** Parking spaces and interior roadways shall be paved or treated to reduce dust.
6. **Utilities.**
 - a. *Wastewater.* Sewage facilities shall be connected to a public sewer collection and treatment system, unless alternative systems are permitted by state law.
 - b. *Underground.* All utilities shall be located underground.
7. **Walkways.** Walkways to concentrated activity areas (such as a laundry room, restrooms, etc.) within the campground area shall be at least four feet wide with an all-weather surface.
8. **Ground Cover.** All unpaved areas within the campground must have vegetative ground cover which is adequate to prevent erosion and blowing dust.
9. **Trees.** One tree of a species identified in the Suggested Plant List shall be provided for each two camping spaces. Such trees shall be located in front of those spaces.
10. **Solid Waste.** All trash collection areas shall be completely screened from view at any public right-of-way or property line.
11. **Buffers.** Adjoining residentially zoned or used areas shall be screened by a minimum Class "C" buffer yard as described in Section 121.04.03, *Buffer Yard Landscaping*.

12. **Attendant.** Each campground shall provide an on-site attendant 24 hours per day.
13. **EC District.** Campgrounds in the ED district shall only be permitted north of Mallard Creek in order to provide camping facilities in close proximity to the Speedway.

120.04.05.D Cemetery or Crematory

- A. **Crematories.** Pursuant to NCGS Chapter 90, Article 13F, any crematories may be established in a commercial or industrial zoning district if it is adjacent to a funeral establishment.
- B. **Setbacks.**
 1. **Structures.** The minimum setback for all structures, excluding gatehouses, is 100 feet from any exterior property line. Gatehouses shall be excluded from any minimum building setback.
 2. **Graves.** The minimum setback for any grave or burial plot is 50 feet from any exterior property line, except that any grave or burial plot shall be allowed within three feet of a property line of an abutting parcel that contains an existing cemetery.

120.04.05.E Club, Private

1. **Applicability.**
 - a. The provisions of this section shall apply to any private club to the extent not preempted by NCGS § 18B-901. Private clubs located completely within motels and hotels shall be exempt from the provisions of this Section, provided that they encompass no more than 25 percent of the gross floor area of the motel or hotel.
 - b. The use of land for a private club shall be permitted as set forth in Table 4.6-1 (see ARTICLE 4) subject to the standards of this Section.
2. **Spacing Requirements.** No private club shall be established within 1,000 feet of any of the following:
 - a. Any Residential Zoning District, any Elementary School, Middle School, or High School;
 - b. Any Child Care Center or Child Care Facility;
 - c. Any Religious Institution; or
 - d. Any other existing private club.
3. **Floor Plan.** In addition to the submittal requirements of APPENDIX E, *Submittal Requirements*, an application for Zoning Clearance for a private club shall include a floor plan of the structure in which the private club is located. The floor plan shall delineate separately the areas of the structure which are used for the dispensing of food and beverages, entertainment, and dancing.
4. **Standards in the CD District.**
 1. **Capacity.** Seating capacity or building occupancy shall not exceed 200 seats or persons.
 2. **Gross Floor Area.** Institutions shall not exceed 3,000 square feet in gross floor area.
 3. **Outdoor Storage.** No outdoor storage is allowed.
 4. **On-Street Parking.** No on-street parking shall be allowed.

120.04.05.F Public Assembly

1. **Capacity.** Seating capacity or building occupancy shall not exceed 200 seats or persons.
2. **Gross Floor Area.** Institutions shall not exceed 3,000 square feet in gross floor area.
3. **Outdoor Storage.** No outdoor storage is allowed.
4. **On-Street Parking.** Outside of the MU district, no on-street parking shall be allowed.
5. **Street Classification.** The property shall front a street classified as a collector or a thoroughfare.

120.04.05.G Solar Energy System

1. **Purpose.** The purpose of this Subsection is to facilitate the construction, installation, and operation of Solar Energy Systems (SESS) in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive

lands. It is the intent of these standards to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation, support the diversification of the state’s energy portfolio, strengthen energy and grid security, reduce greenhouse gas emissions, reduce local air and water pollution, and aid North Carolina in meeting its Renewable Portfolio Standard. These standards are not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. These standards shall not be deemed to nullify any provisions of local, state or federal law.

2. **Level 1 Solar Energy System.** Level 1 SESs include the following:
 - a. *Roof-Mounted.* Roof-mounted on any code-compliant structure;
 - b. *Small Ground-Mounted.* Ground-mounted on an area of up to 50% of the footprint of the primary structure on the parcel but no more than 1 acre;
 - c. *Covering Paved Areas.* Covering permanent parking lot and other hardscape areas; and
 - d. *Integrated.* Building-integrated solar (i.e., shingle, hanging solar, canopy, etc.).
3. **Level 2 Solar Energy System.** Level 2 SESs are ground-mounted systems not included in Level 1 that meet the area restrictions listed below, based on zoning district:
 - a. AG, RL, RM, RH: SES ≤1/2 acre;
 - b. MU, CC, O-I, NC, GC: SES ≤10 acres; and
 - c. CD, EC: SES of any size.
4. **Level 3 Solar Energy System.** Level 3 SESs are systems that do not satisfy the parameters for a Level 1 or Level 2 Solar Energy System.
5. **Applicability.**
 - a. *New SES.* These standards apply to the construction of any new SES within the jurisdiction of the Town.
 - b. *Existing SES.* An SES established prior to [insert original effective date] shall remain exempt:
 - c. *Exception.* Modifications to an existing SES that increases the SES area by more than five percent of the original footprint cumulative over a 10-year period or changes the solar panel type (e.g. photovoltaic to solar thermal) shall be subjected to these standards.
 - d. *Maintenance.* Maintenance and repair are not subject to this ordinance.
6. **Permits Required.** The type of permit required for an SES is displayed in [insert reference].
7. **Minimum Setbacks.** Table 120.04.05.G-1, *Setbacks for SESs*, provides parcel line setbacks to ground mounted SES equipment, excluding any security fencing, poles, and wires necessary to connect facilities of the electric utility.

Table 120.04.05.G-1 Minimum Setbacks for SESs					
Zoning District	Level 1	Level 2	Level 3		
			Front ¹	Side ¹	Rear ¹
AG, MU, CC, O-I, NC, GC, CD, EC	Per Zoning District ^{2,3}	Per Zoning District ^{1,2}	30'	15'	25'
RL			50'	50'	50'
RM			Per Zoning District*		
RH					

TABLE NOTES:
¹100' setback for SES equipment, excluding any security fencing, to any residential dwelling unit. If the SES is on a working farm where the primary residential structure of the farm is on an adjacent lot then this 100' setback will not apply to this primary residential structure.
²Ground-mounted SES must comply with district front yard limitations and setbacks, or otherwise not impair sight distance for safe access to or from the property or other properties in the vicinity
³Level 1 roof mounted SESs are not subject to screening requirements typically applied to accessory utility systems (HVAC, dumpsters, etc.).

8. **Height Limitations.** Table 120.04.05.G-2, *Maximum Height for SESs*, The height of systems will be measured from the highest natural grade below each solar panel.

Table 120.04.05.G-2 Maximum Heights for SESs			
Zoning Districts	Level 1	Level 2	Level 3
Agricultural/Residential	Roof-mounted: Per zoning district Ground-mounted: 20'	20'	20'
Residential, low density		20'	20'
Residential Medium Density		20'	20'
Residential High Density		20'	20'
Commercial/Business		20'	20'
Light Industrial		20'	20'
Heavy Industrial		20'	20'
Office/Institutional		20'	20'
* This excludes utility poles and any antennas constructed for the project.			

9. **Aviation Notification.** The requirements below apply only to Level 1, 2 & 3 systems over-half an acre in size.
 - a. *Map Analysis.* The applicant shall submit a map analysis showing a radius of five nautical miles from the center of the SES with any airport operations within this area highlighted with the permit application.
 - b. *Intent to Construct.* The applicant shall, for consideration of potential impacts to low altitude military flight paths, send notification of intent to construct the SES to the NC Commanders Council at least 30 days before the Public Hearing for a Level 2 SES and at least 45 days before starting construction for applicable Level 1 and Level 2 SESs. Notification shall include location of SES (i.e. map, coordinates, address, or Parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). The applicant shall submit proof of delivery of notification and date of delivery with the permit application.
 - c. *SGHAT.* The latest version of the Solar Glare Hazard Analysis Tool (SGHAT) shall be used per its user's manual to evaluate the solar glare aviation hazard. The applicant shall send the full report for each flight path and observation point, as well as the contact information for the Administrator, to the authority indicated below at least 30 days before the Public Hearing for Level 3 SESs and at least 45 days before starting construction for Level 1 and level 2 SESs. The applicant shall submit proof of delivery of notification and date of delivery with the permit application.
 - d. *NPIAS.*
 - i. Airport operations at airports in the National Plan of Integrated Airport Systems within 5 nautical miles of the center of SES: provide required information to the Federal Aviation Administration's Airport District Office (ADO) with oversight of North Carolina.
 - ii. Airport operations at airport not in the NPIAS, including military airports, within 5 nautical miles of the center of SES: provide required information to the NC Commanders Council for military airports and to the management of the airport for non-military airports.
 - e. The applicant shall rerun any applicable SES design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal in the SGHAT tool and shall send the new full report without undue delay to the contacts specified in Paragraph d., NPIAS, above.
10. **Level 1 Solar Energy Requirements.** Level 1 SESs are a permitted use provided they meet the applicable height, setback, aviation notification, and related district standards.
11. **Levels 2 And 3 Solar Energy Requirements.**
 - a. *Additional Standards.* These requirements are in addition to height, setback, aviation notification, and applicable district standards.
 - b. *Site Plan.* A site plan shall be submitted to the Zoning Administrator demonstrating compliance with:
 - i. Setback and height limitations as established in this Section;

- ii. Applicable Zoning District requirements such as lot coverage; and
 - iii. Applicable solar requirements per this Section.
- c. *Visibility.*
- i. SESs shall be constructed with buffering as required in Section 121.04.03, *Buffer Yard Landscaping*. For the purposes of this Section, SES 2 and 3 uses shall be considered a Class 5 use, and shall be buffered as such according to Table 121.04.03-1, *Buffer Yard Chart*.
 - ii. Signs shall comply with § 121.05, *Signs*.
 - iii. If site lighting is provided, the requirements of § 121.06, *Outdoor Lighting*, and a site lighting plan shall be submitted per APPENDIX E, *Submittal Requirements*.
- d. *Decommissioning.*
- i. The applicant shall submit a decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following with the permit application.
 - A. Defined conditions upon which decommissioning will be initiated (e.g. end of land lease, no power production for 12 months, etc.)
 - B. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations
 - C. Restoration of property to condition prior to development of the SES
 - D. The timeframe for completion of decommissioning activities
 - E. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
 - F. The party currently responsible for decommissioning
 - G. Plans for updating this decommissioning plan
 - ii. Before issuance of a Certificate of Compliance, the applicant shall provide evidence that the decommissioning plan was recorded with the Register of Deeds.

120.04.05.H Wireless Telecommunications Service

1. **Purpose.** The purpose of this Subsection is to:
 - a. *Residential Protection.* Protect residential areas and land uses from potential adverse impacts of towers and antennas;
 - b. *Location Management.*
 - i. Encourage the location of towers in nonresidential and less developed areas;
 - ii. Strongly encourage joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
 - iii. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - d. *Visual Impact.* Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
 - e. *Enhanced Service.* Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
 - f. *Health and Safety.*
 - a. Consider the public's health and safety in regard to communication towers; and
 - b. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
2. **Applicability.** The provisions of this Section apply to any new Wireless Telecommunications Tower or Antenna, except as provided below. The use of land for wireless telecommunication service antenna or tower shall be permitted as set forth in Table 120.02.01-2, *Permitted Uses by Residential*

Zoning District and Development Type, and Table 120.02.02-1, *Permitted Uses by Nonresidential and Mixed Use Zoning District and Development Type*, subject to the standards below.

3. **General Requirements.**

- a. *Principal Or Accessory Use.* Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- b. *Lot Size.* In the event that a tower or antenna is installed and/or leased on a portion of a lot, the lot in its entirety will determine any and all district development regulations that the structure may be subjected to; including but not limited to: setback, lot-coverage, and other such requirements.
- c. *Inventory Of Existing Sites.* Each applicant for an antenna and/or tower shall provide the Administrator with an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Town, Cabarrus County, the City of Kannapolis, or the Town of Mt. Pleasant. Said information shall include specific information about the location, height, and design of each tower. Each applicant shall also provide a one-year build out plan for all other proposed wireless communications facilities within the Town . The Administrator may share such information with other applicants applying for administrative approvals or Special Use Permits under this UDO or with other organizations seeking to locate antennas within the jurisdiction of this UDO provided, however, that the Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- d. *Aesthetics.*
 - i. Towers shall either maintain a galvanized steel finish or be painted a neutral color so as to reduce visual obtrusiveness.
 - ii. The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings located adjacent to the tower or antenna site.
 - iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure. This is in order to make the antenna, and related equipment, as visually unobtrusive as possible.
- e. *Lights.* No tower or antenna shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, daytime strobes or steady nighttime light or other illumination devices, except as required by the FAA, FCC, or the Town. This restriction against lights shall not apply to towers which have been combined with light standards for illumination of ball fields, parking lots, playgrounds, or other similar public uses. If lighting is required, the lighting sources and design shall be designed to create the minimum practicable penetration of areas outside the boundaries of the lot or parcel.
- f. *State Or Federal Requirements.* All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other state or federal government agency with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with the revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- g. *Building Codes; Safety Standards.* To ensure the structural integrity of towers and antennas, the owners of such facilities shall ensure that they are maintained in compliance applicable with standards contained in the State Building Code.
- h. *Fall Zone.* No tower or antenna shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any tower or antenna, not located a distance equal to the height of the tower plus 50 feet away from all habitable structures, property lines, or other towers, shall be designed to withstand the

maximum forces expected from wind and ice when the tower is fully loaded with antennas, transmitters and other equipment. Compliance with this requirement shall be certified by a professional engineer licensed by the State of North Carolina in a report describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed.

- i. *Essential Services.* Wireless telecommunications towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- j. *Signs.* Signs on a tower, or on any portion of the premises leased for wireless communication use, shall be limited to those needed to identify the property and the owner and to warn of any danger. Signs which advertise for commercial purposes are prohibited. All signs shall comply with the requirements of § 121.05, *Signs*.

4. **Permit Requirements.**

- a. *Zoning Clearance.* No wireless telecommunications tower or antenna shall be erected or established unless and until a Zoning Clearance permit has been issued pursuant to Section 125.02.05, *Zoning Clearance*.
- b. *Use Tables.* A stealth antennae which does not exceed 65 feet in height is permitted as of right, notwithstanding any provisions of the Use Tables in § 120.02, *Zoning Districts and Standards*, which requires a Special Use Permit. This provision does not permit antennas in any zoning district where they are expressly prohibited by the Use Tables.
- c. *Special Use Permit Standards.* In addition to the procedures, standards and criteria set forth in Section 120.04.07, *Special Use Standards*, Special Use Permits for towers and antennas shall be issued in accordance with the following provisions:
 - i. Towers or antennas 65 feet or more from the average ground level shall require a Special Use Permit. This applies to mounted antennas, referring to the total height from the base of the building or other structure to the top of the antenna.
 - ii. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer licensed in the State of North Carolina.
 - iii. In determining whether to issue a Special Use Permit, the Board of Adjustments shall consider, in addition to any other standards in this UDO governing conditional use permits, the following factors:
 - A. Height of the proposed tower;
 - B. Proximity of the tower to residential and mixed-use structures and district boundaries;
 - C. Nature of uses on adjacent and nearby properties;
 - D. Surrounding topography;
 - E. Surrounding tree coverage and vegetation;
 - F. Design of the tower, with particular reference to design characteristics that reduce or eliminate visual obtrusiveness;
 - G. Proposed ingress and egress; and
 - H. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Paragraph 5, *Availability of Suitable Existing Towers, Other Structures, Or Alternative Technology*, below.

5. **Availability Of Suitable Existing Towers, Other Structures, Or Alternative Technology.** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Administrator, or Board of Adjustment (if Special Use Permit is required), that no existing tower, structure or alternative technology, that does not require the use of towers or structures, can accommodate the applicant's proposed tower or antenna. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed tower or antenna may consist of any or all of the following:
 - a. *No Existing Towers or Structures.* No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

- b. *Insufficient Height.* Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. *Insufficient Strength.* Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. *Electromagnetic Interference.* The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. *Unreasonable Expense.* The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs required by the owner of existing tower or structure that exceed new tower development are presumed to be unreasonable.
- f. *Other Factors.* The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g. *Alternative Technologies.* The applicant demonstrates that alternative technologies, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, that does not require the use of towers or structures, are unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- h. *Separation.* Towers shall be separated a distance, as measured from the base, equal to at least the minimum standards established in Table 120.04.05.H-1, *Separation Requirements from Offsite Uses/Areas*, and Table 120.04.05.H-2, *Separation Distances Between Towers*, from any preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the preexisting tower and the base location, pursuant to a site plan, of the proposed tower.

Table 120.04.05.H-1 Separation Requirements from Offsite Uses/Areas	
Single-family or duplex residential units [1]	200 feet or 300% of tower height, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary plat approval which is not expired [2]	
Vacant unplatted residentially zoned land [3]	100 feet or 100% of tower height, whichever is greater
Existing multi-family residential units greater than duplex units	
Non-residentially zoned lands or non-residential uses	None, only setbacks apply
1. Includes modular homes and mobile homes used for living purposes. 2. Separation measured from base of tower to closest building setback line. 3. Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan and any multi-family residentially zoned land greater than a duplex.	

Table 120.04.05.H-2 Separation Distances Between Towers		
	Monopole 65 ft. in height or greater	Monopole less than 65 ft. in height
Monopole 65 feet in height or greater	1,500 feet	750 feet
Monopole less than 65 feet in height	750 feet	750 feet

- i. *Security Fencing.* Towers shall be enclosed by security fencing not less than six (6) feet in height and no more than eight (8) feet in height, constructed of block or masonry or wood material, and shall be equipped in such a manner as to deter climbing.
- j. *Landscaping.* Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound. Plant materials forming the visual buffer may be existing on the subject property or installed as part of the proposed facility, but existing mature plant growth and natural land forms on the site shall be preserved to the maximum extent possible. The Administrator may waive

these requirements in locations where the view of the tower base is obstructed by existing buildings or natural topography and cannot be viewed from adjacent property or a public street.

6. Buildings Or Other Equipment Storage.

- a. *Accessory Equipment Structures.* The equipment cabinets and other support structures used in association with towers or antennas shall comply with the following provisions:
 - i. Equipment cabinets and/or other structures shall comply with all applicable building codes.
 - ii. Guys and accessory buildings shall satisfy the minimum zoning district setback requirements.
- b. *Location Of Accessory Equipment Structures.* Equipment cabinets and/or structures shall be no greater than 14 feet in height or 300 square feet in gross floor area. The entry or access side of a cabinet and/or structure shall be gated by a solid, sight- obscuring gate that is separate from the cabinet and/or structure. Such access way shall not face residentially or mixed-use zoned property.

7. Co-Location.

- a. *Good Faith.* Applicants and permittee shall make a good faith effort to share wireless communication structures, facilities and sites where feasible and appropriate. Good faith effort shall include sharing technical information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing such information normally will not be considered as an exception to the duty of good faith.
- b. *Third-party Technical Review.* In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the Administrator may require the applicant to obtain a third-party technical study at the applicant's expense. The Administrator may review any information submitted by the applicant and permittee(s) in determining whether good faith has been exercised.
- c. *Exceptions.* No co-location may be required where the shared use would or does result in significant interference with the broadcast or reception capabilities of the existing wireless communication facilities or the failure of the facilities to meet federal standards for emissions.
- d. *Violation; Penalty.* Failure to comply with co-location requirements may result in denial of a permit request or revocation of an existing permit.

8. Removal of Abandoned Antennas and Towers.

- a. *Abandonment.* Any antenna or tower that is not operated for a continuous period of one year shall be considered abandoned, and the owner of such facility shall physically remove the antenna or tower within 90 days of receipt of notice from the Board of Adjustment notifying the owner of such abandonment. If there are two or more users of a single tower or antenna, then this provision shall not become effective until all users cease using the tower or antenna for the prescribed period. "Physically remove" shall include, but not be limited to:
 - i. Removal of antennas, mount, equipment shelters and security barriers from the subject property;
 - ii. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations; and
 - iii. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after condition.
- b. *Authority To Remove.* The town shall have the authority to call the performance bond required in Subsection c., *Require Bond*, below, and use the funds to remove an abandoned antenna, tower, or accessory equipment structures.
- c. *Require Bond.* A performance bond shall be set for 1.25 times the estimated cost of removal of all towers, antennas, and accessory equipment structures that are approved. The performance bond shall be filed prior to issuance of a Zoning Clearance. This amount will be determined by a removal company and certified by a North Carolina Licensed Engineer. For every year

following approval, the bond shall increase by an inflation factor based upon the Consumer Price Index (CPI) Index.

9. **Nonconforming Uses.**

- a. *No Expansion Of Nonconforming Use.* Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.
- b. *Preexisting Towers.* Preexisting towers constructed prior [insert original adoption date of this Section] shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Section.
- c. *Rebuilding Damaged Or Destroyed Nonconforming Towers Or Antennas.* Notwithstanding this Section, bona fide nonconforming towers or antennas that are not latticed or guyed that are damaged or destroyed by weather events or other non-manmade causes are not required to conform to the requirements of this Section provided the type, height, and location of the tower on-site shall be of the same type and intensity as the original facility. Any destroyed lattice or guyed tower shall be replaced with a monopole structure only. If no permit is obtained or if the permit expires, the Administrator may deem the tower or antenna abandoned.

120.04.05.I Brewpub, Microbrewery, Microwinery, Microdistillery, or Microcidery

1. **Hours of Operation.** No outdoor amplified sound will be permitted after 11:00pm. All activities shall comply with the Town of Harrisburg Noise Ordinance.
2. **GC Zoning District.**
 1. In the GC zoning district, no brewpub, microwinery, microdistillery, or microcidery shall be located within 100 feet of any religious institution or Educational Facility as measured from parcel edge to parcel edge. In all other districts, the state minimum distances shall apply.
 2. In the GC zoning district, such uses shall with the following prescribed conditions In the GC, and PUD districts, Breweries-Micro shall have a tap room that is oriented to the street or main pedestrian entrance of the building. A minimum of 500 square feet shall be provided for the tap room and this area shall be open for business at least one quarter of the time each week the business facility is open.

120.04.05.J Reception Facility

1. **Minimum Lot Size.** A minimum lot size of five acres is required.
2. **Abutting Streets.** The use shall be located on a parcel with frontage on a major or minor thoroughfare.
3. **Structure.** A residential structure that is used for a reception facility shall not be altered in any way that changes its general residential appearance.
4. **Off-Street Parking.** Two parking spaces for the owner/operator, plus one for every four seats shall be required. Parking shall be temporary parking on grass and shall not be visible from the street or shall be on the driveway. No on-street parking is permitted.
5. **Room Rental.** Reception facilities with guest room rental shall comply with the applicable requirements of Subsection [120.04.05.M](#), *Bed & Breakfast Inn or Short-Term Rental*.
6. **Meals.** Other than to members of reception, no meals shall be served to the general public unless expressly approved as part of the Special Use Permit or site plan application.
7. **Accessory Uses.** Accessory uses with a reception facility include those set forth in Section [120.04.09](#), *Temporary Use and Structure Standards*.
8. **Signage.** Signs for reception facilities shall meet the requirements of § [121.05](#), *Signs*, and the requirements set forth below.
 - a. *Ground Sign.* Signs shall be limited to one ground sign per establishment.
 - b. *Measurements.* The ground sign shall not exceed eight square feet in area nor shall it exceed five feet in height. If such signs shall be illuminated, They shall be externally illuminated.

c. *No Additional Signs.* No additional signs shall be permitted on the property.

9. **Noise Control.** All activities and events occurring on the property of the reception center shall meet the required noise control ordinance as stated in [Chapter 91, Noise Control](#), of the Town of Harrisburg Code of Ordinances.

120.04.05.K Electronic Gaming Establishment

1. **Applicability.** The provisions of this Section shall apply to principal or accessory uses.
2. **Separation from Other Establishments.** No electronic gaming establishment shall be located within 1,500 feet of any other electronic gaming establishment, residentially used property, religious institution, public or private elementary or secondary school, cemetery, public park, or Day Care use category.
3. **Number of Terminals.** Each location approved for the use as an electronic gaming establishment shall have no more than 20 computer terminals.

120.04.05.L Office

1. **Corner Lots.** In the RH district, Offices are permitted on corner lots only.
2. **Maximum Floor Area.** In the RH district, the structure housing an Office shall be a maximum of 6,000 square feet in gross floor area.
3. **Street Classification.** In the RH district, the property shall front a street classified as a collector or a thoroughfare.
4. **Drive-Through Commercial.** Drive-through commercial establishments are prohibited in the RH, MU, and CC districts.

120.04.05.M Bed & Breakfast Inn or Short-Term Rental

1. **Location.** Bed and breakfast inns and short-term rentals that are not accessory to a residential use shall only be established in accordance with Table [120.02.02-2, Permitted Uses by Nonresidential and Mixed-Use Zoning District and Development Type](#).
2. **Structure.** A structure which shall be used for a bed and breakfast inn or short-term rental shall not be altered in any way that changes its general residential appearance.
3. **Receptions/Private Parties.** A bed & breakfast inn or short-term rental proposing to host receptions, private parties, or similar activities shall require a Special Use Permit.
4. **Room Rental.** No long-term rental of rooms shall be permitted. The maximum length of stay shall be 30 days.
5. **Guest Rooms.** All guest rooms shall be located within the principal structure.
6. **Meals.** Other than to registered guests, no meals shall be served to the general public unless expressly approved as part of a Special Use Permit. No cooking facilities shall be permitted in the guest rooms.
7. **Accessory Uses.** Accessory uses associated with a bed and breakfast inn or short-term rental include those as set forth in Section [120.04.08, Accessory Use and Structure Standards](#).
8. **Area Regulations.** Area regulations for minimum lot size, applicable setbacks, building height, and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located.
9. **Maximum Number of Guest Units.** The maximum number of guest bedrooms for a proposed bed and breakfast inn or short-term rental shall be five, unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case the original number of bedrooms may be approved as allowable guest lodging
10. **Signs.**
 - a. *Generally.* Except as modified below, signs for bed and breakfast inns or a short-term rental shall meet the requirements of [§ 121.05, Signs](#).
 - b. *Ground Signs.* Signage shall be limited to one ground sign per establishment.
 - c. *Sign Area, Height, and Illumination.* Ground signs shall not exceed five square feet in area nor five feet in height. Such signs shall not be illuminated.

- d. *Additional Signs.* No additional permanent signs shall be permitted on the property.

120.04.05.N Shopping Center

1. **MU and NC District.** The maximum gross floor area for any single structure in the TND development type of the MU district or in the NC district shall be 25,000 square feet.
2. **GC District.** The maximum gross floor area for any single structure in the GC district shall be 135,000 square feet.
3. **MU and CD District.** The maximum gross floor area for any single structure in the TOD development type of the MU district or in the CD district shall be 80,000 square feet.

120.04.05.O Sexually-Oriented Business

1. **Purpose and Findings.**
 - a. *Purpose.* The Town Council of the Town of Harrisburg finds that this Subsection is necessary in order to protect the Town from the potential secondary effects of sexually-oriented businesses including crime, the protection of the Town's retail trade, the prevention of the blighting of neighborhoods and the maintenance of property values, protecting and preserving the quality of the Town's neighborhoods and the Town's mixed-use and nonresidential districts, the protection of the Town's quality of life, the increased threat of the spread of sexually transmitted diseases, and the protection of the peace, welfare and privacy of persons who patronize sexually-oriented businesses. Experience in this Town as well as in cities and counties within and outside of North Carolina including the County of Los Angeles, the City of Garden Grove and the cities of Renton, Washington; Seattle, Washington; Detroit, Michigan; Austin, Texas; Indianapolis, Indiana; and Phoenix Arizona; have demonstrated that such uses have objectionable secondary effects upon immediately adjacent residential and commercial areas. The Town recognizes and relies upon the experience of these other cities and counties in adopting sexually-oriented business regulations including the County of Los Angeles (as discussed in *Smith v. County of Los Angeles* 211 Cal. App. 3d 188 (1989)); City of Renton, Washington (as discussed in *City of Renton v. Playtime Theatres, Inc.* 475 U.S. 41 (1976)); the City of Seattle Washington (as discussed in *Northend Cinema v. City of Seattle* 90 Wash. 2d 709, 585 P.2d 1153 (1978)); and the County of Palm Beach, Florida (as discussed in *Movie & Video Work v. Board of County Commissioners* 723 F. Supp. 695 (S.D. Fla. 1989)) in support of this Section. The Town also recognizes and relies upon the studies done by:
 - i. The 1979 Adult Use Study by the Phoenix Planning Department;
 - ii. Tucson, Arizona (1990);
 - iii. The 1991 report to the City of Garden Grove by Drs. McCleary and Meeker on the relationship between crime and adult business operations;
 - iv. The City of Los Angeles in 1977);
 - v. The 1984 "Analysis of Adult Entertainment Businesses in Indianapolis" by the Department of metropolitan Development;
 - vi. Minneapolis, Minnesota (1980);
 - vii. Cleveland, Ohio (1977);
 - viii. Oklahoma City, Oklahoma (1986);
 - ix. Austin, Texas' study on effects of adult businesses;
 - x. Amarillo, Texas (1977);
 - xi. Beaumont, Texas (1982);
 - xii. Houston, Texas (1983); and
 - xiii. Seattle, Washington (1989).
 - b. *Findings.* The Town Council believes the following statements are true, in part based upon its understanding of the experiences of the various jurisdictions identified.
 - i. Crime rates tend to be higher in residential areas surrounding sexually-oriented businesses than in industrial areas surrounding sexually-oriented businesses;

- ii. Areas within close walking distance of single and multiple-family dwellings should be free of sexually-oriented businesses;
- iii. Sexually-oriented businesses should be located in specific areas of the Town which are a specified distance from sensitive uses such as residences, parks, religious institutions and schools, irrespective of whether physical barriers are present. This necessary to:
 - A. Ensure that the impact on such sensitive uses by adverse secondary effects caused by sexually-oriented businesses are mitigated to the maximum extent possible;
 - B. To prevent ad hoc decisions with respect to a potential sexually-oriented business site which does not meet the criteria set forth herein; and
 - C. To provide certainty to the residents of the Town and sexually-oriented business operators with respect to potential adult use sites.
- iv. The image of the Town as an attractive place to reside will be adversely affected by the presence of sexually-oriented businesses in close proximity to residential uses, schools, religious institutions and parks;
- v. The existence of sexually-oriented businesses in close proximity to residential areas has been shown in some cities to reduce the property values in those residential areas;
- vi. A reasonable regulation of the location of sexually-oriented businesses protects the image of the community and its property values and protects its residents from the adverse secondary effects of sexually-oriented businesses while providing those who desire to patronize sexually-oriented businesses an opportunity to do so in appropriate areas in the Town; and
- vii. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by sexually-oriented businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that sexually-oriented businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values. Regulations for sexually-oriented businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than waiting for problems to be created.
- viii. The Town Council recognizes and relies on the findings set forth in the 1986 N.C. Attorney General's Report on Pornography in support of this Section including, but not limited to its recommendations that local governments ban certain features of video booths that facilitate carnal sexual encounters.
- ix. The Town Council finds the following, in part based upon its understanding of the documents and judicial decisions in the public record:
 - A. Evidence indicates that some dancers, models and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in sexually-oriented businesses (collectively referred to as "performers") have been found to engage in sexual activities with patrons of sexually-oriented businesses on the site of the sexually-oriented business;
 - B. Evidence has demonstrated that performers employed by sexually-oriented businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;
 - C. Evidence indicates that performers at sexually-oriented businesses have been found to engage in acts of prostitution with patrons of the establishment; and
 - D. As a result of the above, and the increase in incidents of AIDS and Hepatitis B, which are both sexually transmitted diseases, the Town has a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts at sexually-oriented businesses.
- x. The Town Council has determined that the establishment of a sexually-oriented business development permit process is a legitimate and reasonable means of ensuring that:

- A. Operators of sexually-oriented businesses comply with the reasonable regulations of this Section;
 - B. The recognized secondary impacts of a proposed sexually-oriented business in a specific location are mitigated; and
 - C. Operators of sexually-oriented businesses have specific guidelines with respect to where they can establish or operate a sexually-oriented business.
- xi. It is not the intent of the Town Council in adopting this Section to suppress any activities protected by the First Amendment, but rather to enact a content-neutral regulations that address the secondary effects that sexually-oriented businesses have on the Town.
 - xii. The Town Council desires to protect the rights conferred by the United States Constitution to sexually-oriented businesses in a manner that ensures the continued and orderly development of property within the Town and diminishes those undesirable negative secondary effects the previously mentioned studies have shown to be associated with the development and operation of sexually-oriented businesses.
 - xiii. The Town Council and Planning and Zoning Board have held duly noticed public hearings, to receive input and testimony from the public concerning the adoption of this Section.
2. **Authorization.** These regulations are authorized by NCGS § 160D-902.
 3. **Applicability.** The provisions of this Section apply to any sexually-oriented business/adult establishments.
 4. **Locational Standards.**
 - a. *Other SOBs.* No sexually-oriented business or adult establishment shall be located within 2,000 feet of any other sexually-oriented business or adult establishment.
 - b. *Sensitive Uses.* No sexually-oriented business or adult establishment shall be located within 2,000 feet of a public or private elementary or secondary school, Day Care use category, public or private recreation center, religious institution, or a public park.
 5. **Signs And Displays.** Signs shall be regulated in accordance with § 121.05, *Signs*, except that no sexually-oriented printed material, slide, video, photograph, written text, live show, or other sexually-oriented visual display shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.

120.04.05.P Fuel Sales

1. **Accessory Uses.** The following uses shall be considered accessory to Convenience Stores or Gas Stations:
 - a. Car washes;
 - b. Gasoline pumps and canopies;
 - c. Automatic teller machines (ATM's);
 - d. Restaurants located within the Primary Building;
 - e. Sales of prepackaged beverages, snack foods, tobacco products, and other retail merchandise.
2. **Location.**
 - a. *Principal Structure.* The site shall have frontage on a thoroughfare or collector road.
 - b. *Service Equipment.* No above-grade equipment for the vehicular service of fuel, oil, or other petroleum product, shall be closer than 25 feet to any public right-of-way and 10 feet to any exterior property line. Pump or charging island canopies shall not be located closer than 10 feet to a public right-of-way or an exterior property line.
3. **Maximum Square Footage for Principal Structure.**
 - a. In the GC district: No maximum.
 - b. In all other districts that allow convenience stores: 2,000 leasable square feet for enclosed structure.

120.04.05.Q Manufactured / Modular Home and Storage Building Sales

1. **Site Plan Requirements.** In addition to the site plan requirements in [APPENDIX D, Submittal Requirements](#), the site plan shall define display areas, storage and repair areas, office, and parking areas, landscaping materials, and materials used to obstruct off-site views. Other accessory uses (such as sales of items not described in this Subsection) may not locate on the site unless the use has been designated on the site plan. In the case of manufactured and modular home sales, the number of home display pads shall be noted on the plan.
2. **Setbacks.** All display pads shall be located at least 30 feet from any property line or public street right of way line. Setbacks for permanent structures such as an office shall be located in accordance with [§ 120.02, Zoning Districts and Standards](#).
3. **Type of Manufactured Home.** All manufactured homes displayed for sale (not in screened storage or repair areas) shall conform to all Federal Manufactured Home Construction and Safety Standards and/or building requirements and/or codes for Manufactured Homes and bear the required United States Department of Housing and Urban Development (HUD) tag and/or data plate.
4. **Required Paving.** All travel lanes, access lanes, areas, sidewalks, and parking spaces shall be paved. Storage, repair areas, and display pads for all model manufactured or modular homes and storage buildings may be gravel.
5. **Storage and Repair Areas.** Storage and repair activities shall be completely screened from off-site views. Homes or buildings not for immediate sale, or replacement or discarded parts and accessories shall also be screened from off-site views
6. **Walkways.** Walkways a minimum of four feet in width shall be constructed throughout the site so as to provide complete pedestrian connections from the parking area to each displayed item (pad) and the office.
7. **Signs.** Signs shall conform to [§ 121.05, Signs](#). In addition, each display item may have a sign not to exceed three square feet in area which gives information about the item.
8. **Display Pads.** All manufactured or modular homes and storage buildings shall be located on a pre-determined display pad (shown on the site plan) equaling no more than 120% of the structure's footprint. Display pads may be gravel.
9. **Manufactured or Modular Home Display Areas.** A minimum separation of at least 10 feet shall be maintained between display pads. Display homes shall be level and blocked. Display homes that are visible off-site shall be provided with some type of material (skirting, low fence or landscaping) around the base which will prevent open views underneath the manufactured home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.
10. **Storage Building Display Areas.** A minimum separation of at least five feet shall be maintained between display pads.
11. **Landscaping Requirements.** In addition to the landscaping requirements in [§ 121.04, Trees, Landscaping, and Buffering](#), the display area for manufactured and modular home sales shall include the installation of one ornamental tree or shade tree, two medium shrubs, and six small shrubs per display pad. The location of the plantings shall be determined by the Administrator but the intention is to provide each space with a permanent, residential appearance. Portions of any display area not included in individual display pads shall be grassed or mulched and suitably landscaped. No display area may be entirely paved.

120.04.05.R Vehicle Sales and Rental

1. **Accessory Uses.** In addition to the accessory uses set forth in [Section 120.04.08, Accessory Use and Structure Standards](#), the following accessory uses are permitted for any vehicle sales and rental establishment:
 - a. Sales, office, parts, service, storage, and body shop facilities accessory to new vehicle sales and rental establishments.
 - b. Storage, body shop, washing, fueling, painting facilities, and air quality certification.
 - c. Temporary automobile sales offices and display areas (interior or exterior). Such uses shall be allowed for a period not to exceed two years from the date approved by the Town. The period may be extended for up to an additional one year if the permanent facility is under construction prior to expiration of the initial two-year period but not yet complete.
2. **Display Area.**

- a. *Surface Area.* The outdoor vehicle display area shall not exceed 60,000 square feet of continuous paved surface.
 - b. *Continuous.* For purposes of this Section, a paved surface shall not be considered “continuous” if it is separated by a Type A buffer yard (as set forth in Section 121.04.03, *Buffer Yard Landscaping*) along the boundary between the display areas. The buffer yard may be penetrated by a driveway of not less than twelve or more than eighteen feet in width for every 150 feet in buffer yard length.
 - c. *Vehicle Display or Storage.* No vehicles may be displayed or stored on or within required buffer yards, including required street yards.
 - d. *Markings.* Paved areas reserved for the storage or display of vehicles for sale shall not be required to be striped for individual vehicle spaces. However, off-street parking for employees and patrons shall be required to conform to the design provisions of § 121.03, *Parking, Loading, Stacking, and Access.*
3. **Not Permitted.**
- a. *Shopping Centers.* Vehicle sales and rental establishments shall not be permitted in, or as part of, shopping centers or multi-tenant facilities.
 - b. *Individual Owners.* The sale of motor vehicles by individual owners shall not be permitted in shopping centers, multi-tenant facilities or on commercial business lots not specifically permitted for car sales.

120.04.05.S Contractor Office

1. **Purpose.** The purpose of this Subsection is to allow for contractor offices to be located in lower intensity nonresidential districts and prevent any negative impacts that this use could have on surrounding residentially zoned properties (i.e. expansive storage, parking of heavy equipment, other non-office activities).
2. **Storage.** All storage must be confined within the principal structure.
3. **Accessory Storage Units.** No accessory storage units are permitted.
4. **Storage Area.** Interior storage may not exceed 25 percent of the ground level square footage of the principal structure.
5. **Heavy Equipment.** Storage of heavy machinery or equipment, such as any non-transportation oriented heavy construction vehicles, shall not be permitted.
6. **Manufacturing.** Manufacturing of any goods or products shall not occur within the principal structure.
7. **Office.** The principal use of the building shall be for office purposes.

120.04.05.T Micromanufacturing

1. **Gross Floor Area.** The maximum gross floor area of a micro-manufacturing facility in the shall be 2,000 square feet in the MU and CC districts and shall not exceed 10,000 square feet in the GC district.
2. **Outdoor Storage.** No outdoor storage is permitted.

120.04.05.U Resource Extraction

1. **Purpose.** The purpose of this Subsection is to establish standards for resource extraction uses to protect any adjacent residential property from smoke, dust, and noise, and to minimize the effect of scarification of the landscape.
2. **Applicability.** This Subsection apply to any mining or extractive uses as identified in North American Industrial Classification System (NAICS) Industry Group 21.
3. **Compliance With State Regulations.** All resource extraction uses shall conform to [NCGS § 74-46](#). The applicant shall, if disturbing more than one acre of land, obtain, or be in the process of obtaining, a mining permit issued by the North Carolina Department of Environment and Natural Resources Regional Office.

4. **Reclamation Plan.** The applicant shall submit a reclamation plan together with the Special Use Permit application and other materials required in [APPENDIX E, Submittal Requirements](#).
5. **Setbacks.** Minimum setbacks in § 120.02, *Zoning Districts and Standards*, shall apply to the extent of land-disturbing activity and the placement of mining machinery or structures.
6. **Barrier Required.**
 - a. *Perimeter Barrier.* A barrier shall be provided around the perimeter of a mine or quarry. The barrier shall consist of either an earthen berm, a solid fence and landscaping, existing topographical features, or any combination of the above. The barrier shall be constructed so as to completely block the view of the mining/quarrying operations from any point on an adjacent property line or public right-of-way, except at points of ingress and egress.
 - b. *Entrance Gate.* The operation shall provide an entrance gate to prevent vehicular access during non-operational hours.
7. **Exemptions.**
 - a. *Earth Moving.* Earthmoving activity disturbing less than one acre of land shall be exempt from the provisions of this Subsection.
 - b. *Site Grading.* Site grading, as part of a construction project, moving earth from one area of a lot or development to another shall be exempt from the provisions of this Subsection, regardless of the area disturbed.
 - c. *Borrow Pits.* Borrow pits are exempt from the provisions of this Subsection.

120.04.05.V Self-Service Storage

1. **Purpose.** The purpose of this Subsection is to set standards for the establishment and maintenance of safe and attractive mini-warehouse developments that will remain a long-term asset to the community.
2. **Minimum / Maximum Lot Sizes.**
 - a. *Minimum Lot Size.* One acre
 - b. *Maximum Lot Size.* Five acres in all districts except that ED shall have no maximum lot size.
3. **Building Height.**
 - a. *One Story.* Except as allowed in Paragraph b., below, building height shall not exceed one story. For purposes of this Subsection, one story shall mean and refer to a maximum interior ceiling height of 10 feet, which may include a maximum of eight feet with an additional two feet to accommodate a garage-type sliding or roll up door.
 - b. *GC District.* In the GC district, height maximums are governed by the standard allowances as set forth in ARTICLE 4, § 4.7.
4. **Landscaping and Buffering.**
 - a. A Type B buffer yard as prescribed in Section 121.04.03, *Buffer Yard Landscaping*, shall be provided around the perimeter of the mini-warehouse development.
 - b. All areas on the site not covered by pavement or structures shall be brought to finished grade and planted with turf or other appropriate ground covers and shall conform to the standards and planting requirements of § 121.04, *Trees, Landscaping, and Buffering*.
5. **On-site Manager Or Security System Required.** No facility herein provided for shall be used or maintained unless and until an on-site manager shall be provided for such facility, or a security system has been installed.
6. **Commercial Activity Prohibited.** It shall be unlawful for any owner, operator or lessee of a self-service storage facility to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units, or to permit such activities to occur on the property.
7. **Residential Use Prohibited.** No portion of any self-service storage shall be used, on a temporary or permanent basis, as a dwelling.
8. **Item Repair and Storage Of Flammable Liquids Prohibited.** Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and

other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank is prohibited within a self-service storage facility. All mini-warehouse rental contracts shall include clauses prohibiting (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for purposes other than dead storage.

9. **Outside Storage.** No outside storage shall be permitted except the storage of recreational vehicles per Paragraph 12, *Vehicular Storage*, below.
10. **Accessibility.**
 - a. *Ingress/Egress.* Vehicular ingress/egress shall provide for safe access by customers and emergency vehicles.
 - b. *Interior Travel Lanes.* Interior travel lanes shall have a minimum width of 12 feet for one-way and 24 feet for two-way travel lanes. The minimum travel lane width for fire and life safety access shall be 20 feet.
11. **Off-Street Parking Standards.** Parking shall be provided by parking/driving lanes adjacent to the manager's office.
12. **Vehicular Storage.** Required parking spaces shall not be rented as, or used for, vehicular storage. However, additional parking area may be provided for recreational vehicle storage.
13. **Accessory Uses.** Sales of customary equipment and supplies, such as hand trucks, straps, tapes, packaging materials, boxes, etc. are permitted through the main office only.

120.04.05.W Demolition Landfill

1. **Applicability.** This Section applies to any demolition landfill.
2. **Standards.**
 - a. The disposal area of a demolition landfill shall not exceed one acre.
 - b. The disposal area shall not exceed five feet above average grade in height.
 - c. The landfill shall accept and dispose of demolition debris generated on land that the applicant owns in a landfill that is located on the same property.
 - d. The landfill shall be located at least one quarter-mile from any other landfill of any type.
 - e. The perimeter of the landfill shall be at least 50 feet from the property boundary.
 - f. The perimeter of the landfill shall be at least 500 feet from the nearest drinking water well.
 - g. The waste disposal area of the landfill shall be at least four feet above the seasonal high groundwater table.
 - h. The landfill shall comply with all applicable federal, State, and local laws, regulations, rules, and ordinances.
 - i. The applicant shall comply with the siting criteria set forth in [15A NCAC § 13B.0564](#).
 - j. Demolition debris may be disposed in a landfill to which this Section applies without being separated into demolition debris components. No waste other than that generated by the demolition of a building or other structure shall be disposed of in the landfill.
 - k. The owner or operator shall establish sufficient controls to ensure that the refuse remains within the disposal area, and that the refuse cannot be removed by winds, stormwater, or other foreseeable natural or man-made forces.
 - l. No building shall be located or constructed immediately above any part of a demolition landfill. No construction, except for site preparation and foundation work, shall be commenced on land on which a demolition landfill is located until the landfill is closed.
3. **Closure.**
 - a. *Plat.* Within 30 days of the closure of the landfill, or at least 30 days before the land, or any interest in the land, on which the landfill is located is transferred, whichever is earlier, the owner or owners of record of the land on which the landfill is located shall file with the Register of Deeds of Cabarrus County a survey plat of the property that meets the requirements of [NCGS § 47-30](#). The plat shall accurately show the location of the landfill and shall reference this

Section. A certified copy of the plat showing the book and page number where recorded shall be filed with the Administrator at the same time that the certified copy of the notice required by Paragraph b., *Notice*, this section is filed with the Administrator.

- b. *Notice*. Within 30 days of the closure of the landfill or at least 30 days before the land, or any interest in the land, on which the landfill is located is transferred, whichever is earlier, the owner or owners of record of the land on which the landfill is located shall file with the Register of Deeds of Cabarrus County a notice that a landfill for the disposal of demolition debris has been located on the land. Where state law requires an identical notice, compliance with the state requirements shall constitute compliance with this Section. The notice shall include a description of the land that would be sufficient as a description in an instrument of conveyance. The notice shall list the owners of record of the land at the time the notice is filed and shall reference the book and page number where the deed or other instrument by which the owners of record acquired title is located. The notice shall reference the book and page number where the survey plat required by Paragraph a., *Plat*, is recorded. The notice shall reference this Section, shall describe with particularity the type and size of the building or other structure that was demolished, and shall state the dates on which the landfill opened and closed. The notice shall be executed by the owner or owners of record as provided in [NCGS Chapter 47](#). The Register of Deeds shall record the notice and index it in the grantor index under the name of the owner, or names of the owners, of the land. The owner shall file a certified copy of the notice showing the book and page number where recorded, together with a certified copy of the survey plat as required by Paragraph a., with the Administrator. Unless a filing fee is required for the North Carolina Department of Environmental Quality, the owner shall pay a filing fee to the Administrator within 15 days after the notice is recorded.
- c. *Site Work After Closure*. The owner or operator of the landfill shall close the landfill within 30 days after the demolition is completed or terminated. The owner or operator shall compact the demolition debris and cover it with at least two feet of compacted earth. The cover of the landfill shall be graded so as to minimize water infiltration, promote proper drainage, and control erosion. Erosion of the cover shall be controlled by establishing suitable vegetative cover.

120.04.05.X Salvage Yard

1. **Applicability**. The provisions of this Section shall apply to:
 - a. Any Salvage Yard with outdoor storage; and
 - b. Any Industrial Use as listed in Table [120.02.01-2](#), *Permitted Uses by Residential and Zoning District and Development Type*, and Table [120.02.02-2](#), *Permitted Uses by Nonresidential and Mixed-Use Zoning District and Development Type*, involving outdoor storage of salvage as a primary use or an accessory use.
2. **NCGS**. The use shall comply with NCGS [§ 136- 144](#).
3. **Stacking of Materials**. Materials shall not be vertically stacked so as to be visible from the public right-of-way or any buffer yard as required in Section [121.04.03](#), *Buffer Yard Landscaping*.
4. **Setbacks**. No yard or storage lot shall be placed or maintained within a required yard setback.
5. **Tires**. All tires not mounted on a vehicle shall be neatly stacked or placed in racks. If stacked, the stacks shall not be stacked over six feet in height.
6. **Waste**. No garbage or other putrescent waste, likely to attract vermin, shall be kept on the premises.
7. **Hazardous Materials**. Gasoline, oil, or other hazardous materials removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state and local regulations.
8. **Other Regulations**. All other regulations of the state of North Carolina and the Town of Harrisburg such as, but not limited to, building codes, fire codes, weed regulations, and health regulations shall apply to the operation of all such uses.

120.04.06 Conditional Zoning

- A. **Applicability**. All zoning requirements that apply to the general use district are also applicable to the corresponding conditional use district unless adopted conditions are more restrictive.

- B. With the applicant’s written consent, the Town Council may agree to conditional zoning conditions that address additional fees, design requirements, and other development considerations.

120.04.07 Special Use Standards

- A. **Generally.** Special Use Permit approval is a quasi-judicial procedure whereby the Board of Adjustment (BOA) verifies that a special use, as denoted in the use tables in § 120.02, *Zoning Districts and Standards*, complies with the requirements of this UDO and is appropriate for the location in question.
- B. **Purpose.** The purpose of a Special User Permit review is to ensure that a use that is generally deemed incompatible with permitted uses in a given zoning district can be considered for approval with certain conditions placed on the use as denoted in in this Section.
- C. **Applicability.** An application is required for the establishment of a new special use, a change to a special use, or the expansion of a special use that has not been approved.
- D. **General Criteria.** In determining whether to approve, approve with conditions, or deny a special use, the (BOA) shall consider any applicable standards from § 120.04, *Land Use Standards*, and the provisions of this Section in making its final decision. The BOA shall consider the following general criteria for each use below in addition to specific standards listed per use:
 - 1. *HALUP.* The proposed special use will be in harmony with the area in which it is to be located and in general conformance with the *HALUP*;
 - 2. *Ingress and Egress.* Adequate measures will be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads;
 - 3. *Nuisances.* The proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;
 - 4. *Orderly Development.* The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district;
 - 5. *Health, Safety, and Welfare.* The establishment, maintenance, and operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare; and
 - 6. *Other Provisions.* The proposed use complies with all other applicable provisions of this UDO.

120.04.08 Accessory Use and Structure Standards

120.04.08.A General Provisions

- 1. **Generally.** Permitted accessory uses and structures are set forth in Table 120.04.08.A-1, *Permitted Accessory Uses and Structures*, below. If a Primary use is listed as prohibited in a zoning district but is permitted as an Accessory Use, the use is permitted only as an accessory use to a principal use or principal building on the same property.
- 2. **Permitted Accessory Uses.** The uses listed in Table 120.04.08.A-1, below, shall be permitted by right (unless noted otherwise) in any of the listed zoning districts.

Table 120.04.08.A-1 Permitted Accessory Uses and Structures	
Accessory Use	Zoning Districts
Accessory Dwelling Unit	Permitted by Right Subject to Limitations in Subsection 120.04.08.B, <i>Standards</i> , according to Table 120.02.01-2, <i>Permitted Uses by Residential ;Zoning District and Development Type</i>
Agricultural Structure	Permitted by Right Subject to Limitations in Subsection 120.04.08.B in AG, RE, RL
Family Care Home or Family Child Care Home	Permitted by Right in All Residential Zoning Districts Special Use in CC, O-I, and NC

Table 120.04.08.A-1 Permitted Accessory Uses and Structures	
Accessory Use	Zoning Districts
Garage or Carport (noncommercial)	Permitted by Right in All Zoning Districts
Greenhouse (noncommercial)	Permitted by Right in All Residential Zoning Districts
Home Occupation	Permitted by Right Subject to Limitations in Subsection 120.04.08.B in All Residential Zoning Districts
Off-Street Parking and Driveway	All Zoning Districts
Portable On-Site Storage	Permitted by Right Subject to Limitations in Subsection 120.04.08.B in All Zoning Districts
Recycling Facilities and Drop Off Sites	Permitted by Right Subject to Limitations in Subsection 120.04.08.B in All Zoning Districts
Satellite Dish	Permitted by Right in All Zoning Districts
Bed & Breakfast Inn or Short-Term Rental (Host-Occupied)	Permitted by Right Subject to Limitations in Subsection 120.04.08.B in All Residential Zoning Districts
Sign	Permitted by Right subject to § 121.05 in All Zoning Districts
Storage Building (residential)	Permitted by Right in All Zoning Districts
Swimming Pool (subject to the standards of subsection H, below)	Permitted by Right Subject to Limitations in Subsection 120.04.08.B in All Residential Zoning Districts
Tennis Court	Permitted by Right in All Zoning Districts
Wireless Telecommunications Antenna or Tower (subject to §120.04.04, Limited Use Standards)	Special Use subject to Section 120.04.06 in All Zoning Districts
Other Telecommunication Antenna or Tower	Permitted by Right in All Zoning Districts
Any other structure or use customarily incidental to the permitted primary use or structure	Permitted by Right in All Zoning Districts

3. **Establishment.** Accessory uses and structures shall not be constructed or established on a lot until construction of the principal building has commenced or the primary use is established. 5. Accessory buildings shall not be used for dwelling purposes, except as provided in Section 120.04.08.B, *Standards*.
4. **Location.**
 - a. *Required Setbacks.* Except as may be required for a specific accessory use or structure in Subsection 120.04.08.B, *Standards*, an accessory structure shall be located a minimum of five feet from a side or rear property line.
 - b. *Distance from Principal Structure.* No accessory structure shall be located less than 36 inches from the exterior wall of the principal structure. Structures that are located closer than 36 inches shall be considered as additions to the principal structure and shall conform to all applicable setbacks for the principal structure.
 - c. *Residential Lots Below Two Acres.* For residential lots not exceeding two acres, detached accessory buildings shall not be located in the front yard and shall not occupy more than 30 percent of the required rear yard.
 - d. *Residential Lots Two Acres or More.* For residential lots that are two acres or more, detached accessory buildings may be located in the front yard but not closer than 75 feet from the front property line/street right-of-way. Detached accessory buildings may be closer than the distance specified above if they are not visible from a public street.

- e. *Non-residential Accessory Structures.* The location of permitted accessory structures associated with a non-residential use shall be governed by the same dimensional regulations as set forth for the principal use structure(s).
 - f. *Double Frontage Lots.* Accessory buildings on double frontage lots shall not be closer to either street than the required front yard setback.
5. **Height.** Accessory buildings shall not exceed:
- a. The standard height regulations of the zoning district as set forth in Chapter 120.02, *Zoning Districts and Standards*, where accessory structure is located within the buildable lot area;
 - b. Fifteen feet in height, where the accessory structure is located within a principal structure setback yard.
6. **Size.** An accessory building shall not exceed the ground floor area of the principal building.
7. **Materials.** No accessory use of a structure shall be permitted that involves or requires any construction features or materials, which are not primarily residential in nature or character.
8. **Lighting.** Exterior lighting for accessory uses and/or structures shall be placed so as to not directly or reflect light upon adjoining land.
9. **Exemptions.** The following uses/structures shall be exempt from the provisions of this Section:
- a. Fencing and walls; However, in no case shall a rear or side yard fence exceed seven feet. Front yard fences shall not exceed five feet in height. Recreational facility fences are exempt from the height restrictions listed in this section
 - b. Mailboxes;
 - c. Plant materials;
 - d. Any structure or improvement, once installed, is at grade or less than one foot above grade.

120.04.08.B Standards

1. **Approval of Accessory Uses and Structures.** The standards in this Section apply to accessory uses and structures that are listed as permitted subject to limitations or that require a Special Use Permit in Subsection 120.04.08.A, *General Provisions*.
2. **Accessory Dwelling Units (ADUs).**
 - a. *Zoning Districts.* ADUs are allowed in accordance with the use tables in § 120.02, *Zoning Districts and Standards*.
 - b. *Housing Standards.* ADUs shall comply with all applicable local, State, and Federal housing codes.
 - c. *Number.* Only one ADU shall be permitted per lot.
 - d. *Size of Unit.* The ADU shall not exceed 50 percent of the square footage of the livable area of the primary structure or 1,100 square foot of gross floor area, whichever is less.
 - e. *Location of the Accessory Dwelling on the Lot.* An ADU shall be sited to the rear of the principal building. In the AG or RE zoning districts, the Accessory Dwelling unit may be sited to the side of the principal building only if the lot exceeds 10 acres in size.
 - f. *Manufactured Homes.* A manufactured home shall not be pulled up to or attached to a primary residence and considered an ADU. A manufactured home, as a principal or accessory dwelling unit, shall be permitted only in the MH Manufactured Home Overlay District.
 - g. *Parking.* Adequate off-street parking shall be provided for any vehicles owned by occupants of the ADU.
 - h. *Utilities.* Where there is no public sanitary sewer service to the ADU, County Health Department shall approve sanitary sewer services provided to such Accessory Dwelling unit prior to its construction.
 - i. *Owner-Occupied Restriction.* ADUs shall only be allowed on parcels that contain owner-occupied single-family dwelling units that are allowed as a principal permitted use.
3. **Agricultural Structure.** All buildings or structures (excluding fences) used to house livestock shall be located so that they are no closer than 150 feet from a dwelling unit. This requirement

shall not apply if a dwelling unit is constructed so as to encroach upon an existing livestock use, except that such a livestock use may no longer expand towards a newly established residential use. stop

4. **Home Occupation.**

- a. *Accessory to Dwelling.* A home occupation is permitted as an accessory use to any dwelling unit in accordance with the following standards.
- b. *Accessory Structures.* A home occupation business is allowed in a permitted accessory structure.
- c. *Floor Area.* A home occupation shall occupy no more than 25% of the total floor area of the residential structure.
- d. *Residential Character.* The business shall not change the essential residential character of the dwelling and/or lot.
- e. *Employment.* The use shall employ no more than one person who is not a resident of the dwelling. The owner may apply for a Special Use Permit in accordance with Section [125.04.03, Special Use Permit](#), in order to have one additional employee who is not a resident of the dwelling.
- f. *Hours of Operation.* The business shall not operate outside of the hours of 7:00 AM to 7:00 PM. This time limitation shall apply to the actual operation of the business on site, and shall not apply to preparation time for business, including leaving or returning to the home.
- g. *Equipment.* The home occupation shall not utilize mechanical, electrical, or other equipment which produces excessive noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside of the dwelling or accessory structure.
- h. *Outdoor Storage.* Outdoor storage of equipment, except for equipment of a type that could be reasonably associated with the principal use, is prohibited.
- i. *Commercial Vehicles.* Only one commercial vehicle will be allowed in connection with the conduct of the home occupation.
- j. *Signs.* One wall sign that is a maximum of one square foot in area is permitted.
- k. *Prohibited Uses.* The following uses are prohibited from home occupation:
 1. Uses in the following use categories: Heavy Industrial, Indoor Entertainment, Light Industrial, Outdoor Entertainment, and Vehicle Sales and Service;
 2. Furniture refurbishing;
 3. Gymnastics facilities;
 4. Medical offices;
 5. Animal services;
 6. Athletic studios or outdoor recreation;
 7. Sales-Oriented Uses where the customer needs to come to the home occupation to make a purchase;
 8. Mortuaries;
 9. Body piercing and/or tattoos;
 10. Therapy with more than one client at a time;
- l. Any use that draws more than one client or customer to the dwelling at the same time on a regular basis; and
- m. The Administrator has the authority to allow or disallow a use based on the impact the use will have on the surrounding residential area.

4. **Portable On-Site Storage.**

- a. *Generally.* The following requirements apply to any residential zoned or used property upon which a portable on-site storage unit is to be placed.
- b. *Number.* There shall be a maximum of two portable on-site storage units per parcel at any one time.
- c. *Location.*

1. A unit shall be placed in the side or rear yard only. However, the unit may be placed in the front yard if side and rear areas are not accessible, as determined by the Administrator (unless the unit adversely impacts safety, sight triangles, or emergency response access). The unit shall not be placed in any recorded easement or in the street right-of-way.
 2. A unit shall be placed a minimum of five feet from side and rear property lines. There is no minimum spacing between units.
 - d. *Tenure*. A unit may remain on the parcel for a maximum of 90 days per calendar year without obtaining a Temporary Use Permit. A written reason, timeline, and completion date must be submitted by the applicant prior the issuance of the permit.
 - e. *Exemptions*.
 1. Any commercial or residential construction site with active Zoning and Building Permits may have as many storage units as are needed on the site without restrictions or permits.
 2. The Temporary Use Permit fee may be waived in the case of damage as a result of fire, storm, flood, or other disaster events.
 3. The above restrictions do not apply to any parcel greater than five acres in size.
5. **Recycling Facilities and Drop Off Sites.**
- a. *Unattended Clothing Donation Containers*. Unattended clothing donation containers are prohibited unless located at the operational site of a company or organization that collects used clothing for resale or donation as a primary business function.
 - b. *Removal of Prohibited Clothing Donation Containers*. Prohibited clothing donation containers that exist at the time this section is adopted shall be removed within 30 days of adoption.
6. **Short-Term Rental (Host-Occupied).**
- a. *Host Occupation*. A short-term rental property shall be considered host-occupied if the property is the host's primary residence for a minimum of 183 days per calendar year.
 - b. *Housing Type*. A short-term rental shall only take place in a single-family detached dwelling.
 - c. *Tenure*. A short-term rental tenant shall not stay more than 29 consecutive days in duration.
 - d. *Number of Tenant Rooms*. A short-term rental shall have no more than two tenant rooms.
 - e. *Number of Occupants*. Each short-term rental tenant room shall be limited to a maximum of two adults, over 18 years old.
 - f. *Signs*. One wall sign that is a maximum of one square foot in area is permitted.
 - g. *Insurance*. Each short-term rental host shall obtain and maintain, at the host's sole expense, liability insurance to cover the injury or death of a tenant while the tenant is in, on, or about the short-term rental property.
 - h. *Parking*. Each short-term rental shall provide one off-street parking space for each tenant room.
7. **Swimming Pools**. A private swimming pool along with incidental installations, such as pumps and filters, is permitted in any residential zoning district subject to the following standards.
- a. *Location*.
 1. The swimming pool and incidental installations shall be located in other than the front yard.
 2. The swimming pool shall be set back from all lot lines a distance of not less than five feet

- b. **Screening.** If any pool contains at least 450 square feet of water surface area or has a depth of 36 inches or greater at its shallowest point, the pool shall be enclosed from adjoining lots by the Principal Building, an Accessory Building, a solid wall, or a protective fence of not less than four feet in height. In the alternative, a pool cover shall be provided and shall be installed whenever the pool is not in use.

120.04.09 Temporary Use and Structure Standards

120.04.08.A General Provisions

- Generally.** Permitted temporary uses and structures are set forth in Table 120.04.08.A, *Permitted Temporary Uses and Structures*. Standards for temporary uses and structures are set forth below and in Section 120.04.08.B, *Standards*.
- Purpose.** The Temporary Use Permit is a mechanism to allow a use on a short-term basis and certain seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit by the Administrator is required pursuant to Section 125.02.11, *Temporary Use Permit*.
- Permitted Temporary Uses.** The uses listed in Table 120.04.08.A below, shall be permitted by right (unless noted otherwise) in any of the listed zoning districts.

Table 120.04.08.A Permitted Temporary Uses and Structures												
TP = Temporary Permitted Use TS = Temporary Special Use -- = Prohibited Use Maximum Events per Year / Days per Event (Duration Column)												
Temporary Use	Duration	Zoning Districts										
		Homestead and Residential					Non-Residential and Mixed-Use					
		AG	RE	RL	RM	RH	MU	CC	O-I	NC	GC	CD, EC
Amusement Enterprises	1 / 21	--	--	--	--	--	--	--	TP	--	TP	TP
Commercial Outdoor Sales Event	4 / 7	--	--	--	--	--	TP	TP	--	--	TP	--
Contractors' Office (Temporary)	See 120.04.08.B	TS	TS	TS	TS	TS	TS	TS	TP	TS	TP	TP
Fireworks Stand	1 / 45	TP	--	--	--	--	--	--	TP	TP	TP	TP
Food Truck	365 / 1	--	--	--	--	--	TP	TP	TP	TP	TP	TP
Outdoor Circus, Carnival, Exhibition, or Show	1 / 30	--	--	--	--	--	--	--	--	--	TS	TS
Real Estate Office in a Construction Trailer or Temporary Modular Unit	See 120.04.08.B	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP
Real Estate Office in a Model Home	See 120.04.08.B	TP	TP	TP	TP	TP	TP	TP	--	--	--	--
Religious Event	1 / 60	TP	--	--	--	--	--	TP	TP	TP	TP	TP
Seasonal Sale of Agricultural Products	4 / 30	TP	--	--	--	--	--	--	--	--	TP	TP
Sidewalk Vendor	3 / 45	--	--	--	--	--	--	--	--	--	TP	--
Single Family Dwelling in Temporary Structure	See 120.04.08.B	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP
Temporary Residence in Mobile Home During Construction of New Home	See 120.04.08.B	TP	TP	TP	TP	TP	--	--	--	--	--	--

4. **Review Criteria.** All temporary uses listed in this Section require a Temporary Use Permit. The Administrator shall not approve or modify and approve an application for a Temporary Use Permit unless the following general criteria, specific regulations and time limitations are met in addition to standards for any particular temporary use as specified in Section 120.04.08.B, *Standards*.
 - a. *Compatibility with/Effect on Surrounding Area.* The allowance of such use shall not be detrimental to the public health, safety, and general welfare, and the use shall be consistent with the purpose and intent of this UDO and the specific zoning district in which it will be located; and the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and the use, value and qualities of the neighborhood surrounding the temporary use will not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.
 - b. *Location (Permission Required).* The use shall not be on publicly or privately owned property unless the applicant first obtains written approval from the owner.
 - c. *Traffic.* The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding any type of traffic generated or impacted by the temporary use or structure and impact upon *traffic circulation in the area*.
 - d. *Parking and Access.* Adequate off-street parking shall be provided to serve the use. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
 - e. *Property Line Setbacks.* Structures and/or display of merchandise shall comply with the yard and property line setback requirements of the zone district within which it is located. The items shall be displayed so as not to interfere with the sight triangle of the intersection of the curb line of any two streets or a driveway and a street. In no case shall items be displayed, or business conducted within the public right-of-way, except that this Section shall not apply to the CC or MU district.
 - f. *Signs.* Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. See Section 121.05.05, *Temporary Signs* for specific standards for signs.
 - g. *Number per Parcel.* Only one Temporary Use Permit shall be permitted for a single parcel of land at any given time.
 - h. *Utilities.* Temporary uses must provide sufficient potable water and adequate sewage disposal.
 - i. *Outdoor Lighting.* All light sources must be directed inward to the site and downward and away from adjacent properties. Refer to § 121.06, *Outdoor Lighting*.
 - j. *Public Convenience and Litter Control.*
 - a. Adequate public restroom facilities and waste containers shall be required on-site.
 - b. After the temporary use is finished, the site shall be returned to its condition prior to the temporary use being established, including, but not limited to, removal of all litter and any other facilities related to the use, at no expense to the Town.
5. **Period of Time Between Permits.** The period of time an expired Temporary Use Permit on a parcel and application for another Temporary Use Permit on that parcel shall be at least three months. This restriction shall not apply to real estate development and constructed related temporary uses as set forth in Subsection 120.04.08.B3.
6. **Similar and Compatible Uses not Specified.**
 - a. *Authority.* If a particular temporary use is not listed in this UDO, the Administrator shall have the authority to grant a temporary use permit for a “similar and compatible use”.
 - b. *Similar and Compatible Uses.* Similar and compatible uses not specified are those uses which are similar and compatible with those allowed as temporary uses in this Section.
 - c. *Use Determination.* Determination of what constitutes similar and compatible shall be made by the Administrator. In such instances, the applicant shall provide the following information:
 - i. Type of use;

- ii. Number of employees;
 - iii. Parking/circulation needs/hours of operation; and
 - iv. Duration of operation.
- d. *Appeals.* If the Administrator determines that the use is not similar and compatible, the applicant may appeal the decision to the Planning and Zoning Board of Adjustment in accordance with Section 125.04.04, Appeal of Administrative Decisions. .

120.04.08.B Standards

1. **Approval of Temporary Uses and Structures.** The standards in this Section apply to temporary uses and structures that are listed as permitted subject to limitations or that require a Special Use Permit in Subsection 120.04.08.A, *General Provisions*.
2. **Temporary Retail Sales Uses.**
 - a. *Fireworks Stands.* Limited to only non-residential zones for a period of time not to exceed 45 days. A maximum of one structure, not to exceed 120 square feet in area, shall be allowed. The structure must be portable and completely removed at the end of the permit period. Any sales of fireworks shall be regulated in accordance with NCGS 14-410 and 14-414 and NC Fire Code (2002 Edition) Section 3308.11.
 - b. *Seasonal Sale of Agricultural Products (including Christmas Trees).* Temporary Use Permits are required for all Roadside Stands in non-residential zoning districts. Such sales are limited to a period of time not to exceed four consecutive months per calendar year. A maximum of one building/display booth shall be allowed and may cover a maximum of 400 square feet. The structure must be portable and completely removed at the end of the period.
 - c. *Sidewalk Vendors.* The sale of food, beverages, or merchandise from a stand or from a person may be allowed in the GC zoning district, and shall be limited to a period not to exceed 90 continuous days per calendar year in a given location. Even if at any time the vendor does not occupy the permitted site, the 90-day limit shall not be extended.
3. **Real Estate Development and Construction-related Temporary Uses.**
 - a. *Contractors Office and Equipment/Storage Sheds.* Placement of such as a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one year as and if approved by the Administrator. A construction trailer may be used for a contractor's office or for the contractor's storage of equipment or materials. All temporary buildings and trailers shall be completely removed from the site within thirty days of issuance of a Certificate of Occupancy or completion of the construction project, whichever occurs first.
 - b. *Real Estate Office in a Construction Trailer or Temporary Modular Unit.* Temporary structures, such as construction trailers or temporary modular units may be used as real estate sales offices in any new residential construction project for the sale of units within that project only. Such a temporary use may be allowed in all zoning districts. In the event that multiple builders are involved in a new construction project, one construction trailer or temporary modular unit may be permitted (as a sales office) per builder. Each individual trailer or modular unit shall be located on an individual lot. In no case shall multiple permits be issued for the same Parcel Identification Number (PIN). The permit shall be valid until the project is completed or for a period of two years from the time of the recording of the most recent final plat. All temporary structures shall be removed within 30 days of the completion of the project.
 - c. *Real Estate Office in a Model Home.* . Temporary structures, such as a real estate office in a model home, are limited to a period of time not to exceed one year with the option of an extension of up to one year as and if approved by the Administrator. The number of employees utilizing the office at any one time may not exceed five. A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.
 - d. *Single Family Dwelling in Temporary Structure.* During the active construction period (after a building or grading permit has been issued) of a construction project involving a non-residential use or a residential development with building permit(s) for more than 50 units at any one time, one mobile home or trailer may be allowed on the same property to be used as a temporary residence by a night watchman for a period not to exceed 12 months or the active construction

- period, whichever is less. The temporary home shall be removed from the site within 14 days of issuance of the Certificate of Zoning Compliance for a non-residential structure or the first residential unit if within a residential development.
- e. *No Recreational Vehicles.* No Recreational Vehicles shall be permitted as a Temporary Use or Structure.
 - f. *Temporary Residence in Mobile Home During Construction of New Home.* In the event that a new single-family home is being constructed on a parcel where a mobile home currently exists, the mobile home may remain for the duration of the building process for the new home. Said mobile home shall be removed within 30 days of the date of the last final inspection, as required by North Carolina Building Codes and/or any other applicable codes. Said inspections include, but are not limited to: final building, electric, plumbing and/or mechanical inspections for occupancy of the structure.
 - g. *Amusement Enterprises.* Carnivals, circuses, fairs, and amusement rides may be allowed in any non-residential zoning district for a period not to exceed 21 days within any calendar quarter. This classification excludes events conducted in a permanent entertainment facility.
 - h. *Religious Events.* Religious events in a tent or other temporary structure may be allowed in any non-residential zoning district for a period not to exceed 60 days.
4. **Commercial Outdoor Sales Event.** Such activities may be conducted outside for a period of not more than seven consecutive days. If the private sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum width of four feet must remain unobstructed for pedestrian use. A Temporary Use Permit for promotional activities may be renewed four times during any calendar year, for a maximum of 28 days per calendar year.
5. **Special Events and Activities.** Special events and activities conducted on public property such as school sites and public parks shall be exempt from the provisions of this Section of the UDO but must comply with any guidelines, regulations and permitting process required by the authorizing agency (e.g. School District or a Parks and Recreation Department).

§ 120.05 Measurements and Allowances

120.05.01 Measurements

Table 120.05.01, *Measurements*, below, provides the method of measurement for the developmental standards in this UDO. Standards related to each type of measurement in this Section are established in the tables in §120.02, *Zoning Districts and Standards*.

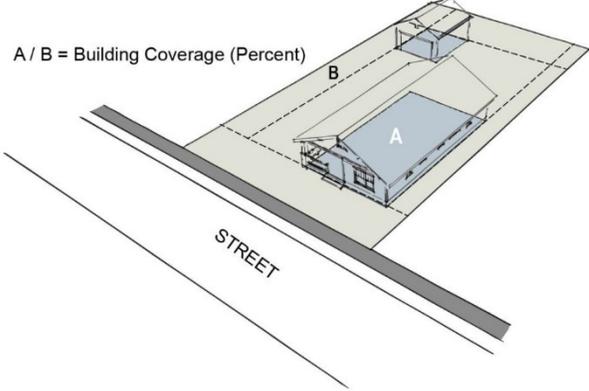
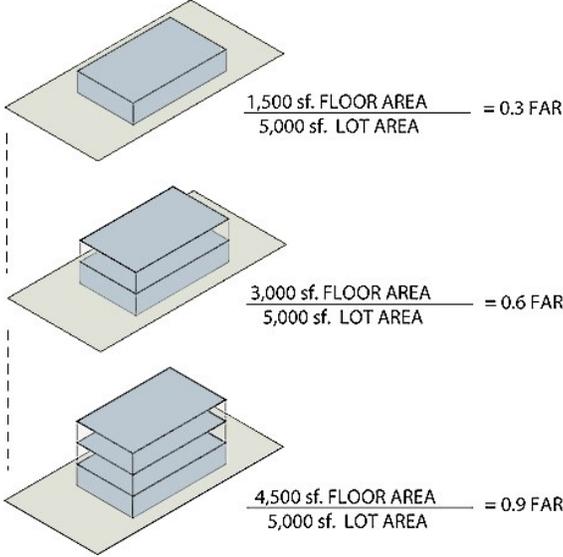
Table 120.05.01 Measurements		
Measurement	Methodology	Illustration
Lot Coverage	The area of a parcel occupied by permanently anchored primary and/or accessory buildings.	<p>A / B = Building Coverage (Percent)</p> 
Floor Area Ratio	The gross floor area of all buildings on a lot, divided by the lot area.	 <p> $\frac{1,500 \text{ sf. FLOOR AREA}}{5,000 \text{ sf. LOT AREA}} = 0.3 \text{ FAR}$ $\frac{3,000 \text{ sf. FLOOR AREA}}{5,000 \text{ sf. LOT AREA}} = 0.6 \text{ FAR}$ $\frac{4,500 \text{ sf. FLOOR AREA}}{5,000 \text{ sf. LOT AREA}} = 0.9 \text{ FAR}$ </p>
Gross Density	The number of dwelling units divided by gross acres, with gross acres being total site area.	Graphic Pending

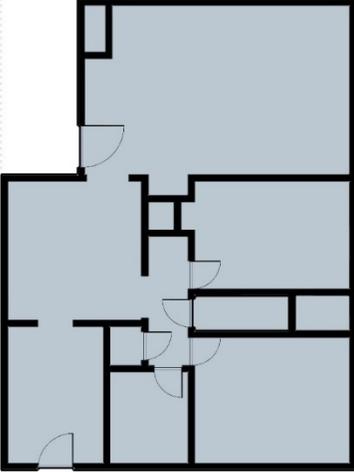
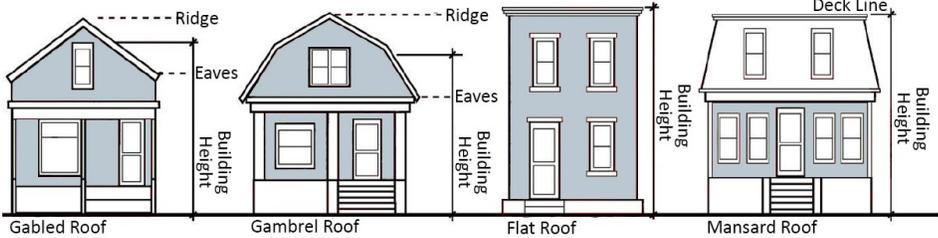
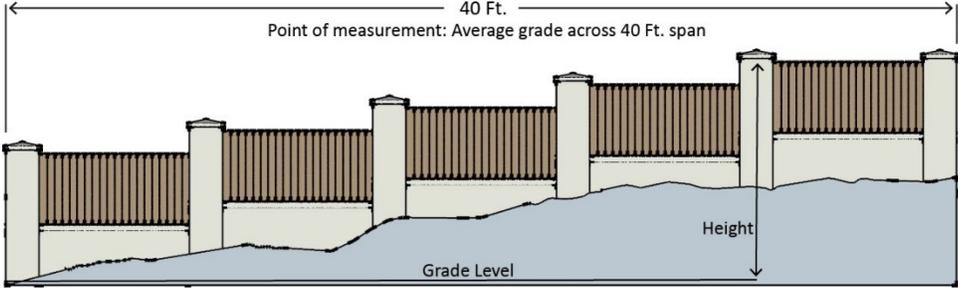
Table 120.05.01 Measurements		
Measurement	Methodology	Illustration
Gross Floor Area	The total area of all the floors of a building, including intermediately floored tiers, mezzanines, etc., as measured from the exterior surfaces of the outside walls of the building.	
Height	<p>Buildings: The vertical distance from the grade level of that portion of a parcel covered by the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the average height between eaves and the ridge of a gable, hip or gambrel roof.</p>	
	<p>Walls or Fences: The vertical distance from the grade level of that portion of a parcel immediately abutting a wall or fence to the highest point of the wall or fence.</p>	

Table 120.05.01 Measurements		
Measurement	Methodology	Illustration
Lot Area	The total horizontal area included within property lines.	<p>A diagram of a rectangular lot. The left vertical side is labeled "65 Ft." with a double-headed arrow. The bottom horizontal side is labeled "125 Ft." with a double-headed arrow. An arrow points from the text "Lot Area: 8,125 Ft." to the interior of the rectangle.</p>
Lot Width	<p>For an interior parcel, the horizontal distance between the side property lines, measured at the required front setback line.</p> <p>For a cul-de-sac parcel, the horizontal distance between the side property lines measured at the front setback line.</p>	<p>Two diagrams illustrating lot width measurement. The top diagram shows an interior parcel with a house and trees. A horizontal line is drawn across the front setback line, and an arrow points to it with the label "Lot Width (Across Front Setback Line)". The bottom diagram shows a cul-de-sac parcel with a house and trees. Two vertical lines are drawn parallel to the side property lines, and a horizontal line is drawn across the front setback line between them. Arrows point to these vertical lines with the label "Side Lot Line". An arrow points to the horizontal line with the label "Lot Width (Across Front Setback Line)".</p>

**Table 120.05.01
Measurements**

Measurement	Methodology	Illustration
Setback	<p>The horizontal distance of a required open space at grade between the outer wall of a building or structure and the adjoining property lines, unoccupied and unobstructed by any portion of a structure from the ground upward. The front and side setback lines span the entire width of the property. The interior side and exterior side setback lines extend from the required front setback line to the required rear setback line.</p>	

Table 120.05.01 Measurements		
Measurement	Methodology	Illustration
Sight Triangle	<p>The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines, or a right-of-way line and the curb or edge of a driveway. The horizontal dimensions of this triangle are measured 35 feet along the property line from the intersection involving an arterial street; 25 feet for an intersection involving a collector or local street or a street and driveway; and 15 feet along both the street and alley line from the intersection of a street and an alley. The vertical dimensions of this triangle are 2 feet (A) to 6 feet (B) above finished grade.</p>	<p>The illustration consists of two parts. The top part shows a street intersection with a diagonal line connecting two points on the intersecting street right-of-way lines, forming a triangle. The horizontal dimensions of this triangle are labeled 'A' and 'B'. A note below the diagram states 'A and B = 25\''. The bottom part shows a tree with a trunk and canopy. The vertical dimensions of the sight triangle are labeled 'A' and 'B', measured from the street level to the top of the canopy.</p>

**Table 120.05.01
Measurements**

Measurement	Methodology	Illustration
<p>Frontage Buildout</p>	<p>The minimum percentage of the lot width which must be occupied by building façade within the Build-To-Zone. For example, a property which is 100 feet wide with a Frontage Buildout of 60% would require that at least 60 feet of façade length be maintained in the Build-to-Zone. Any additional length of front façade would be allowed to step back further from the Build-to-Zone, if desired. The intent of this requirement is to encourage development to maximize their front façade exposure along the Street.</p>	<p>Key</p> <ul style="list-style-type: none"> --- Property Line --- Setback Line ■ Buildable Area

Table 120.05.01 Measurements		
Measurement	Methodology	Illustration
Block Perimeter	The sum of the lengths of the lot lines bordering the public right of way, not including the alley.	<p style="text-align: center;">Key Property Line Setback Line Buildable Area</p>

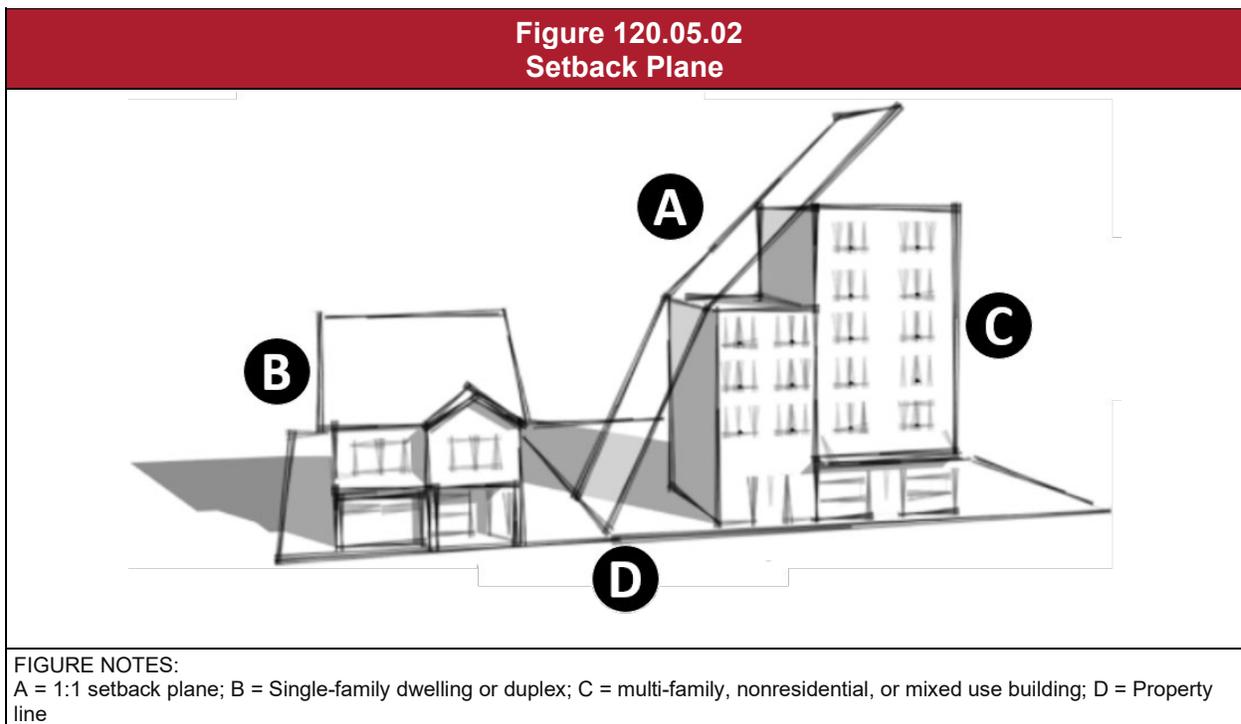
120.05.02 Specific Allowances

- A. **Lot Averaging.** Lot averaging is a design technique that replaces minimum lot dimensions with an average lot width and size. On an optional basis, the lot area and width dimensions in § 120.02, *Zoning Districts and Standards*, may be averages for each zoning district. Lot averaging may only be applied where both of the following conditions apply:
1. *Greater than 90 Percent.* No lot in a development shall have a lot area or lot width that is less than 90 percent of the lot area or lot width specified in § 120.02.
 2. *Equal to or Greater.* The average lot area and average lot width in the development shall be equal to or greater than the lot area and lot width specified in § 120.02.
- B. **Setbacks.** The following features may encroach into a required building setback:
1. *Outdoor Seating.* Outdoor seating associated with a Restaurant use category may project a maximum of five feet into a required front setback, provided the space is at grade and is separated from the right-of-way by landscaping or a vertical barrier;
 2. *Bay Windows.* Bay windows or other structural overhangs, not to exceed three feet;
 3. *Chimneys.* Chimneys, not to exceed two feet;
 4. *Heating and Cooling.* Heating and cooling units, not to exceed three feet;
 5. *Architectural Features.* Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed two feet;
 6. *Stairs.* Steps, stairs or fire escapes (non-enclosed), not to exceed six feet;
 7. *Decks and Porches.* Uncovered, unenclosed decks, terraces, stoops or porches, but in no case closer than five feet to any property line;
 8. *Fences and Walls.* Fences and Garden/Yard Walls; and
 9. *Accessory Structures.* Any permitted accessory structure or use customarily incidental to the permitted primary use or building as allowed in accordance with the use tables in § 120.02 and Section 120.04.08, *Accessory Uses and Structures*.
- B. **Reduced Front Yard Setback in Developed Areas.** The minimum front yard setback may be reduced for any lot where the average established front setback on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the front setback on such a lot may be less than the

required front setback but not less than the average of the existing front setbacks on the developed lots within 300 feet of each side.

C. Height .

1. *Exceptions to Height Restrictions.* Zoning district height limits shall not apply to belfries, cupolas, spires, domes, monuments, airway beacons, structures for essential services, windmills, flagpoles, chimneys, or chimney flues. Height limits shall not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area of the roof.
2. *Setback Plane.* Where a multi-family, nonresidential, or mixed use building adjoins a property with a single-family dwelling or duplex, the building may be increased beyond the maximum permitted height if the setback nearest the adjoining single-family dwelling or duplex is increased one foot for each one foot of height above the maximum permitted height as depicted in Figure 120.05.02, *Setback Plane*.



D. Building Coverage and Impervious Area.

1. *Building Coverage.* The square footage of structures that house permitted Agricultural and Animal Related Uses as defined in § 128.03, *Definitions*, does not count toward the maximum building coverage limitation.
2. *Impervious Area Bonus.* Properties that utilize a green roof or on-site water collection and micro-storage via barrels, rain gardens, vegetated gardens, or reuse for irrigation purposes may increase the allowable impervious area by up to 10 percent of the lot area.

CHAPTER 121: BUILDING AND SITE DESIGN

§ 121.01 Applicability and Purposes

121.01.01 Applicability

- A. **Generally.** The standards of this Chapter apply to new development, redevelopment, substantial improvement, and expansions of use, sites, and buildings, as shown on Table 121.01.01-1, *Building and Site Design Standards Applicability*.
- B. **Timing of Compliance.** The County will not issue a Certificate of Occupancy until all site improvements required in this Article are constructed in conformance with the approved permit or plan required in [Chapter 125, Development Review Procedures](#).

Table 121.01.01-1 Building and Site Design Standards Applicability					
Type of Development	Sections of this Article				
	§ 121.02, Building Design	§ 121.03, Parking, Loading, Stacking, and Access ¹	§ 121.04, Trees, Landscaping, and Buffering	§ 121.05, Signs	§ 121.06, Outdoor Lighting ¹
♦ = Section Applies					
New residential, nonresidential or mixed-use development or change in use from residential to nonresidential or mixed-use	♦	♦	♦	♦	♦
Increase in apartment units, manufactured home pads, GFA, or impervious surface by 50 percent or more ¹	♦	♦	♦	♦	♦
Increase in apartment units, manufactured home pads, GFA or impervious surface by 25 to 49 percent ²	♦	♦	♦		♦
Change in use requiring 10 or more additional parking, loading, or stacking spaces		♦	♦		♦
Increase in apartment units, manufactured home stands, GFA or impervious surface by less than 25 percent ²		♦	♦		♦
Change from a nonresidential or mixed-use to another nonresidential or mixed-use that increases peak hour trips by 25 percent or more or generates 100 vehicles trips or more (entering/existing combined) during either the adjacent road's peak hours(s) or the Development's peak hour(s), whichever is less ³		♦			♦
Construction of a new sign or structural modification of an existing sign				♦	
TABLE NOTES: ¹ Refer to Section 121.03.04, <i>Off-Street Loading</i> , and Section 121.03.05, <i>Stacking</i> , for specific applicability thresholds for off-street loading and stacking.					

**Table 121.01.01-1
Building and Site Design Standards Applicability**

²Cumulative over a 5-year time period.

³As determined by one of the following methods:

A. An estimation based on the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) methodology for typical land uses, or

B. Traffic counts made at similar traffic generators located in the Town, or

C. Actual traffic monitoring conducted during the peak hour of the adjacent roadway traffic for the property.

121.01.02 Purposes

- A. **Building Design.** The purpose of § 121.02, *Building Design*, is to address the quality and sustainable design of buildings and building sites in order to:
1. *Character.* Preserve and enhance a community character that conveys a positive, lasting impression on both residents and visitors;
 2. *Functionality.* Provide buildings that are functional, safe, and attractive;
 3. *Public Realm.* Establish the physical and functional relationships between buildings and the public realm; and
 4. *Form.* Prescribe the rules related to building massing, form, and design.
- B. **Parking, Loading, Stacking and Access.** The purpose of § 121.03, *Parking, Loading, Stacking, and Access*, is to:
1. *Adequate Space.* Ensure that adequate vehicle use areas are provided for new land uses and major alterations to existing uses;
 2. *Environmental Impacts.* Minimize the negative environmental and urban design impacts that can result from excessive parking, driveways, and drive aisles within parking lots;
 3. *Bicycle Parking.* Ensure that adequate off-street bicycle parking facilities are provided and promote parking that offers safe and attractive pedestrian routes;
 4. *Design.* Establish standards and regulations for safe and well-designed vehicle use areas that minimize conflicts between pedestrians and vehicles within parking lots and surrounding land uses; and
 5. *Reductions and Credits.* Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in context-sensitive locations.
- C. **Trees, Landscaping, and Buffering.** The purpose of § 121.04, *Trees, Landscaping, and Buffering*, is to provide standards that will protect the health, safety and general welfare of the public, enhance property values, improve the appearance of the community, and preserve natural resources, trees, and native plants. Planting yard regulations are established to minimize potential conflicts between abutting developments, enhance the appearance of buildings and parking lots, and create a unified and attractive streetscape. These requirements will be applied to all new development, redevelopment or building expansion projects including streetscaping of rights-of-ways. These minimum requirements will:
1. *Erosion and Infiltration.* Reduce soil erosion and increase infiltration in permeable land areas essential to storm water management and aquifer recharge;
 2. *Nuisances.* Mitigate air, dust, noise, heat and chemical pollution;
 3. *Heat Island.* Reduce the “heat island” effect of impervious surfaces, such as parking lots, by cooling and shading the surface area and breaking up large expanses of pavement;
 4. *Streetscape.* Establish a landscape theme including street trees and streetscape designs to be used throughout the Town to promote the overall character and identity of the community;
 5. *Entryways.* Address the design of entryways into the Town to express the community’s values;
 6. *Native Plants.* Reserve existing native vegetation as an integral part of the wildlife habitats, and incorporate native plants and ecosystems into landscape design;
 7. *Conservation.* Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping while encouraging water and energy conservation;
 8. *Healthy Plants.* Promote planting techniques that ensures long term health of plant materials;
 9. *Screening.* Screen unsightly equipment or materials from the view of persons on public streets or adjoining properties and buffering from uncomplimentary land uses;
 10. *Professional Design and Installation.* Maintain and increase property values by requiring site appropriate landscaping to be incorporated into development that is designed and installed by a qualified landscape professional; and
- D. **Signs.** The purpose of § 121.05, *Signs*, is to:

1. *Constitution.* Encourage the effective use of signs as a means of communication in the Town while preserving the rights of free speech under the First Amendment to the United States Constitution;
 2. *Economic Development.* Maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth;
 3. *Safety.* Improve pedestrian and traffic safety;
 4. *Adverse Effects.* Minimize the possible adverse effect of signs on nearby public and private property; and
 5. *Enforcement.* Enable the fair and consistent enforcement of these sign restrictions.
- E. **Outdoor Lighting.** The purpose of § 121.06, *Outdoor Lighting*, is to provide direction in controlling light spillage and glare so as not to adversely affect motorists, pedestrians, and land uses of adjacent properties. Lighting intensities should be controlled and assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists.

§ 121.02 Building Design (Module 2)

§ 121.03 Parking, Loading, Stacking, and Access

121.03.01 General Provisions

- A. **Applicable Regulations and General Maintenance.** A vehicle use area shall:
1. *Standards.* Comply with the design and construction standards in this Section;
 2. *Refuse and Debris.* Be maintained free of refuse or debris; and
 3. *Availability.* Be available for the off-street parking, loading, or stacking function required for the facility.
- B. **Exemption.**
1. *Generally.* The standards of this Section shall not apply to:
 - a. Detached single-family dwellings or duplex developments on individual lots of record (except that single-family units and duplexes shall maintain an area large enough to accommodate two off-street parking spaces); or
 - b. The CC, City Center district, TND, Traditional Neighborhood Development, and TOD, Transit-Oriented Development.
 2. *Stand-Alone Parking.* Parking areas that constitute the principal use of a site shall comply with all of the provisions of this Section except for the minimum or maximum number of spaces as required in Section 121.03.02, *Parking Ratios & Design*.
 3. *Paving for Assembly Uses.* Paving of parking areas and access ways for Public Assembly and Outdoor Entertainment uses may be waived if the applicant presents evidence to the Administrator that these spaces will not be used regularly on a daily basis or at least five times per week. Parking areas for which paving is waived shall maintain a turf surface. All parking areas for which paving is waived shall meet the minimum requirements of Volumes I-C and V of the North Carolina State Building Code for Accessibility and for Fire Prevention. All parking lots shall be constructed with proper drainage.
- C. **Multiple Uses.** In those instances where there are clearly identified accessory or multiple uses within a structure or multiple structures, the minimum parking, loading, and stacking standards shall apply to each use or structure, resulting in a total parking, loading, or stacking requirement when summed, except as exempted in this Section.
- D. **Lighting and Noise.** The following standards shall apply to all vehicle use areas.
1. *Lighting.* Lighting shall comply with § 121.06, *Outdoor Lighting*.
 2. *Noise.* An area used for primary circulation, frequent idling of vehicle engines, or loading activity shall be designed and located to minimize the effects of noise, pollution, and vehicle lights on an adjoining property.
- E. **Associated Building, Use, or Structure.**
1. *Vehicle Use Area Required.* Vehicle use areas shall be maintained and continued as long as the associated building, use, or structure is continued. No person shall utilize such building, use, or structure without providing the vehicle use areas required in this Section. In addition, it shall be unlawful to discontinue, reduce, or remove the required vehicle use areas apart from the discontinuance of the building, use, or structure, without establishing alternative facilities that meet these requirements.
 2. *On-Site and Off-Site Parking.* Except for allowances for off-site parking as established in Section 121.03.02, *Parking Ratios & Design*, a required vehicle use area shall be located on the same site as the use for which the vehicle use area is required.
- F. **Buffer Yard.** A vehicle use area shall require a buffer from adjacent properties, based on the land use or zoning district, in accordance with Section 121.04.03, *Buffer Yard Landscaping*.
- G. **Maneuvering Space.**

1. **Prohibited.** No vehicle use area shall be designed so that a vehicle is required to maneuver into a public right-of-way or overhang or encroach into an adjacent property under separate ownership or pedestrian crossing area in order to park, load, unload, or stack, except:
 - a. In the case of single-family and duplexes where backing onto the public right-of-way is permitted; or
 - b. Where a cross access easement as described in Section 122.02.08, *Easements*, is in place.
 2. **Barrier.** In order to prevent overhang or encroachment described in Paragraph 1, *Prohibited*, above, a vehicle use area shall include a permanent six-inch curb, wall or other physical barrier. Such physical barrier shall be located a minimum of two feet from the right-of-way or property line.
- H. **Dedication of Spaces.** Vehicle use area spaces shall not interfere with one another nor shall they be used interchangeably to meet one another's requirements.
- I. **Insufficient Vehicle Use Area.** The Administrator may require a landowner to provide additional vehicle use area spaces even if the number of spaces provided meets the minimum requirement for the established use, if customers, employees, or delivery vehicles are consistently required to park or unload on the street where on-street loading is prohibited or on other properties due to a lack of available vehicle use area.
- J. **Surfacing and Drainage.** All vehicle use areas shall be graded, surfaced, and maintained so that water does not accumulate, flow, or drain onto abutting public or private property. The surfacing of vehicle use areas shall consist of asphalt, concrete, pervious paving, or other such paving material approved by the Director of Public Works.
- K. **Overflow Parking.** Overflow parking areas, event parking areas, and/or low-traffic storage yards shall use turf. Overflow parking shall be defined as off-street parking in excess of the minimum required by Section 121.03.02, *Parking Ratios & Design*, which is designed not to be used more than 10 times per year. A low-traffic storage yard means a storage area generating less than 30 ADT (average daily trips).
- L. **Sight Triangles.** Sight Triangles for intersections of driveways and public streets shall be regulated in accordance with Section 120.05.01, *Measurements*.
- M. **Striping.** Off-street parking areas, as required by this Ordinance, shall be striped in accordance with the dimensions as set forth in Section 121.03.02, *Parking Ratios & Design*.

121.03.02 Parking Ratios & Design (8.3, 8.4.2.3)

- A. **Generally.** Off-street parking spaces shall be provided for the uses listed in Table 121.03.02-1, *Minimum and Maximum Vehicle Parking Spaces*. Lots containing these uses or building types shall provide the minimum number of off-street parking spaces, and parking spaces may not exceed the maximum number of spaces. Spaces required for compliance with the Americans with Disabilities Act (ADA) shall be counted toward fulfilling the total number of spaces required by this Section, after applicable reductions pursuant to Subsection D, *Modification to Required Number of Spaces*.
- B. **Residential Parking.** Parking spaces for Household Living use types or specified building types that are located in private garages, carports, or individual driveways do not have to be marked. An area on a private residential lot is considered a parking space if:
1. **Dimensions.** The area is at least 9 feet wide and 20 feet deep in dimension and is not part of an access drive to a private garage or carport;
 2. **Encroachment.** The area does not encroach upon a public sidewalk;
 3. **Surface.** The area has an improved hard surface; and
 4. **Access.** The area is accessible from the street or alley.
- C. **Mixed-Use District.** The minimum and maximum parking requirements in the TND development type of the Mixed-Use district shall be reduced by 50 percent. The minimum and maximum parking requirements in the TOD development type of the Mixed-Use district shall be reduced by 75 percent.

Table 121.03.02-1 Minimum and Maximum Vehicle Parking Spaces			
Use Category	Specific Use	Minimum Spaces	Maximum Spaces
Agricultural and Residential			
Agricultural and Animal-Related	Animal Boarding or Shelter	1 per 500 sf GFA	N/A
	Farmer's Market or Fruit / Vegetable Stand	1 per 600 sf of market area	N/A
	Pet Care Service (with or without outdoor kennels)	1 per 500 sf GFA	N/A
	Veterinarian Office or Hospital, Large Animal	1 per 1,000 sf GFA	N/A
	Veterinarian Office or Hospital, Small Animal	1 per 500 sf GFA	N/A
	All Other Agricultural and Animal-Related Uses	N/A	N/A
	Household Living	Accessory Dwelling Unit	1 per unit
	Duplex	2 per unit	2 per unit
	Multi-family Dwelling	1.5 per unit	2.5 per unit
	Single-Family Attached Dwelling	1 per unit	N/A
	Single-Family Detached Dwelling	2 per unit	N/A
	Single-family Manufactured Home Park	2 per pad	2 per pad
	Single-family Manufactured Home Subdivision	2 per unit	N/A
	Single-Family Modular Home	2 per unit	N/A
Group Living	Family Care Home	2 per unit	N/A
	All Other Group Living Uses	0.3 per room	1 per room
Institutional and Civic			
Community Amenities	All Community Amenities	1 per 1,000 sf GFA	1.5 per 1,000 sf GFA
Day Care	All Day Care Uses	1 per 400 sf GFA	1.5 per 400 sf GFA
Educational Facilities	School, Technical or Trade	1 per 250 sf GFA	1 per 200 sf GFA
	University or College	1 per 5 students	1 per 3 students
	All Other Educational Facilities	1 per classroom	2 per classroom
Government Facilities	Correctional Institution	1 per 1,000 sf GFA	N/A
	All Other Government Facilities	1 per 300 sf GFA	1 per 125 sf GFA
Medical Facilities	Medical and Dental Office	1 per 300 sf GFA	1 per 150 sf GFA
	All Other Medical Facilities	1 per 400 sf GFA	1 per 100 sf GFA
Parks and Open Areas	Campground, Private	1 per 6 camp sites, plus 4 per laundry & shower facility	N/A
	Cemeteries, Crematories, & Mausoleums	N/A	N/A
	Country Club	1 per 3 seats, plus 1 per 300 sf of retail area	1 per 1.5 seats, plus 1 per 300 sf GFA

Table 121.03.02-1 Minimum and Maximum Vehicle Parking Spaces			
Use Category	Specific Use	Minimum Spaces	Maximum Spaces
	Zoo	1 per employee, plus spaces required to satisfy projected peak parking demands	N/A
	All Other Parks and Open Areas	1 per 4 seats	1 per 2 seats
Passenger Terminals	Park-and-Ride Facility	N/A	N/A
	All Other Passenger Terminals	1 per employee, plus spaces required to satisfy projected peak parking demands	N/A
Public Assembly	Club, Private	1 per 3 seats	1 per 50 sf GFA
	Convention Center / Visitors Bureau	1 per employee, plus spaces required to satisfy projected peak parking demands	N/A
	All Public Assembly Uses	1 per 8 seats	1 per 1.5 seats
Social Service	All Social Service Uses	1 per employee, plus spaces required to satisfy projected peak parking demands	N/A
Utilities	Wireless Telecommunications Tower	N/A	N/A
	All Other Major Utilities	1 per employee at peak shift, plus 1 per company vehicle at peak shift	N/A
	All Minor Utilities	N/A	N/A
Commercial			
Entertainment, Indoor	Amusement Arcade	1 per game table, video game or other amusement device	N/A
	Bowling Center	2 per lane	4 per lane
	Electronic Gaming Establishment	1 per game table, video game or other amusement device	N/A
	Reception Facility	1 per employee, plus spaces required to satisfy projected peak parking demands	N/A
	Tattoo Parlor, Body Piercing	1 per tattoo or piercing station	1.5 per tattoo or piercing station
	All Other Indoor Entertainment	1 per 6 seats	1 per 50 sf GFA
Entertainment, Outdoor	Golf Course or Miniature Golf	1 per hole	2 per hole
	All Outdoor Entertainment	1 per 600 sf of outdoor recreation area	1 per 500 sf of outdoor recreation area
Offices	Bank or Credit Union (with drive-through)	1 per 250 sf GFA	1 per 200 sf GFA
	Bank or Credit Union (without drive-through)	1 per 275 sf GFA	1 per 225 sf GFA
	All Other Office Uses	1 per 1,000 sf GFA	1 per 200 sf GFA
Overnight Accommodations	Bed & Breakfast Inn or Short-Term Rental	1 per guest bedroom, plus 1 for owner/operator	1 per guest bedroom, plus 2 for owner/operator
	All Other Overnight Accommodations	1 per room plus 1 per 800 sf of public meeting area and restaurant space	1 per room plus 1 per 400 sf of public meeting area and restaurant space
Parking, Commercial	All Other Commercial Parking Uses	N/A	N/A
Retail Repair, Sales, and Service Uses	Funeral Home	1 per 4 seats	1 per 2 seats
	Lawn and Garden Supply (with or without outdoor display or storage)	1.5 per 375 sf GFA of sales or service building area	1 per 375 sf GFA of sales or service building area
	Shopping Center (25,000-400,000 sf GFA)	1 per 300 sf GFA	1 per 200 sf GFA

Table 121.03.02-1 Minimum and Maximum Vehicle Parking Spaces			
Use Category	Specific Use	Minimum Spaces	Maximum Spaces
	Shopping Center (400,001-600,000 sf GFA)	1 per 500 sf GFA	1 per 200 sf GFA
	Shopping Center (over 600,000 sf GFA)	1 per 600 sf GFA	1 per 200 sf GFA
	All Other Retail Sales and Service	1 per 500 sf GFA	1 per 200 sf GFA
Restaurant	Restaurant, Limited-Service (delivery, carryout, drive-thru)	1 per every 3 seating accommodation	1 per 50 sf GFA
	All Other Restaurants Uses	1 per every 3 seating accommodation plus sufficient stacking area to accommodate any drive-through lane(s)	1 per 50 sf GFA, plus sufficient stacking area to accommodate any drive-through lane(s)
Sexually-Oriented Business	All Sexually-Oriented Businesses	1 per employee, plus spaces required to satisfy projected peak parking demands	N/A
Vehicle Sales and Service Uses	Automobile Repair, Major or Minor	1 per 500 sf GFA including all service areas, plus 1 per employee	1 per 375 sf GFA including all service areas, plus 1 per employee
	Fuel Sales	6 per 1,000 sf GFA,	10 per 1,000 sf GFA
	Manufactured / Modular Home and Storage Building Sales	1 per 275 sf GFA of office area, plus 1 per every 2 employees	N/A
	Truck Stop, Travel Plaza, Car Wash	1 per 500 sf GFA including wash bays/tunnels and retail areas	1 per 375 sf GFA including wash bays/tunnels and retail areas
	Vehicle Sales and Rental	1.5 per 375 sf GFA of sales area, plus 1 per employee, plus 1 per vehicle stored on site	1 per 375 sf GFA of sales area, plus 1 per employee, plus 1 per vehicle stored on site
	All Other Vehicle Sales and Service Uses	1 per employee, plus spaces required to satisfy projected peak parking demands	N/A
Industrial			
Heavy Industrial	All Heavy Industrial Uses	2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift	N/A
Light Industrial	Contractor's Office (with or without outdoor storage)	1 per 600 sf GFA	N/A
	Micromanufacturing	1 per 1,000 sg GFA	1 per 300 sf GFA
	All Other Light Industrial Uses	2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift	N/A
Resource Extraction	All Resource Extraction Uses	1 per employee at max. shift, plus 1 per each company vehicle a peak shift	N/A
Self-Service Storage	All Self-Service Storage Uses	1 for every 200 rental spaces (2 required)	N/A
Warehousing and Storage	All Warehousing and Storage Uses	1 per 500 sf GFA of sales and office area, plus 1 per each company vehicle at peak shift or 2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift (use whichever is greater)	N/A

Table 121.03.02-1 Minimum and Maximum Vehicle Parking Spaces			
Use Category	Specific Use	Minimum Spaces	Maximum Spaces
Waste Related Service	Salvage Yard	1 per 2 employees at peak shift, plus 1 per 5,000 sf of land area devoted to material storage, plus 1 for each company vehicle at peak shift	N/A
	All Other Waste Related Service	2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift	N/A
Wholesale Trade	Building Material Supply (with or without outdoor storage)	1.5 per 375 sf GFA of sales or service building area	1 per 375 sf GFA of sales or service building area
	All Other Wholesale Trade (without outdoor storage)	1 per 500 sf GFA of sales and office area, plus 1 per each company vehicle at peak shift or 2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift (use whichever is greater)	N/A
TABLE NOTES: sf = Square Feet GFA = Gross Floor Area			

- B. **Parking Structures Exempted.** The maximum parking requirements shall not apply to parking spaces within an above-ground or an underground parking structure. For the purposes of parking calculations, the gross area of any parking garage within a building shall not be included within the Gross Floor Area of the building.
- C. **Multiple Uses.** In those instances where there are clearly identified accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or structure, resulting in a total parking requirement when summed, except as exempted in this section.
- D. **Modification to Required Number of Spaces.**
 1. **Increase.** In unusual circumstances, the standard minimum parking requirement in Table 121.03.02-1, *Off-Street Vehicular Parking Space & Bicycle Space Requirements*, may not be appropriate. The Administrator shall have the authority to vary the parking requirement, either upward by 10 percent, if one or more of the following circumstances exists:
 - a. **Automobile Ownership.** Expected automobile ownership or use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use.
 - b. **Demand.** The parking demand varies throughout the day in relation to parking supply.
 - c. **Operational Aspects.** The nature of operational aspects of the use warrants unique parking arrangements.
 2. **Decrease.** The Administrator shall have the authority to vary the parking requirement downward for developments that contain a mix of uses on the same parcel, as set forth in Table 121.03.02-2, *Shared Parking Allowances by Land Use*, below, in accordance with the following methodology:
 - a. Determine the minimum parking requirements in accordance with Table 8.1-6 for each land use as if it were a separate use;
 - b. Multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 121.03.02-1;
 - c. Calculate the total for each time period (Columns);
 - d. Select the Column with the highest total; and
 - e. Use this number as the required minimum number of parking spaces.

Table 121.03.02-1 Shared Parking Table					
(A) Use Category	Weekday		Weekend		(F) Night (midnight to 6 AM)
	(B) Day (6 AM to 6 PM)	(C) Evening (6 PM to midnight)	(D) Day (6 AM to 6 PM)	(E) Evening (6 PM to midnight)	
Residential ¹	60%	90%	80%	90%	100%
Office or Industrial ²	100%	10%	10%	5%	5%
Retail Repair, Sales, and Service	60%	90%	100%	70%	5%
Overnight Accommodations	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment, Indoor Entertainment, Outdoor, or Sexually-Oriented Business	40%	100%	80%	100%	10%
All Others	100%	100%	100%	100%	100%

TABLE NOTES:
¹Residential Use Types are: Household Living and Group Living
²Industrial Use Types are: Heavy Industrial, Light Industrial, Warehousing and Storage, Waste-Related Use, and Wholesale Trade

Table 121.03.02-2 Illustrative Shared Parking Reduction Calculation					
EXAMPLE: A mixed-use site has 50 townhouses, 10,000 square feet of general office space, and 25,000 square feet of retail space. Separately, these uses would require 185 parking spaces ((50 units. x 1.5 sp. / unit) + (10,000 sf. x (1 sp. / 1,000 sf.)) + (25,000 sf. x (1 sp. / 250 sf.)) = 185). However, combined, they could share 159 parking spaces. (56 being the largest total below)					
(A) Use Type	Weekday		Weekend		(F) Night (midnight to 6 AM)
	(B) Day (6 AM to 6 PM)	(C) Evening (6 PM to midnight)	(D) Day (6 AM to 6 PM)	(E) Evening (6 PM to midnight)	
Residential 75 spaces	60% x 75 = 45	90% X 75 = 68	80% x 75 = 60	90% x 75 = 68	100% x 75 = 75
Office or Industrial 10 spaces	100% x 10 = 10	10% x 10 = 1	10% x 10 = 1	5% x 10 = 1	5% x 10 = 1
Retail Sales and Service 100 spaces	60% x 100 = 60	90% x 100 = 90	100% x 10 = 10	70% x 100 = 70	5% x 25 = 1
COLUMN TOTALS	115	159	71	139	77

TABLE NOTE:
The median number, 56, is the number of parking spaces required. This example is a 36 percent reduction compared to individual calculations.

E. Off-Site Parking.

1. *Distance from Use.* In nonresidential and mixed use zoning districts, off-site parking may be up to 500 feet from the principal structure;

2. **Written Agreement.** A written agreement between the owners and lessees is executed for a minimum of 10 years, approved by the Administrator, recorded, and a copy maintained in the project file. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered to contain nonconforming site improvements. Future expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this UDO.
- F. **Compact Car Spaces.** This Section shall apply only to retail shopping centers/superstores of 25,000 square feet or more. Not more than 20 percent of the off-street parking spaces required by this Section shall be designed as compact car parking spaces. Each compact car parking space shall be a minimum of eight feet wide and 16 feet long. Compact car parking spaces shall be clearly marked or posted for "Compact Cars Only." All other provisions of this Section relating to off-street parking requirements shall be met.
 - G. **Parking Dimensions.** Parking space and aisle dimensions shall comply with the standards established in Table 121.03.02-2, *Parking Area Dimensional Standards*.

**Figure 121.03.02
Standard Parking Dimensions**

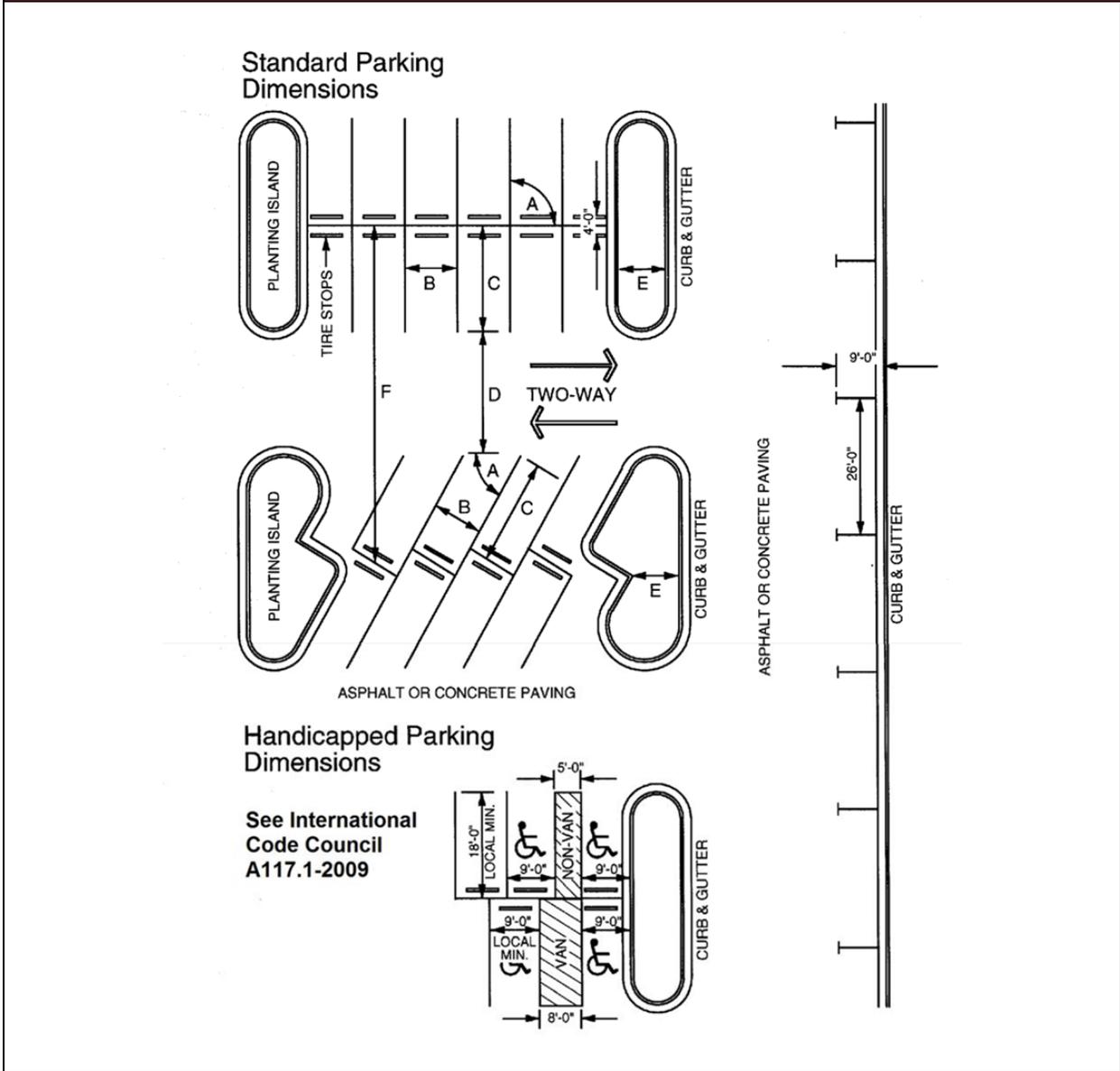
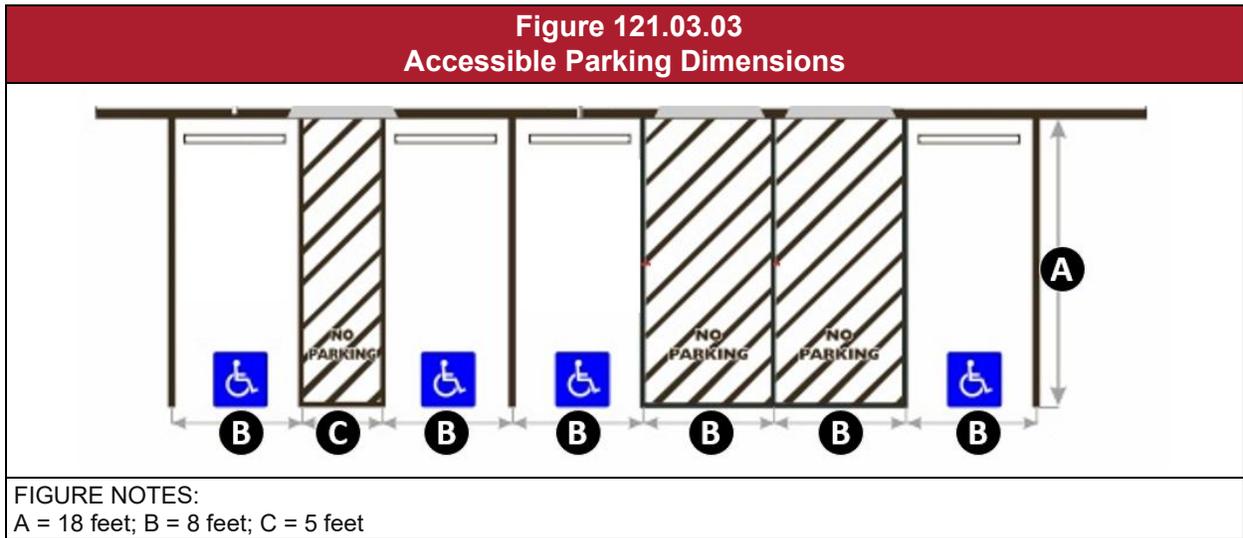


Table 121.03.02-2 Parking Area Dimensional Standards						
A	B	C	D	E	F	G
For standard-size vehicles						
45°	9.0	18.0'	12.0' ONE-WAY	9.0'	51.0'	2.0' / 4.0'
60°	9.0	18.0'	18.0' ONE-WAY	9.0'	58.0'	2.0' / 4.0'
90°	9.0'	18.0'	24.0' TWO-WAY	9.0'	60.0'	2.0' / 4.0'
For compact-size vehicles (see Sect. 8.3.2.2)						
45°	8.0	16.0'	N/A	9.0'	N/A	1.5' / 3.0'
60°	8.0	16.0'	N/A	9.0'	N/A	1.5' / 3.0'
90°	8.0'	16.0'	N/A	9.0'	N/A	1.5' / 3.0'

Table 121.03.02-2 Parking Area Dimensional Standards						
A	B	C	D	E	F	G
<p>Note: Parallel parking spaces shall be 9' by 26' with a 20' two-way access, or a 12' one-way access. Key (also see Figure 8.1-1):</p> <ul style="list-style-type: none"> A. Parking Angle B. Stall Width C. Stall Depth D. Aisle Width E. Planting Island Width (minimum width shown, refer to Article 7 for minimum area) F. Parking Bay Width G. Bumper Overhang (front / rear) 						

121.03.03 Accessible Parking

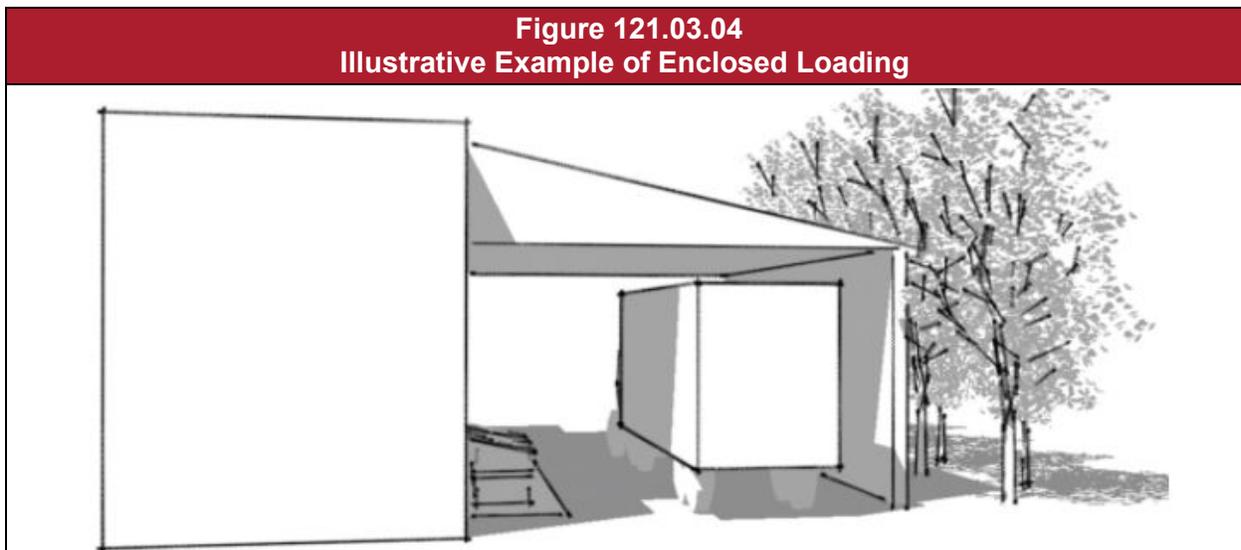
- A. **Generally.** Accessible parking spaces shall be a minimum of the following, as depicted in Figure 121.03.03, *Accessible Parking Dimensions*:
 1. 13 feet by 18 feet for a single non-van space (8 feet in width in addition to a 5 foot access aisle);
 2. 16 feet by 18 feet for a single van space (8 feet in width in addition to an 8 foot access aisle); or
 3. 24 feet by 18 feet for a double van space, or a non-van and van double space (8 feet in width for each space with an 8 foot access aisle between spaces).
- B. **Building Code.** Parking spaces for handicapped or disabled persons shall comply with the most recently adopted North Carolina State Building Code.



121.03.04 Off-Street Loading

- A. **Scope.** There shall be provided off-street loading spaces of not less than the minimum requirements specified in this Section in connection with any nonresidential or mixed use building, structure, or use which is to be erected or substantially altered to provide adequate space for off-street loading, unloading and the maneuvering of shipping and delivery vehicles in accordance with the following:
- B. **Location.** Off-street loading areas shall be located on the same lot as the principal use and be designed to have minimal impacts on pedestrian areas.
- C. **Design.** To minimize impacts, off-street loading areas shall comply with the following standards.
 1. **Lighting.** Any lighting used to illuminate off-street loading or unloading areas may not glare on any right-of-way or adjacent property.

2. **Location.** Not be located within 40 feet of the nearest point of intersection of any two streets with no loading dock visible from a thoroughfare or collector street right of way;
3. **Screening.** All loading areas shall be effectively screened in one of the following manners on each side adjoining or fronting on any property situated a residential zoning district:
 - a. The loading area shall be enclosed by a roof and a wall between the principal building and the property boundary line (as depicted in Figure 121.03.04, *Illustrative Example of Enclosed Loading*, below) so that the portion of the buffer between the enclosed loading and the property line may be reduced by one level with the remainder of the buffer yard being the type required by Table 121.04.03-1, *Buffer Yard Chart*, for the applicable character district; or
 - b. The loading area shall be screened along its length by a buffer per Section 121.04.03, *Buffer Yard Landscaping*, that has one additional level of opacity (for example, from a Type II buffer yard to a Type III buffer yard) than required by Table 121.04.03-1 and, additionally, the loading area shall contain an eight-foot tall masonry wall that is designed and constructed to compliment the primary exterior finish materials or design of the principal building.



- D. **Surfacing.** Off-street loading areas shall be surfaced with pavement, concrete, or equivalent and designed to properly drain.
- E. **Use Restrictions.** No storage of any kind nor motor vehicle repair work or service of any kind shall be permitted within any required loading space. In addition, this area shall not be used in the count for off-street parking spaces for the use.
- F. **Size and Number of Spaces.** The uses required to provide off-street loading/unloading space and the quantity and size of said space required shall be:
 1. **Retail Repair, Sales, and Service Uses.** One loading space with minimum dimensions of 12 feet by 25 feet for every 20,000 square feet of Gross Leasable Area rounded off to the nearest 20,000.
 2. **Office Uses and Overnight Accommodations Uses.** One loading space with minimum dimensions of 12 feet by 25 feet for every 50,000 square feet of Gross Leasable Area rounded to the nearest 50,000.
 3. **Industrial and Wholesale Trade Uses.** These uses shall provide the loading spaces with a minimum dimension of 12 feet by 25 feet in accordance with Table 121.03.04, *Loading Space Ratios*.

Table 121.03.04 Loading Space Ratios	
Gross Leasable Area	Minimum Loading Spaces Required
Up to - 50,000 sq. ft.	1 space
50,000 - 120,000 sq. ft.	2 spaces
120,000 - 220,000 sq. ft.	3 spaces
220,000 - 350,000 sq. ft.	4 spaces
350,000 - 550,000 sq. ft.	5 spaces
550,000 - 850,000 sq. ft.	6 spaces
Each additional 400,000 sq.ft.	1 additional space

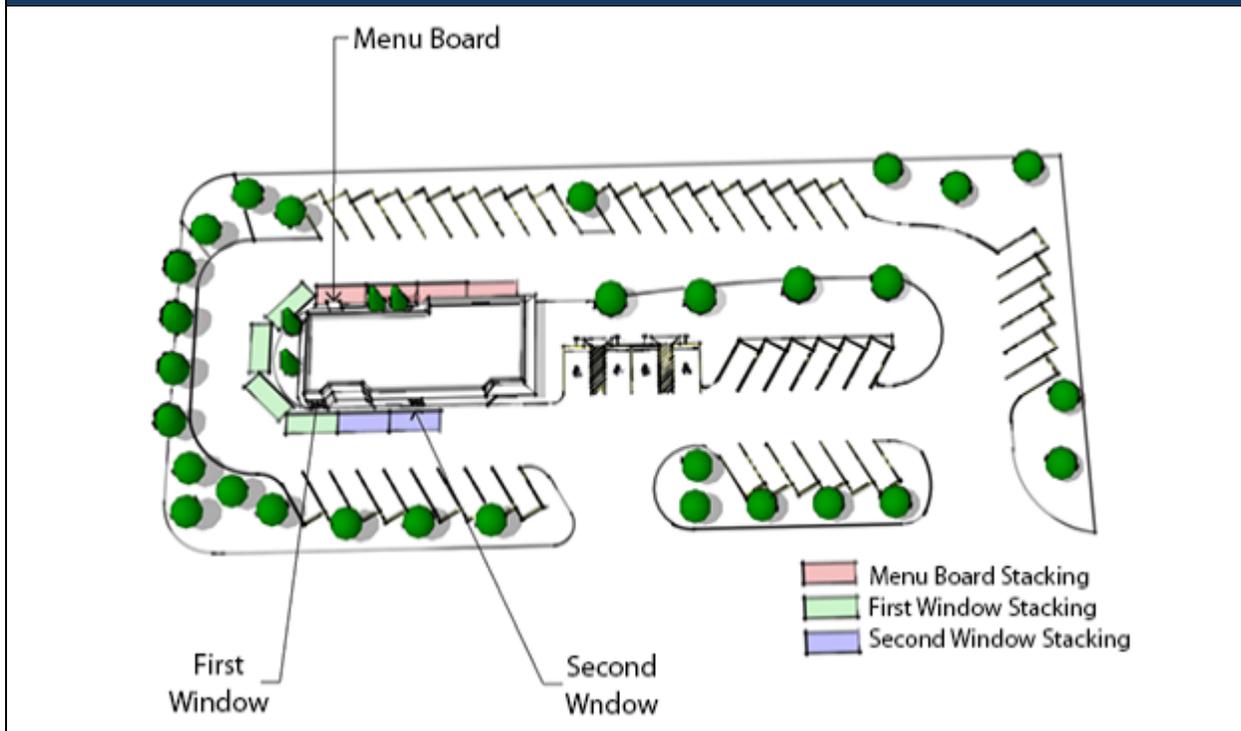
121.03.05 Stacking

- A. **Generally.** Stacking spaces are used to measure the capacity of a drive-through lane to hold cars while transactions are taking place at drive-through stations. Stacking spaces measure 8 feet wide by 20 feet long and provide direct access to a service window. The position in front of a drive-through station (e.g., a service window, ATM, or station at a drive-through bank) is counted as a stacking space.
- B. **Required Stacking Spaces.** All drive-in and drive-through facilities shall provide vehicle stacking in accordance with Table 121.03.05-1, *Required Vehicle Stacking Requirements*, and as depicted in Figure 121.03.05-1, *Vehicle Stacking Illustration*.

Table 121.03.05 Required Vehicle Stacking Spaces	
Use with Drive-Through	Stacking Requirement
Restaurant, Fast Food	4 spaces behind menu board, 4 spaces behind first window, 2 spaces behind second window, including position at second window (see Figure 121.03.05, <i>Vehicle Stacking Illustration</i>)
Financial Institution	For single drive-through lane: 6 spaces For multiple drive-through lanes: 4 spaces per window/kiosk For ATMs: 3 spaces per window/kiosk
Pharmacy	4 spaces per drive-through station
Convenience Store	4 spaces per drive-through station
Dry Cleaner	2 spaces per drive-through station, including position at window
Car Wash	For automatic washes: 2 spaces per bay at entrance; two vehicles per bay at exit For self-service washes: 2 spaces per bay at entrance; 2 spaces per bay at exit For full-service washes: 2 spaces per bay at entrance; 2 spaces per bay at exit
Fuel Sales	2 spaces per fuel pump (1 per side)
Gated Parking Lots	2 spaces per gate
Public Uses	2 spaces per window/kiosk

- C. **Design.**
- Striping.** Stacking lanes shall be clearly marked, and shall not interfere with on-site or off-site traffic circulation.
 - Location.** Stacking areas shall not be located between the facade of a building and the public street upon which the building fronts.
 - Bypass Lane.** Stacking lanes shall be designed with an abutting 10-foot wide bypass lane.

**Figure 121.03.05
Vehicle Stacking Illustration**



- D. **Width.** The minimum pavement lane width for a stacking space shall be eight feet.
- E. **Other Uses.** Uses other than those set out in Table 121.03.05-1, *Required Vehicle Stacking Spaces*, that propose drive-through service shall provide a number of stacking spaces as approved by the Administrator, based on a functional comparability to a use that is listed in the Table 121.03.05-1.
- F. **Reduction of Stacking Requirements.**
 - 1. *Reduction of Spaces or Dimensions.* The Administrator may approve a reduction of the stacking requirements of this Section upon demonstration by a qualified traffic engineer that a reduction in the stacking requirements is appropriate for the applicant's proposed use given its proposed intensity or context.
 - 2. *Minor Adjustment.* Minor deviations of these requirements that reduce the stacking distance by less than one stacking space may be approved by the Administrator without a demonstration by a licensed traffic engineer if the applicant demonstrates that strict compliance with this Section is impracticable or would lead to a lower quality of site design.

121.03.06 Access (11.6.3.6; 15.1.7; 10.1.7)

- A. **Direct Access.** All off-street parking must have direct access to a public right-of-way through an alley, driveway, or permanent access easement.
- B. **Street Classification.** Entries for parking shall be placed along a collector street, where practicable.
- C. **Moving Other Vehicles.** Except for where valet or tandem parking is utilized, all required parking shall be designed so that vehicles enter or leave a parking space without having to move any other vehicle.
- D. **Turn-Arounds.** Any parking row that does not provide two means of vehicular egress must provide, at the closed end, a space designated as a turn-around area. This space must be located at the end of a parking row, be designed with a minimum dimension of 10 feet in width by 10 feet in depth, and include a "No Parking" sign.
- E. **Cross Access.**

1. *Generally.* Cross access for vehicle circulation shall be provided between abutting nonresidential or mixed use development, in accordance with Section 122.02.08, *Easements*.
 2. *Adjacent Vacant Properties.* Where connections to abutting nonresidential or mixed-use parcels are possible, but the adjacent property is undeveloped, the parcel proposed for development shall include a stub-out of driving aisles and sidewalks at a location that allows for two-way vehicular connection and pedestrian connection on the abutting parcel (i.e., one that allows for reasonable development of both parcels) in the future.
- F. **Campus Developments.** All building sites and/or buildings within the CD, Campus Development zoning district shall be accessed on interior public or private streets, not on thoroughfares or collectors, except where a lot of record exists at the time of this amendment.
- G. **Access Points.** Access point(s) shall be developed as follows:
1. *Lots of Record.* Any lots of record at the time of the adoption of this Ordinance shall be allowed one access point. However, if lots of records are corner lots then the access point shall be located on the road of minor classification no closer than 125 feet or the greatest possible distance from the intersection with the thoroughfare.
 2. *Driveway Permit Required.* A driveway permit is required prior to the construction of any new access point to a publicly maintained street. Said permits are issued by the NCDOT for a connection to any State Highway (19A NCAL §§ 2B.0601-2B.0605). A driveway permit is required in accordance to the standards of Section 121.03.07, *Right-of-Way, Design Standards, and Driveway Regulations*, to connect to a Town maintained street. Applicants for preliminary subdivision plat or site plan approval shall submit copies of any driveway permit applications with the application for development approval.
 3. *Corner Lots.* Corner lots fronting on two thoroughfares may have one access point from each thoroughfare. However, the access shall meet the 125-foot distance requirement, or the greatest possible distance.
 4. *Additional Access Points.* An additional access point may be approved, at the discretion of the Administrator, for access to nonresidential or mixed use property. The approval of this additional access point shall require the construction of both a left turn and deceleration lane to serve that entrance. The area of these lanes used for vehicular storage shall be of standard lane width (12 feet) and adequate in length to store a standard tractor-trailer and two automobiles. In no event shall adjacent access points be closer than 100 feet to each other, as measured from the nearest curbs or edges of pavement, excluding any area of the access flared to improve vehicle ingress or egress. This requirement may be waived if no other access to the property would be possible. The additional access point shall be no more than 32 feet in width, and shall be defined by a curb on both ends of the access point. A standard sight triangle (10' by 70') shall be maintained on the portion of curb adjoining the access point. No structure, sign, planting, etc. shall be placed in the sight triangle that would interfere with the tractor-trailer being able to enter or exit the property in one continuous movement.

121.03.07 Right-of-Way, Design Standards, and Driveway Regulations (C.4; C.7; Appendix D, 8.2)

A. **Driveway Regulations.**

1. *Purpose.* The purpose of this Section is to provide:
 - a. Owners of abutting property with the maximum service feasible, consistent with the safe and efficient use of Town streets;
 - b. A uniform ordinance for the design, location, operation and construction of driveways throughout the Town; and
 - c. Maximum safety and protection to the public through the regulation of vehicles entering and exiting public streets.
2. *Applicability.* This Section shall apply to all driveways or access points planned to connect to a Town maintained street. This provisions of this Section shall regulate only that portion of a private driveway that connects to a public street and extends to the edge of a public right-of-way.

3. *Driveways on Major Thoroughfares.* The Town’s intent is to further increase safety and decrease congestion along specified major thoroughfares. In order to accomplish these objectives, certain goals have been identified. These goals are:
 - a. To prohibit driveways within a certain distance of intersecting streets unless alternate access is not available,
 - b. To decrease the number of driveways along major thoroughfares, and
 - c. To increase the distance between adjacent driveways along major thoroughfares.
4. *Enforcement.* This section is to be administered by the Town of Harrisburg Public Works Director and/or his/her designee(s). The issuance of a Driveway permit as prescribed by this section shall be issued by the Harrisburg Public Works Director /or his/her designee(s).
5. *Safety.* The safety and efficiency of a roadway is impacted by the amount and type of interference experienced by the vehicles moving on it. Some interference may result from other vehicles on the roadway, moving in either the same or the opposite direction. The major form of interference, however, is from vehicles entering, leaving, or crossing the roadway at intersecting streets and driveways. In order to reduce interference with traffic flow, minimize accidents and assure the best overall utilization of the roadway by the motoring public, it is necessary to regulate vehicles entering and leaving roadside developments and intersecting streets.
6. *Right of Access.* The Town of Harrisburg recognizes the legal rights of the abutting property owners to have access to their property. However, it must also consider the right of other roadway users to travel with relative safety and freedom interference. Since these rights are at times in conflict, it is the Town’s responsibility to reconcile and, to the extent feasible, satisfy the needs and desires of all roadway users.

B. Driveway Design Standards.

1. *Driveway Width.* The width, in feet, of a driveway approach and curb return flare or radius shall be within the minimum and maximum limits as specified in Table 121.03.07-1, *Design Standards for Driveway Width*, below. All driveway approach widths shall be measured at the street right-of-way line and the width of any driveway shall not increase when crossing the right-of-way except at properly designated curb returns. The width and radius of street type driveways and width of private street entrances shall be determined by the Public Works Director within the limits of this ordinance.

Table 121.03.07-1 Design Standards for Driveway Width				
Land Use/Driveway Type	Driveway Width, Ft.		Flare/Radius, Ft.	
	Minimum	Maximum	Minimum	Maximum
Residential-Single Family	12	20	1	3
Multi-family	24	36	10	30
Commercial/Industrial	24	36	5	10
Commercial/Industrial one-way	15	20	5	10
Private Street Entrance	24	48	30*	30*
Street Type Driveway	24	36	10	30

* radius only

2. *Number and spacing of driveway approaches.* Driveways shall be allocated and spaced as outlined in Table 121.03.07-2, *Driveway Spacing*, below, provided all other requirements of this article are met. Single-family and duplex developments on individual lots of record shall be exempt from these standards. However, driveways associated with these uses shall not be located within any site triangles.

Table 121.03.07-2 Driveway Spacing		
Road Classification	Minimum Separation Between Driveways	Minimum Separation Between Driveways and intersecting Streets
Local Streets	40 feet	60 feet
Collector Streets	120 feet	120 feet
Major and Minor Thoroughfares	400 feet	250 feet
<p>TABLE NOTE: Access separation between driveways shall be measured from inside edge to inside edge of driveway. Access separation between a driveway and intersecting street shall be measured from the nearest edge of the driveway to the intersecting right-of-way lines. The maximum number of driveways allowed for any parcel prior to subdivision of property shall be three and shall meet the minimum spacing requirements of this ordinance.</p>		

3. *Driveway Design.*

- a. All residential driveways shall be at least 18 feet in length from the edge of the pavement where the structure begins to the edge of the pavement where the sidewalk or street begins. At no time shall vehicles be parked over sidewalks or encroach into streets. Parking shall also not be allowed on the grass in residential development. All single-family residential homes require two parking spaces per unit per Section 121.03.02, *Parking Ratios and Design*. If additional parking is needed due to the size of the homes (i.e. based on the number of bedrooms), the developer shall install overflow parking on each parcel to accommodate additional vehicles or design an overflow parking lot within the development. Design of overflow parking is subject to review by the Administrator.
- b. All driveway approaches shall be a concrete apron section (“ramp” type), except that street type driveway entrances may be required for public or private developments that have parking spaces for 200 or more vehicles or when special conditions exist as determined by the Public Works Director or their designee. The concrete apron shall be installed to the right-of-way line or at least 10 feet from the edge of the roadway and/or back of curb.
- c. Ramp type driveway approaches may use either a standard drop curb opening or curb radius from the street curb to the inside sidewalk line. If a curb radius used, the top elevation of the curb radius must be held level with the elevation of the street curb, and the driveway apron must be raised to meet the elevation of the curblines at the inside sidewalk line.
- d. Driveway approaches shall cross the sidewalk area at the sidewalk grade established by the Public Works Director or their designee. The sidewalk shall be constructed separately from the driveway apron. The driveway angle shall be 90 degrees, unless engineering considerations dictate otherwise, as approved by the Public Works Director or their designee.
- e. Where special pedestrian or vehicular hazards may be encountered, driveway approaches may be restricted to one-way operation. Such driveways shall be clearly signed and marked as one-way driveways using pavement arrows and directional signs. Failure to erect and maintain such signs or the failure to use these driveways in accordance with the signing and marking shall be considered a violation of this article.

4. *Medians and Islands.* Medians or islands may be permitted for street type driveways and private street entrances only, upon approval of the Public Works Director and subject to the following conditions:

- a. The raised median or island shall be constructed on private property to the rear of the right-of-way line;
- b. The minimum width of the median or island as measured nearest the right-of-way line (excluding the nose) shall be six feet or as required by the Town of Harrisburg Public Works Director.
- c. the minimum length shall be 50 feet;
- d. For street type driveways with a median or island, the combined width of pavement of the separated driveway segments shall not exceed 48 feet;

- e. Medians and islands shall not be permitted for ramp-type driveways.
5. *Location of driveway approaches.* All driveway approaches shall have a minimum side clearance as specified in Table 121.03.07-3, *Driveway Approaches*, and meet the following standards:
- a. All driveway approaches shall have a minimum corner clearance of 60 feet.
 - b. At street intersections where the radius is 60 feet or more, driveway approaches may encroach upon either end of the radius for a distance up to five percent of the total length of the arc of the curb radius, thereby leaving at least 95 percent of the arc length of the radius free from driveway encroachment, provided that all other requirements of this article are met.
 - c. No driveway approach shall be permitted to encompass any municipal facility, including but not limited to traffic signal standards, catch basins, fire hydrants, crosswalks, loading zones, utility poles, fire alarm supports, meter boxes, and sewer cleanouts. The driveway approach must be located a minimum of three feet from any such facility.
 - d. Landowners of adjacent property, may, by written mutual agreement, construct a joint driveway to service both properties provided that all other requirements of this article are met with the exception of the side clearance restriction.
 - e. All work done and all materials used In the construction of driveway approaches shall conform to the current “Standard Specifications for Concrete Sidewalk and Driveway Approaches, Town of Harrisburg” as established by the Public Works Director or their designee.
 - f. Existing driveway approaches shall not be relocated, altered, or reconstructed without a permit approving the relocation, alteration, or reconstruction and such driveway approaches shall be subject to the provisions of this article.
 - g. When the use or layout of any property is changed, making any portion or all of the driveway approach unnecessary, or when the driveway is nonconforming, the owner of the abutting property shall, at his expense, replace all necessary curbs, gutters, and sidewalks, or correct all nonconforming features within 30 days after written notice from the Public Works Director or their designee. Failure to do so may result in a penalty being imposed as described in Section titled Permit Required.

Table 121.03.07-3 Driveway Approaches	
Land Use	Minimum Side Clearance
Single Family Residential	5 feet
All others	10 feet

- E. **Turn Lanes, Tapers, Deceleration Lanes.** Turn lanes, tapers, and/or deceleration lanes may be required by the Public Works Director or their designee where it is anticipated that the volume of traffic using the proposed driveway(s) or street(s) may significantly interfere with the flow of traffic on the abutting public street. Request for turn lanes, deceleration lanes and transition tapers shall be considered as part of the driveway permitting process and must be shown on the submitted site plans, in addition to the other required site plan elements. In addition, the following requirements must be met:
- 1. *Turning lanes serving multiple entrances.* Dedication and construction of turning lanes to serve one or more entrances into a development shall be required in any conditional use, special use, or driveway permit or subdivision approval for a use or development which is adjacent to a two-lane public street with average daily traffic (AT) exceeding 5,000 vehicles per day, or a four-lane or larger public street with AT exceeding 10,000 vehicles per day, if any one of the following conditions are also present:
 - a. The use of development requires 50 or more off-street parking spaces.
 - b. The use of development will generate more than 100 trips during the peak hours of 7-9 AM, 11AM-1PM, and 4-6PM. Data shall be based on the Institute of Transportation Engineers Manual titled “Trip Generation” and based upon the highest land use permitted

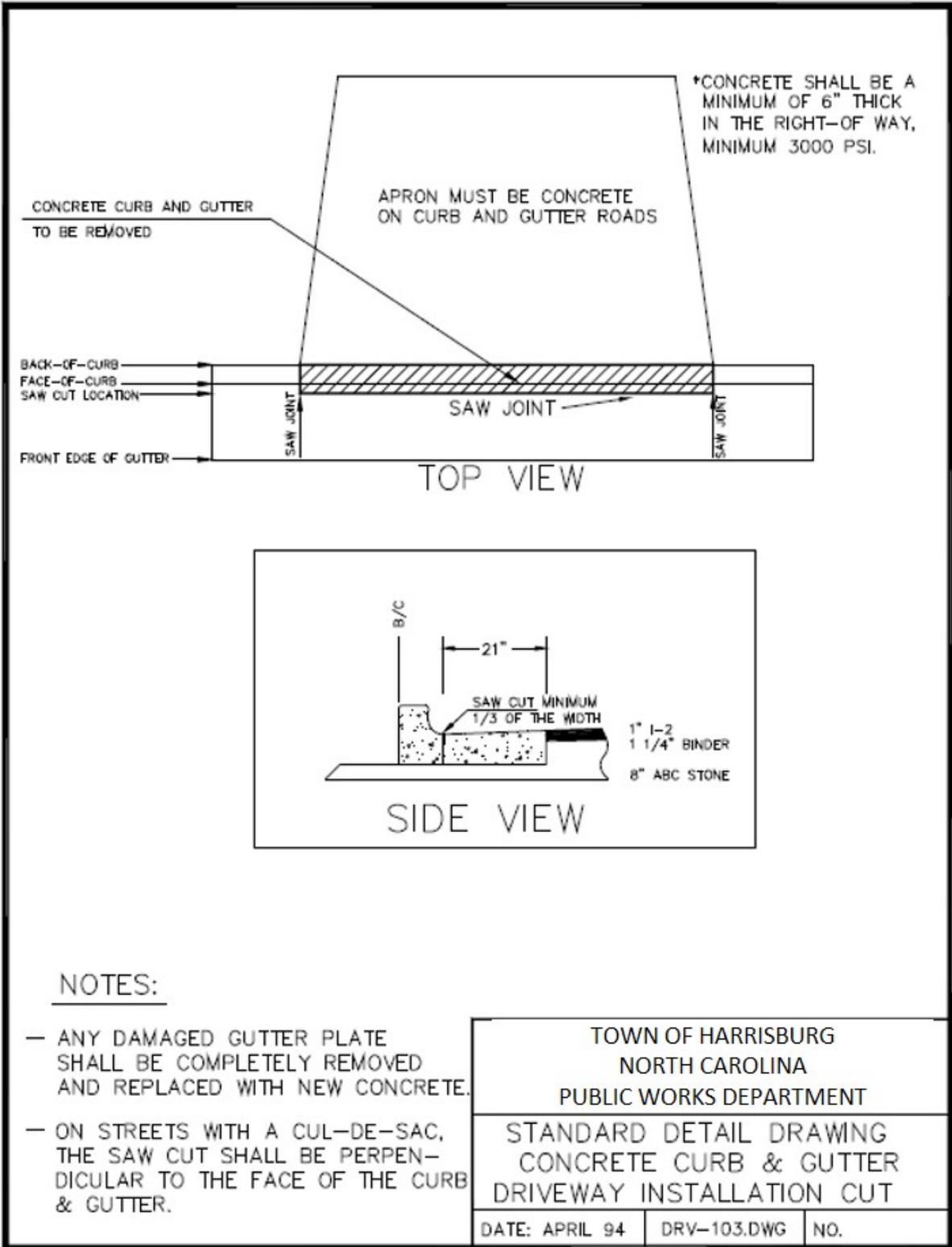
- by the zoning classification as affected by any restrictions imposed by any conditional use permit, special use permit, or other legally enforceable restriction.
- c. The use of development, as it may be affected by such restrictions, is reasonably expected to generate more than 25 truck (more than 13,000 G.V.W.) trips per day through a single driveway.
 - d. The use or development, as it may be affected by such restrictions, creates special safety or traffic conditions due to limited sight distance and/or posted speeds in excess of 35 miles per hour along the adjacent public street. Such conditions shall be determined in writing by the Public Works Director or their designee.
 - e. The use of development consists of at least 50 attached or detached residential dwelling units.
2. **Side Clearance.** The Public Works Director or their designee may require additional side clearance to accommodate the required turn lanes, deceleration lanes and/or tapers.
 3. **Costs.** The cost of all required turn lanes, deceleration lanes and transition tapers shall be paid for by the property owners. Property owners shall not be entitled to any claims or reimbursement for expenditures involved in construction on public rights-of-way. All construction improvements required herein shall be the property of the Town of Harrisburg.
- F. **Standards for Directional Signs and Pavement Markings for Designated Entrance and Exit Driveways.** The driveway ordinance imposes strict limitations on the number, location, and spacing of driveways on designated major thoroughfares; however, it allows for two one-way driveway approaches to be considered as a single driveway approach provided that the approaches are clearly signed and marked using directional signs and pavement arrows. Other provisions of the ordinance require signs and markings where special pedestrian or vehicular hazards necessitate the one-way operation of driveways. The following standards apply to all instructional or directional signs and pavement markings used to designate private driveways as entrance and exits.
- G. **Pavement Arrows.** Pavement shall be marked with arrows as follows:
1. **Location.** A sufficient number of pavement arrows designating the appropriate direction of traffic shall be installed in the driveway approach and driveway so that they are clearly visible from the street.
 2. **Size.** Pavement arrows shall be a minimum of 8 feet in length and shall conform in size and proportion to the standards set forth in the Manual on Uniform Traffic.
- H. **Roadside Drainage Requirements.** A well-functioning roadside drainage system is important to maintaining the structural integrity of the roadway and providing a safe driving surface during storm events. Roadside drainage is accomplished using either a ditch system including adequately sized and constructed driveway pipes, a curb and gutter system with well-designed curb inlets and drainpipe system, or some combination of both systems. Modifications to existing drainage systems must be evaluated and approved by the Town of Harrisburg prior to construction, and are permitted as a part of the right-of-way construction permit system. Standards shall be as follows:
1. **Piping Existing Ditches.** The design and cost for piping existing roadside ditches is the responsibility of the property owner unless it is included as part of a neighborhood capital improvement project funded by the Town of Harrisburg. Piping ditches will only be allowed if the following criteria are achieved:
 - a. The hydraulic capacity of the existing ditch system will not be reduced or diminished.
 - b. The culvert pipe shall be of size adequate to carry the anticipated flow in the ditch as determined by the Town of Harrisburg and shall not be smaller than 15-inches inside diameter.
 - c. The flow from and to adjacent properties will not be inhibited.
 - d. All pipe materials and installation meet Town of Harrisburg and NCDOT standards. No pipe with broken joints or other defects is allowed.
 - e. A swale can be maintained over the pipe to prohibit sheet flow of water from the property onto the road surface, and adequate inlet grates are included in the design and installation. In no case shall the construction cause water to flow across the pavement, or to pond on the shoulders or in the ditch, or result in erosion within the right-of-way.

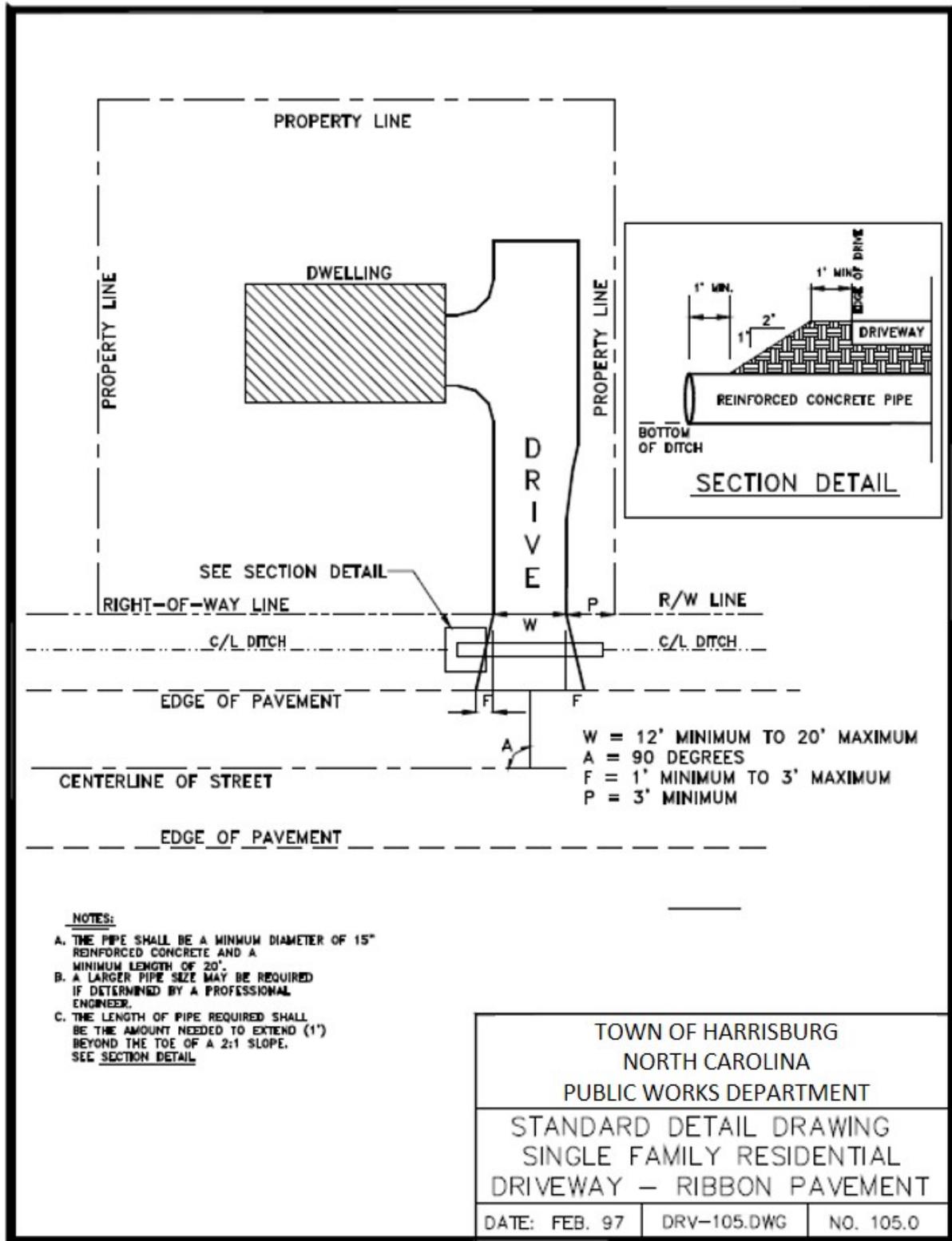
- f. A minimum cover of 8-inches can be maintained over the top of the pipe. If vehicular traffic will cross the pipe, a minimum cover of 24-inches must be maintained, or Class IV reinforced concrete pipe must be utilized.
 - g. Pipe installation must be inspected by the Town prior to back-filling the pipe and inlet boxes.
 - h. All grates and frames shall meet NCDOT standards for traffic bearing, and must be pre-approved by the Town of Harrisburg.
 - i. Drainage collected by ditches, gutters, or pipes on private property shall not be discharged into the road drainage system unless expressly approved by the Town of Harrisburg. The applicant may be required to submit a drainage study to the Town justifying the drainage system proposed and the pipe or sewer sizes to be used. Natural drainage laws and practices must be observed.
 - j. Water quality shall not be adversely affected by any piping activity.
2. **Pipe Construction Options.** All commercial or industrial sites are responsible for the design, construction and cost associated with all drainage improvements in accordance with these regulations. All residents have two options for construction of the ditch pipe, once a permit has been issued. The Town will contract with a licensed contractor following payment of all estimated costs associated with the project to the Town by the owner. The project will then be completed based upon the Contractor's schedule. The second option is for the resident to hire a licensed contractor who will complete the project according to the submitted plans. The contractor will be responsible to schedule inspection by the Town prior to placing any backfill into the excavation, so that all pipe joints, bedding, and inlet construction can be inspected. Failure to obtain the proper permit and/or inspection may result in the pipe being removed at the owner's expense.
 3. **Acceptable Piping Materials.** All pipe located within the street right-of-way must be reinforced concrete pipe.
 4. **Acceptable Grates and Frames.** All grates and frames must be cast iron and must meet Town of Harrisburg and NCDOT standards. Each casting shall be permanently imprinted with the image of a fish and the following statement: "Dump No Waste! Drains to Rivers."
- I. **Street and Utility Repairs.** Operations requiring the cutting and removal of roadway and sidewalk surfaces or operations interfering with the normal flow of vehicular or pedestrian traffic shall be subject to the guidelines set forth in Part VI of the Manual of Uniform Traffic Control Devices Handbook. The following standards shall apply:
 1. **Cutting requirements.** Prior to cutting of the street, sidewalk or curb and gutter, a street cut permit is required to be obtained from the Public Works Director or their designee. The Public Works Department will be responsible for installing the final layer of asphalt or concrete for each cut. No street cut permits will be issued for streets that have been resurfaced within the last two years, unless there is an emergency situation or other physical constraints and approved by the Public Works Director or their designee.
 2. **Costs.** Cost of replacing the asphalt, concrete or other materials and other related costs such as street cleaning, sidewalk cleaning, etc. as a result of the above described work will be paid by the grantee of the permit. A copy of the permit must be kept at the job location.
 3. **Time requirement.** Street cuts and sidewalks should be completely repaired in an expedient manner. Cuts must be filled with stable material (asphalt, concrete or approved equal) to within 1 ½ inches of finished grade within 3 days of initial work. Finished roadway surfaces, sidewalks and curbs must be restored within 30 days of initial work. If circumstances justify, the Public Works Director or their designee may grant an extension of these time requirements.
 - J. **Use and protection of property.** Standards for use and protection of property are as follows:
 1. **Use of Rights-of-Way.** Rights-of-way of streets may not be used for private or commercial purposes. The area to which the driveway provides access shall be sufficiently large to store any vehicles using the driveway completely off the right-of-way and must be of sufficient size to allow the necessary function to be carried out completely on private property.
 2. **Raised Curb Requirements.** Except for driveway approaches to residences, a six-inch raised curb shall be constructed a minimum distance of three feet behind the street right-of-way line

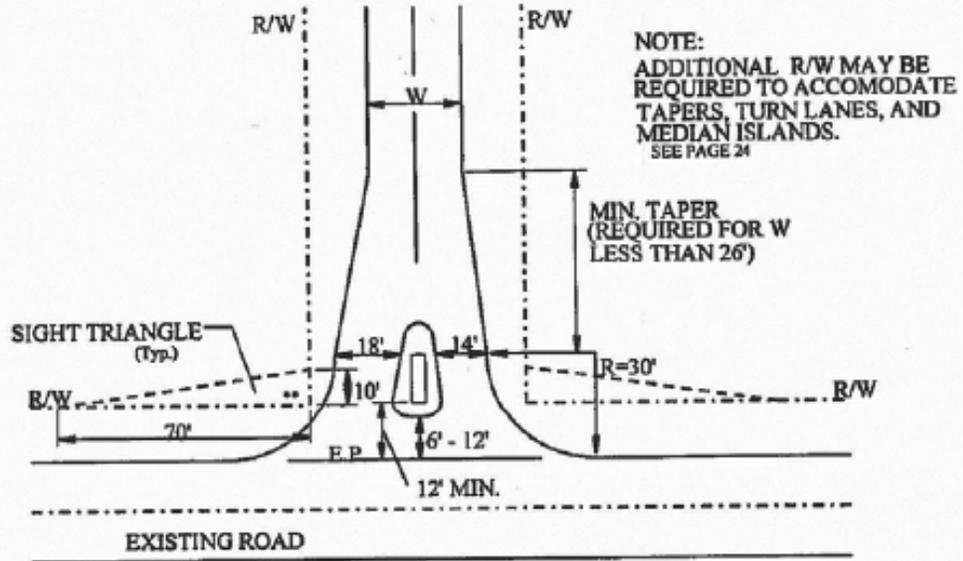
in the vicinity of street corners, sidewalk safety zones, entrance driveways and other points in such a manner as to prevent vehicles from crossing sidewalks other than by means of a driveway as herein prescribed, to prevent vehicular overhang on the right-of-way and to provide for proper drainage and control of water on private property.

3. *Parking and Loading.* Parking areas and loading areas shall be constructed and properly curbed so that all movements to park and un-park, and load and unload will take place back of or within property lines. In the central business area, the Public Works Director or their designee is hereby granted the authority to waive requirements set forth in this subsection after all engineering investigation and provided the following conditions are present:
 - a. The area is within the parking exempt area of the Town;
 - b. The waiver requested arises from peculiar physical conditions not ordinarily existing in other areas of the Town;
 - c. Due to the nature or operation of the business on the applicant's property the requirements of the above causes unnecessary hardship;
 - d. The waiver requested is not against the public interest, safety, convenience, and general welfare; and
 - e. The granting of the waiver will not adversely affect the rights of adjacent property owners.
4. *Free of Obstruction.* Except as may be provided for under the Concord City Code, Part II, Chapter 8, Motor Vehicles and Traffic, no part of the right-of-way or the area between the curb or edge of pavement and the property line shall be used to place private signs, fences, wall post lights, or any other item. All such items shall be placed on private property in such a manner as not to interfere with vehicular or pedestrian traffic or visibility.
5. *Protecting the Public from Injury.* Whenever any person or firm shall do or undertake any of the items set forth in this article it shall be the duty of such person(s) to protect from harm and damage all persons or vehicles which may be using any street, sidewalk, right-of-way or other public area where such work is in progress. To that end, all persons or firms shall erect and maintain suitable barricades, signs, lights, flares and other appropriate warning devices at the proper locations where such work is in progress in accordance with the current policy and regulations for street construction and maintenance operations within the Town of Harrisburg, as established by the Public Works Director or their designee and in accordance with the Manual on Uniform Traffic Control Devices for Street and Highways.

K. Standard Detail Drawings.

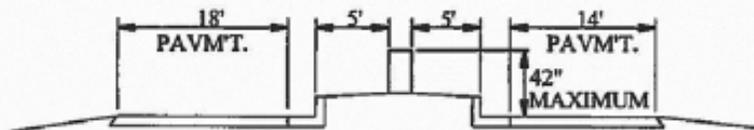




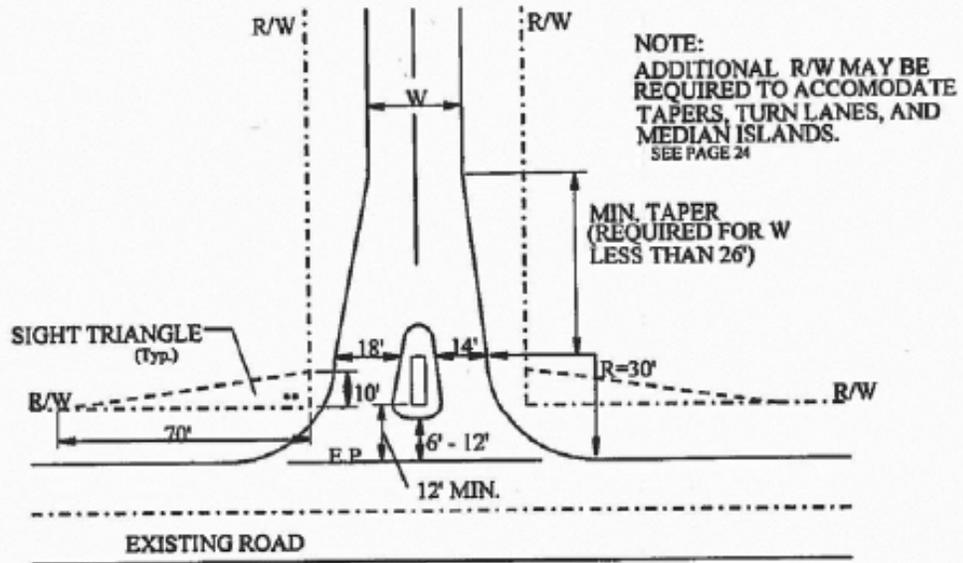


STOP CONDITION RECOMMENDED ROAD CONNECTION WITH INTERIOR ISLAND

•NOTE: Permanent Drainage easements may be required to accommodate drainage beyond the right-of-way.

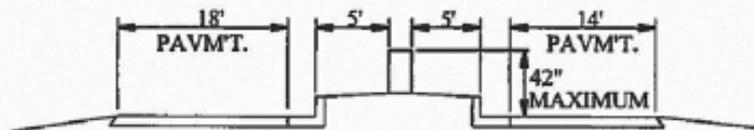


DETAIL SECTION VIEW OF INTERIOR ISLAND AND MARKER



STOP CONDITION RECOMMENDED ROAD CONNECTION WITH INTERIOR ISLAND

•NOTE: Permanent Drainage easements may be required to accommodate drainage beyond the right-of-way.



DETAIL SECTION VIEW OF INTERIOR ISLAND AND MARKER

§ 121.04 Trees, Landscaping, and Buffering

121.04.01 General Provisions

- A. **Landscape Plan Requirements.** Landscape plans shall accompany any application for site plan approval. Such plans shall be submitted in conformance with the requirements as follows:
1. *Generally.* A general landscaping delineation indicating the treatment of materials used for open space, landscaped buffers, and common ownership (Minimum scale of 1" = 40').
 2. *Existing.* Existing vegetation that will be used to satisfy landscaping requirements, including;
 - a. Vegetation to remain and to be installed shall be shown on the landscape plan;
 - b. Show existing vegetation and label existing vegetation to be removed on the grading plan;
 - c. Tree protection fencing, including groups of trees and individual trees standing apart from any woods;
 - d. Tree survey data for groups of individual and freestanding trees, including survey data of the initial ten interior feet of buffer edge abutting construction area;
 - e. Delineate critical root zone (CRZ) for any plants within 10 feet of the edge of the perimeter of the existing vegetation area; and
 - f. Limits of preservation for significant existing vegetation.
 3. *Proposed.* Proposed vegetation that will be used to satisfy landscaping requirements, including;
 - a. Plant schedule, in chart form, to include scientific and common name, size at time of installation, method of containment (container size, etc.), quantity, and comments;
 - b. Symbols designating type, size, and location, with center of each tree noted (shrubs and groundcover can be shown as a mass);
 - c. Landscape beds and architectural planting surrounding existing and/or proposed structures on the site; and
 - d. Any planting within designated buffer areas that is required to satisfy ordinance requirements, with widths dimensioned.
 4. *Utilities and Rights-of-Way.* Existing and Proposed Utility Easements, Rights-of-way, and Electrical Lines:
 - a. Easements for underground utilities shall be combined with driveways and internal roads wherever possible to minimize the disturbance of preserved areas of native vegetation;
 - b. Adequate in size to include room for trench wall sloping or benching, equipment access, and deposition of soil;
 - c. Associated clearing area for installation and/or relocation; and
 - d. Associated Grading Areas for road widening.
 5. *Hardscape.* Hardscape Items (such as sidewalks, plazas, benches, fountains, trash cans, light poles, etc.). If more detail is needed, submit a separate hardscape plan.
 6. *Buffers.* Location and width of landscaped buffer strips, including height of berms.
 7. *Plantings.* Location, name, and size of all existing trees, shrubs, groundcover and other plant materials that are to be incorporated as part of the landscape plan.
 8. *Scale and Labeling.* Planting areas drawn to scale with a list of the botanical and common names, number, and size of all plants designated for each area.
 9. *Maintenance.* Maintenance plan.
 10. *Irrigation.* If irrigation must be used, the following shall be provided:
 - a. Location and sizes of irrigation facilities adequate to maintain the planting areas. (Use of automatic watering systems is encouraged).
 - b. Scaled drawing with maximum scale of 1" = 30';
 - c. The irrigation designer's name, address and phone number should be on the plan;
 - d. Water supply location (meter, well, etc.), size and static pressure reading before any pressure reduction;

- e. On-site pump location (where applicable);
- f. Backflow prevention device (location, size, winterization techniques to be used, and installation specifications);
- g. All irrigation components shall be clearly shown as well as the sprinkler throw pattern of each head;
- h. Irrigation zones shall be labeled by number and identified as a turf, shrub or flower bed zone;
- i. The total square footage of irrigated area of each type of zone (turf, shrub or flower bed), shall be clearly indicated on the plan and on the water budget form;
- j. A completed Water Budget Form supplied by The Town of Cary detailing the irrigation schedule for April through October (run times per cycle, cycles per day, and days per week for each station) and projected water usage per month;
- k. Recommended maintenance schedules for the system; and
- l. Irrigation systems should be designed by a person having a current CIA/IA “Certified Irrigation Contractor” (CIC), Certified Irrigation Designer” (CID) status or a Professional Engineer or a Landscape Architect.

B. Plant Materials Standards.

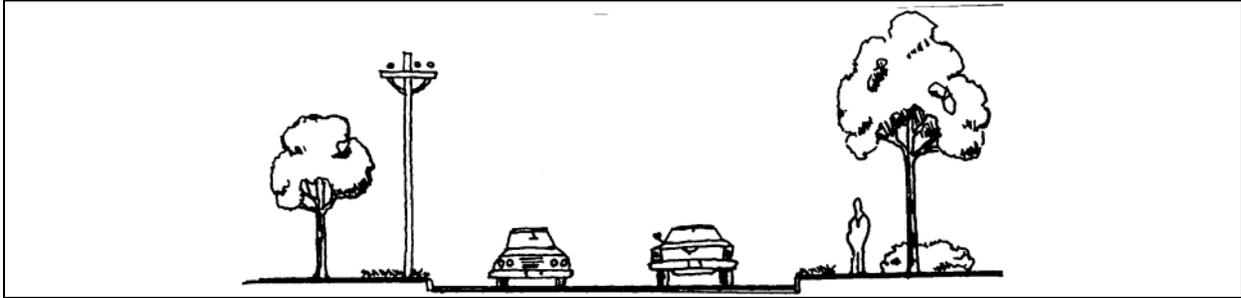
- 1. *Plant Variety.* All plants shall be of the type and species appropriate for the climate and location being planted. All plant material shall be commercially produced and meet the minimum standards recognized by landscape professionals. In order to reduce the threat and impact of plant disease, multiple plant types and species shall be utilized on each site.
- 2. *Prohibited.* Invasive non-native species as listed by the [North Carolina Invasive Plant Species for the Piedmont](#) are prohibited plant material.
- 3. *Sizes.* All required plants shall meet the size and variety requirements in *Table 121.04.01, Minimum Plant Sizes and Varieties.*

Table 121.04.01 Minimum Plant Sizes and Varieties		
Plant Type	Minimum Size or Varieties	Minimum Height
Shade Trees	2.0-inch caliper	10 feet
Ornamental Trees	1.5-inch caliper	6 feet
Evergreen Tree	NA	6 feet
Shrubs	3-gallon container	3 1/2 feet

C. Plant Locations. All plantings shall comply with the following:

- 1. *Public Right-of-Way.* A permit shall be obtained prior to planting any street tree or landscape material in the public right-of-way, this includes required streetscape plantings.
- 2. *Sight Triangle.* No landscaping may be planted in violation of the visibility triangle established in Section [120.05.01, Measurements](#). Corner lots, and in situations where driveways and alleys intersect with street rights-of-way, shall be kept free of landscaping and plant materials that interfere with the vision of a motorist or pedestrian.
- 3. *Easements.* Shade trees shall not be placed within any public utility easement or under utility lines. The presence of overhead power lines requires street yard trees to be ornamental trees as depicted in Figure [121.04.01-4, Ornamental Tree Substitution](#). Larger shade tree varieties are encouraged where overhead power lines are not present.

**Figure 121.04.01
Ornamental Tree Substitution**



4. *Fire Safety.* Landscaping shall meet minimum clearances from all fire hydrants and building sprinkler systems as required by the fire department.
 5. *Spacing.* In general, all plants shall be sited and spaced in a manner to allow for appropriate growth to mature size.
- D. **Plant Substitutions.** The following substitution of tree planting requirements may be made:
1. *Shade.* One shade tree may be substituted in place of 10 required shrubs.
 2. *Ornamental.* One ornamental tree may be substituted in place of five required shrubs.
 3. *Substitution.* One shade tree may be substituted in place of two required ornamental trees. Ornamental trees may not be substituted for required shade trees.
 4. *Grasses.* Three ornamental grasses may be substituted for one required shrub.

121.04.02 Development Landscaping

- A. **Planting Yards.** The purpose of planting yards is to aesthetically enhance and separate different land uses and zoning districts from each other, as well as to beautify individual sites, the roadside or streetscape, and are intended to eliminate or minimize potential nuisances such as dirt, litter, glare of lights, and unsightly buildings or parking areas. Planting yards shall include buffer yards as described in Section 121.04.03 and the following described below:
- B. **Building Yards.** The purpose of building yards is to aesthetically and visually enhance the appearance of buildings with the following standards:
 1. *Where Required.* Building yards shall be provided along the portion(s) of the building facing any adjacent off-street parking area, excluding loading/unloading areas.
 2. *Measurement.*
 - a. Minimum dimensions shall apply, and be measured, horizontally.
 - b. Widths shall be measured from the respective building front wall.
 3. *Corners.* Where building yards turn at building corners, the length measurements determining plant quantities shall not be required to overlap.
 4. *Widths.*
 - a. Building yards shall be of different types, based upon the size of the structure around which the building yard is to be located, as established in Table 121.04.02-1, *Building Yard Landscape Requirements*.
 - b. The width of the building yard and the density of plantings shall increase as the size of the structure around which the building yard is to be located increases.
 5. *Walkways.* Entrance walkways to buildings may cross building yards. The width of the entrance walkway shall not be calculated as part of the length of the building yard for purposes of determining the total required landscaping, provided, however, that the width deducted for the entrance walkway shall not exceed the width of the entrance to the building.
 6. *Categories.* There shall be four different categories of building size for purposes of determining the building yard type. Table 121.04.02-1 identifies the building yard required for a given

development, based on the size of the structure around which the building yard is to be located, and specifies the required plantings and dimensions of the respective building yard.

Category 1

Less than 2,500 Square Feet GFA (Gross Floor Area)

Category 2

2,500 Square Feet to 9,999 Square Feet GFA

Category 3

10,000 Square Feet to 99,999 Square Feet GFA

Category 4

100,000 Square Feet GFA and over

Table 121.04.02-1 Building Yard Landscaping Requirements					
Building Yard Category	Minimum Width	Min. Required Shade Trees	Min. Required Ornamental Trees	Min. Required Small or Medium Evergreen Shrubs	
1	4 feet	N/A	1 per 30 lin. feet	8 per 30 lin. feet	
2	6 feet	N/A	1 per 30 lin. feet	8 per 30 lin. feet	
3	8 feet	1 per 50 lin. feet	1 per 50 lin. feet	12 per 30 lin. feet	
4	10 feet	1 per 40 lin. feet	1 per 40 lin. feet	14 per 30 lin. feet	

- C. **Parking Lot Yards.** The purpose of parking lot yards is to aesthetically and visually enhance the appearance of parking lots with the following standards:
1. *Location.* Parking lot yards shall be located around and within parking lots and shall be of different sizes, based upon the size of the respective parking lot. The size of the parking lot yard shall increase as the size of the respective parking lot increases.
 2. *Measurement.* Minimum dimensions shall apply, and be measured, horizontally.
 3. *Area.* Parking lots shall provide a minimum 10% net area of landscaping on the interior or exterior of parking lots.
 4. *Plantings.* Landscaped planting areas and islands for parking lot yards shall have one shade tree, or two ornamental trees, and eight small shrubs per each 10 parking spaces. Furthermore, the perimeter of all vehicular use areas shall be screened per the requirements of Figure 121.04.02-1, *Vehicular Use Area Planting Standards*, Figure 121.04.02-2, *Parking Area Screening Techniques*, and Figure 121.04.02-3, *Perimeter Buffering Techniques*.
 5. *Planting Areas and Islands.* Planting areas and islands shall be not less than nine feet in width and shall include a minimum of 150 square feet of open planting area for ornamental trees and 300 square feet for shade trees. Shrubs, or ground covers may be planted within the required open planting area for trees without increasing the area. Planting areas and islands shall have a minimum prepared depth of 18 inches. All landscaped areas shall be protected from vehicular encroachment by concrete curb and gutter. Landscaped areas shall be covered with mulch, ground cover or grass between shrub and tree plantings. Planting areas may be aligned or staggered and may be installed as islands or linear strips as depicted in Figure 121.04.02-4, *Examples of Parking Lot Layouts*.
 6. *Tree Location.* Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows or parking spaces in a manner such that no parking space is located more than 60 feet from a parking lot tree.
 7. *Alternative Location.* In instances where the strict interpretation of this Section will seriously limit the function of the parking area, increase stormwater runoff, or create ponding or pooling of water so as to impair the habitability of buildings or interfere with traffic circulation, the

Administrator may permit a portion of the required landscaping to be located near the perimeter of the lot.

**Figure 121.04.02-1
Vehicular Use Area Planting Standards
Luis**

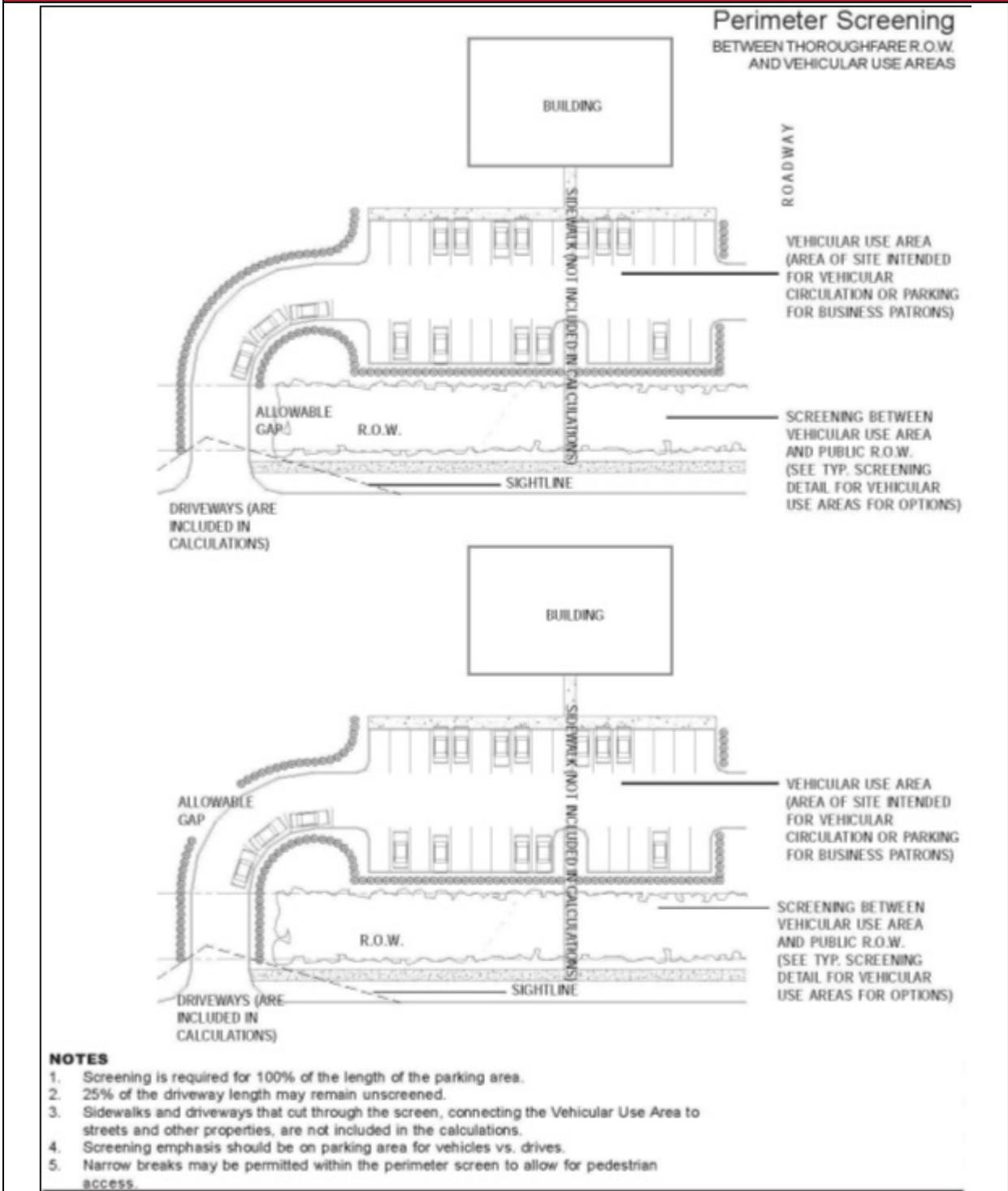


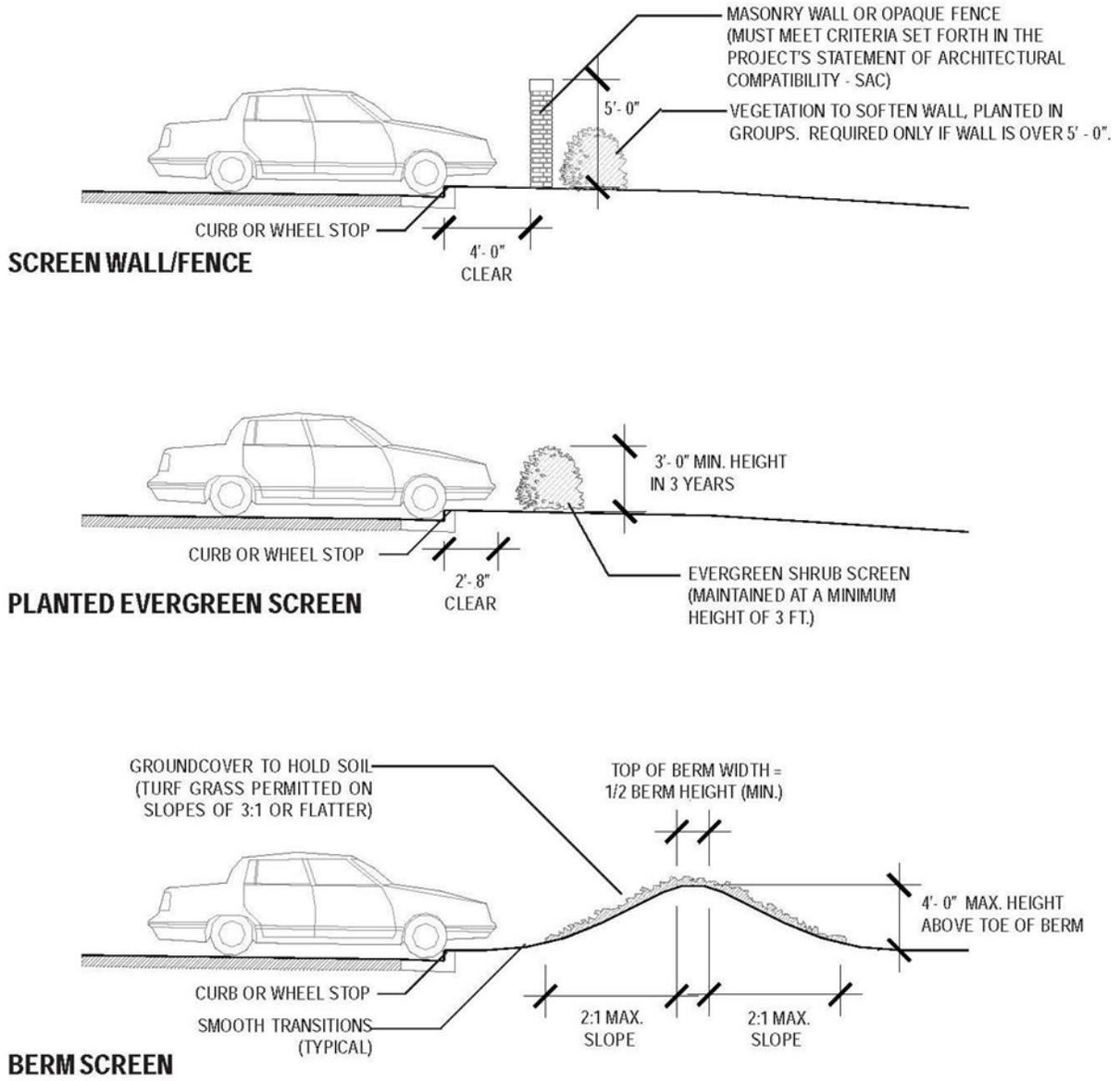
FIGURE NOTES:

1. Screening is not required for 100% of the length of the parking area.
2. 25% of the driveway length may remain unscreened.

**Figure 121.04.02-1
Vehicular Use Area Planting Standards
Luis**

3. Sidewalks and driveways that cut through the screen, connecting the Vehicle Use Area to streets and other properties, are not included in the calculations.
4. Screening emphasis should be on parking area for vehicles vs. drives.
5. Narrow breaks may be permitted within the perimeter screen to allow for pedestrian access.

**Figure 121.04.02-2
Parking Area Screening Techniques
Luis**



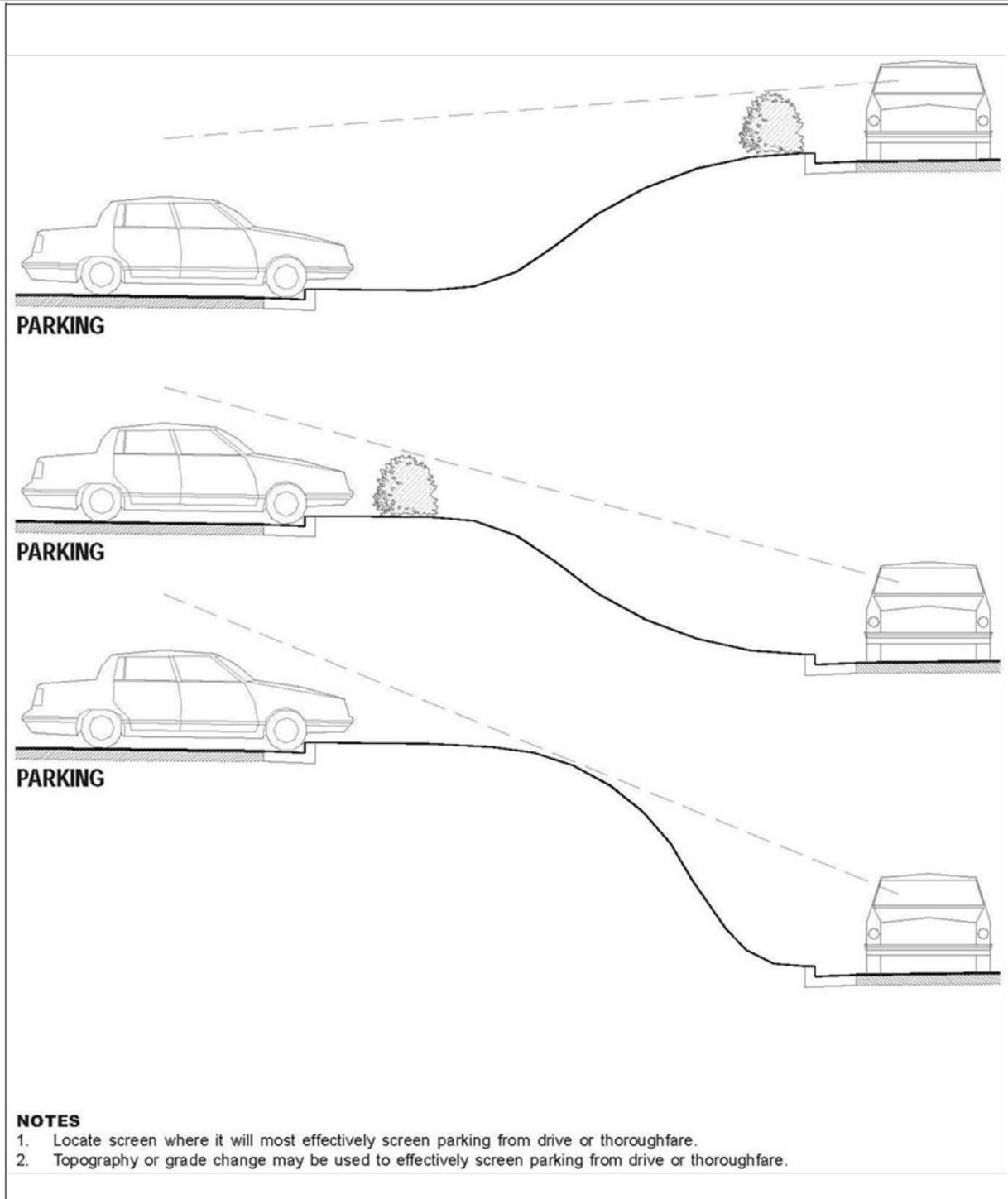
NOTES

1. Opaque screening to be provided to a min. height of 3'-0".
2. Berms may be used in combination with planting to meet height requirements.

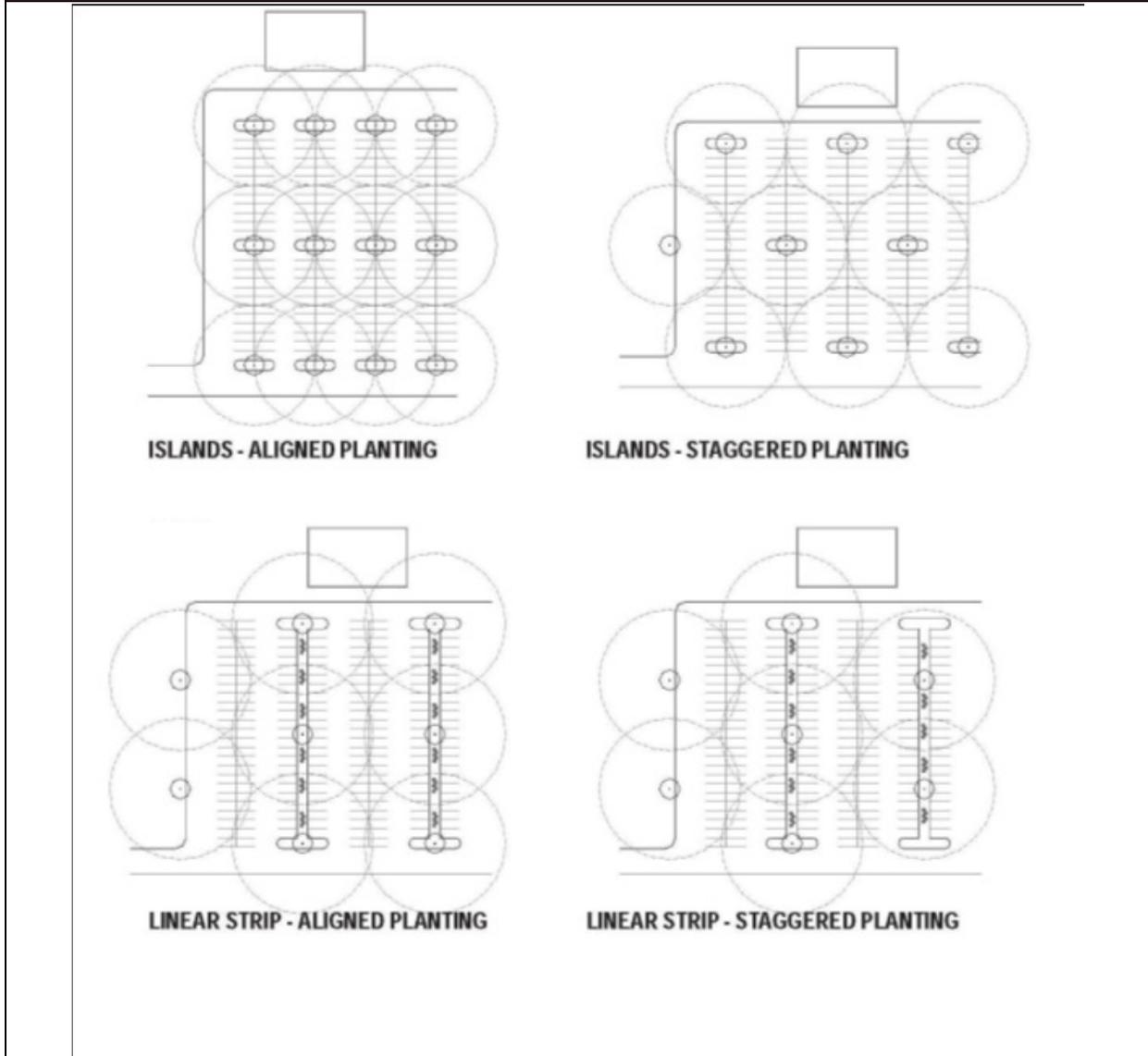
FIGURE NOTES:

1. Opaque screening to be provided to a minimum height of 3'-0"
2. Berms may be used in combination with planting to meet height requirements.

Figure 121.04.02-3
Perimeter Buffering Techniques
Luis



**Figure 121.04.02-4
Examples of Parking Lot Layouts
Luis**



C. **Street Yards.** The purpose of street yards is to provide continuity of vegetation along the street right-of-way, creating a pleasing view from the road, and establishing a transition from vehicular thoroughfares, pedestrian areas or the built environment with the following standards, as conceptually depicted in Figure 121.04.02-5, *Streetyard Typical for Nonresidential and Multi-family* and Figure 121.04.02-6, *Street Tree Typical for Single-Family Residential*.

1. **Single-Family Subdivisions.** New single-family home subdivisions shall require street yards, provided, however, that the street yard may be located in the right-of-way in the required planting strip between the curb and the sidewalk in accordance with the design specifications in this UDO.
2. **Measurement.**
 - a. Minimum dimensions shall apply, and be measured, horizontally.
 - b. Widths shall be measured from the respective right-of-way/property line.
3. **Street Corners.** Where street yards turn at street corners, the length measurements determining plant quantities shall not be required to overlap. Street yards shall be of different types, based

upon the zoning of the property. The width of the street yard and the density of plantings shall increase as the intensity of the development increases.

4. **Classes.** There shall be four different classes of land uses or zoning districts for purposes of determining the street yard type. The following land use or zoning district classes shall be based upon the specific land use to be developed, which is permitted either by right or by Special Use Permit as listed in the use tables in § 120.02, *Zoning Districts and Standards*, or in the applicable zoning district of the subject property and adjacent properties.

Class 1

AG, Agricultural

RE, Rural Estate

RL, Residential Low

Single- and Two- Family Residential uses outside of these districts

Class 2

RM, Residential Medium

RH, Residential High

Group Living use category and Multi-Family Residential uses outside of these districts

Class 3

NC, Neighborhood Commercial

O-I Office and Institutional

Office use category and Institutional, and Civic uses outside of these districts

Class 4

GC, General Commercial

CC, City Center

MU, Mixed Use

CD, Campus Development

PID, Public Interest District

Retail Repair, Sales, and Service uses and Wholesale Trade use categories outside of these districts

Class 5

EC, Employment Center

Light Industrial and Heavy Industrial use categories outside of these districts

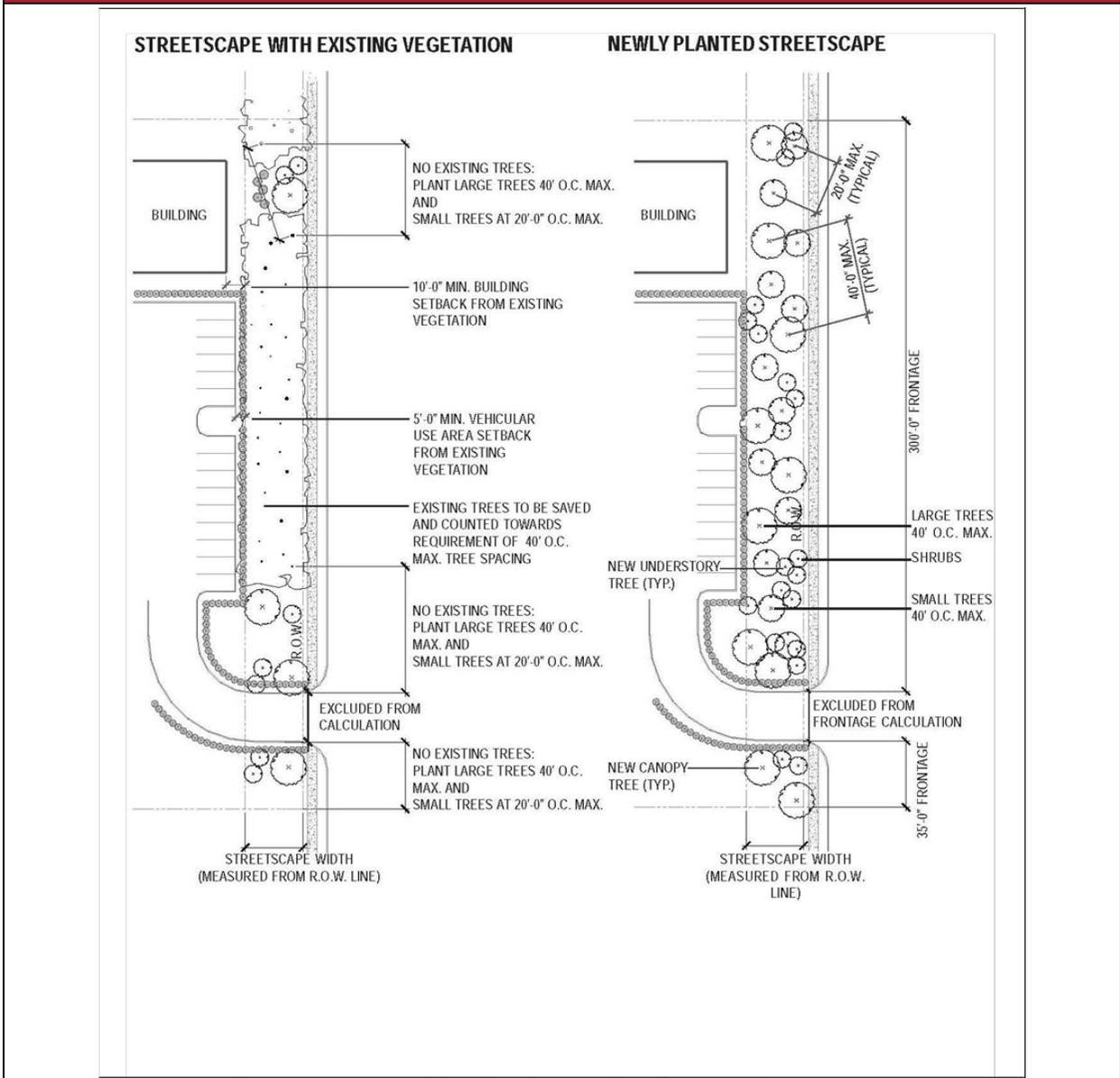
Passenger Terminal, Warehousing and Storage, Waste Related Use, and Utilities use categories.
STOP HERE

Table 121.04.02-2: Street Yard Landscaping Requirements				
Street Yard Class	Minimum Width	Min. Required Shade* Trees	Min. Required Ornamental Trees	
1**	6'	1 per 100'	1 per 100'	
2	8'	1 per 75'	1 per 100'	
3	8'	1 per 75'	1 per 75'	
4	8'	1 per 50'	1 per 50'	
5	12'	1 per 50'	2 per 50'	

Table 121.04.02-2: Street Yard Landscaping Requirements

Street Yard Class	Minimum Width	Min. Required Shade* Trees	Min. Required Ornamental Trees
<p>TABLE NOTES:</p> <p>* Shade trees may not be planted under over-head power lines; ornamental tree requirements must be doubled in cases where shade trees may not be planted.</p> <p>** This standard shall only apply to new subdivision streets and along existing streets with curb and gutter that provides access to the subdivision.</p>			

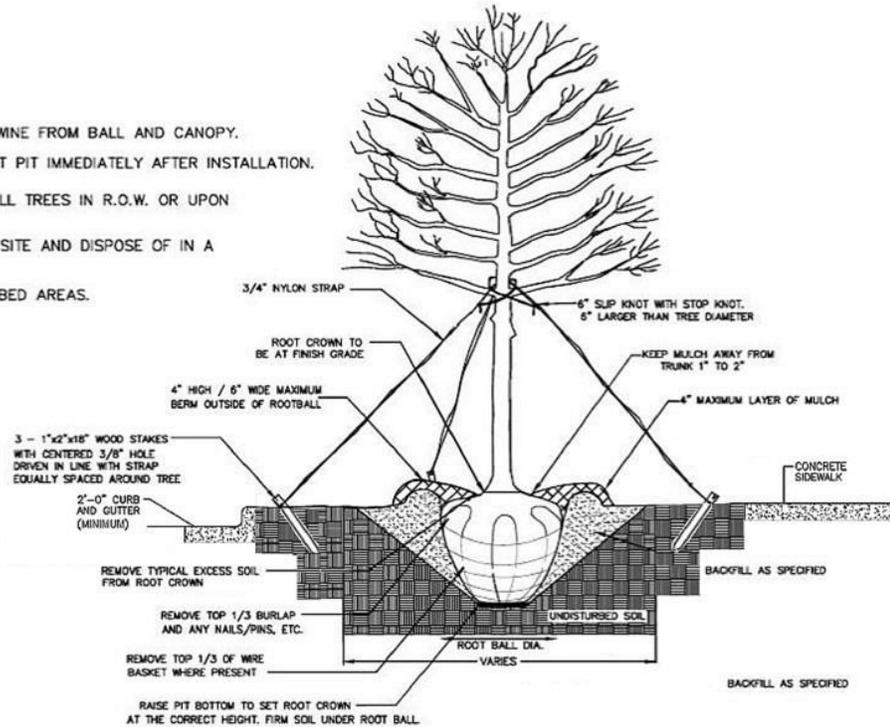
**Figure 121.04.02-5
Streetyard Typical for Nonresidential and Multi-family
Luis**



**Figure 121.04.02-6
Street Tree Typical for Single-Family Residential
Luis**

NOTES:

1. REMOVE WIRE AND NYLON TWINE FROM BALL AND CANOPY.
2. SOAK ROOT BALL AND PLANT PIT IMMEDIATELY AFTER INSTALLATION.
3. STAKING IS REQUIRED FOR ALL TREES IN R.O.W. OR UPON REQUEST OF ARBORIST.
4. REMOVE EXCESS SOIL FROM SITE AND DISPOSE OF IN A LEGAL MANNER.
5. RESEED UNMULCHED, DISTURBED AREAS.



ALL TREES SHALL MEET AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1-2004)

FOR EXAMPLE:	CALIPER	HEIGHT (RANGE)	MAX. HEIGHT	MIN. ROOT BALL DIA.	MIN. ROOT BALL DEPTH
	2"	12-14'	18'	24"	16"
	3"	14-16'	18'	32"	21"

**TREE PLANTING
(FOR SINGLE AND MULTI-STEM TREES)
N.T.S.**

FIGURE NOTES:

1. Remove wire and nylon from ball and canopy..
2. Soak root ball and plant put immediately after installation.
3. Staking is required for all trees in right-of-way or upon request of arborist.
4. Remove excess soil from site and dispose of in a legal manner.
5. Reseed unmulched, disturbed areas.

121.04.03 Buffer Yard Landscaping

- A. **Purpose.** The purpose of buffer yards is to provide a transitional buffer between zoning districts and/or uses that may differ in development intensity and density, provide a minimum buffer between uses of similar intensity and density and provide landscape buffer between back-to-back lots within a subdivision. These landscaped planting yards are intended to ensure that a natural area of appropriate size and density of plantings is planted or preserved between zoning districts and/or uses.
- B. **Standards.** Buffer yards shall be of different types, based upon the relationship between the two adjacent zoning districts and/or land uses between which the buffer yard is to be located and/or the lots layout within the subdivision. The width of the buffer yard and the density of plantings shall increase as the difference between adjacent zoning districts and/or land uses increases. Minimum dimensions shall apply, and be measured, horizontally. Widths shall be measured from the respective property line, except where buffer yards are permitted to straddle property lines, as set

forth in this Section. Where buffer yards turn at property corners, the length measurements determining plant quantities shall not be required to overlap.

- C. **Buffer Yard Types.** There shall be five different classes of zoning districts and land uses for purposes of determining the buffer yard type. Land use classes shall be based upon the specific land use or use category to be developed or the existing zoning district in the following groupings of zoning districts, land uses, and use categories.

Class 1

AG, Agricultural

RE, Rural Estate

RL, Residential Low

Single- and Two- Family Residential uses outside of these districts

Class 2

RM, Residential Medium

RH, Residential High

Group Living use category and Multi-Family Residential uses outside of these districts

Class 3

NC, Neighborhood Commercial

O-I Office and Institutional

Office use category and Institutional, and Civic uses outside of these districts

Class 4

GC, General Commercial

CC, City Center

MU, Mixed Use

CD, Campus Development

PID, Public Interest District

Retail Repair, Sales, and Service uses and Wholesale Trade use categories outside of these districts

Class 5

EC, Employment Center

Light Industrial and Heavy Industrial use categories outside of these districts

Passenger Terminal, Warehousing and Storage, Waste Related Use, and Utilities use categories.

- D. **Adjacent Land Use Determinations.** Table 121.04.03-1, *Buffer Yard Chart*, identifies the buffer yard type required for a given development, based on the relationship between the adjacent zoning district and/or land uses. Table 121.04.03-2, *Buffer Yard Landscaping Requirements*, contains the required plantings and dimensions of the respective buffer yard types. The width of the buffer yard and the density of plantings increase as the difference in the nature and intensity of development in the respective adjacent land uses increases.
- E. **City Center and Mixed Use Districts.** Table 121.04.03-3, *City Center and Mixed Use Buffer Yards*, identifies the buffer yard type required for a given development in the CC, City Center and the MU, Mixed Use zoning districts based on permitted land uses and use categories.

Table 121.04.03-1 Buffer Yard Chart					
Bufferyard Types For Adjacent Zoning District / Land Use Categories					
Zoning District or Land Use Class	1 EXISTING	2 EXISTING	3 EXISTING	4 EXISTING	5 EXISTING
1 PROPOSED	N/A	N/A	N/A (B ²)	N/A (C ²)	N/A (D ²)
2 PROPOSED	A	N/A	B	C	D
3 PROPOSED	B ¹	B ¹	N/A	A	C
4 PROPOSED	C ¹	C ¹	B ¹	N/A	B
5 PROPOSED	D ¹	D ¹	C ¹	B ¹	N/A

TABLE NOTES:

¹ Complete visual separation is required through the use of densely planted landscaping that would provide complete visual separation within three years of planting. See below for definition of "Visual Separation".

² New single-family subdivisions shall provide the required buffer yard, if they abut existing non-residential developments which were constructed before the adoption of this UDO and lack the required buffer yard. If an adjacent non-residential development includes the required buffer yard, none shall be required of the residential subdivision.

³ All approved development projects consisting of a primary structure/user and outparcels shall maintain that the primary user shall provide the buffer yards for all external boundaries. All outparcels shall be required to maintain a buffer yard between it and the primary user. The primary user is not responsible for an additional buffer yard between it and outparcels.

Table 121.04.03-2 Buffer Yard Landscaping Requirements					
Bufferyard Type	Minimum Width	Min. Required Shade Trees (per 100 linear feet)	Min. Required Ornamental Trees (per 100 linear feet)	Trees Required to be Evergreen (per 100 linear feet)*	Min. Required Evergreen Shrubs (per 100 linear ft.)
A	8'	3	5	2	10
B	15'	5	10	4	20
C	20' or 15' w/ 6' high berm, fence or wall	10	20	15	30
D	50' or 25' w/ 6' high berm, fence, or wall	15	25'	20	40'

TABLE NOTES:

*Evergreen trees shall be interspersed with other required plantings on a regular interval.

Table 121.04.03-3 City Center and Mixed Use District Buffer Yards					
Bufferyard Types For Adjacent Land Use Categories					
Zoning District or Land Use Class	1 EXISTING	2 EXISTING	3 EXISTING	4 EXISTING	5 EXISTING
1 PROPOSED	N/A	N/A	N/A (A ²)	N/A (B ²)	N/A (C ²)
2 PROPOSED	A	N/A	B	B	C
3 PROPOSED	A ¹	A ¹	N/A	A	B
4 PROPOSED	B ¹	B ¹	A ¹	N/A	A
5 PROPOSED	C ¹	C ¹	B ¹	A ¹	N/A

TABLE NOTES:

Refer to table notes in Table 121.04.03-1, *Buffer Yard Chart*.

- F. **Street Bufferyard.** A street buffer yard shall be required for any new subdivision or development based on the classification of the adjacent street in the [HALUP](#) and according to Table 121.04.03-3, *Street Buffer Yard Requirements*. The street buffer yard shall be located along the entire length of the street, and shall be owned and maintained by the property owner, homeowners' association or property owners' association. These buffers shall meet the requirements of the district buffer yard standards in composition.

Table 121.04.03-3 Street Bufferyard Requirements			
Use or District	Abutting Street Classification		
	Freeway / Expressway or Thoroughfare	Collector Street	All Other Streets Except Alleys
Residential Subdivision	D	C	--
Mixed Use or Nonresidential Development	C	B	A

TABLE NOTES:
-- = No street buffer yard required

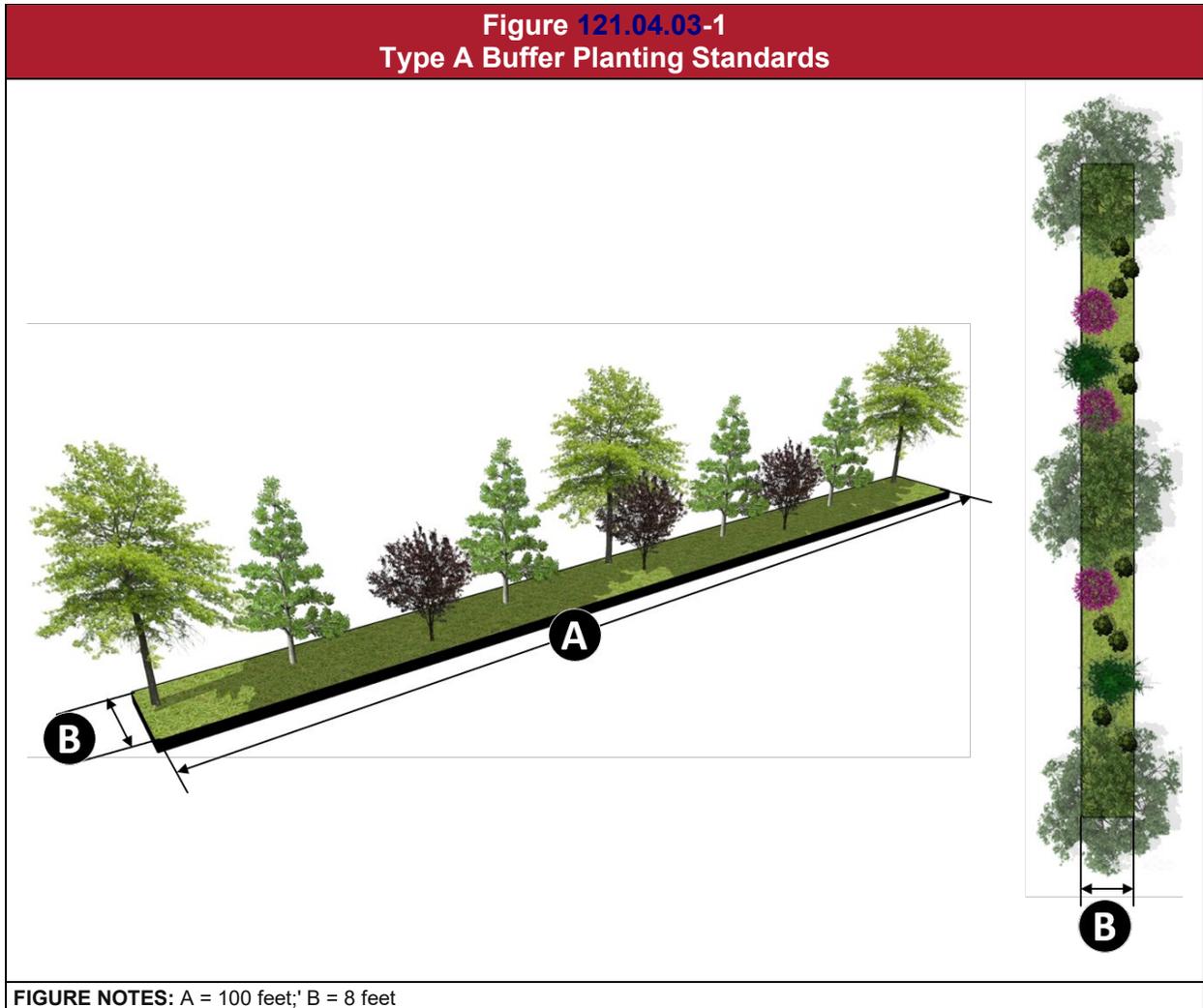


Figure 121.04.03-2
Type B Buffer Planting Standards

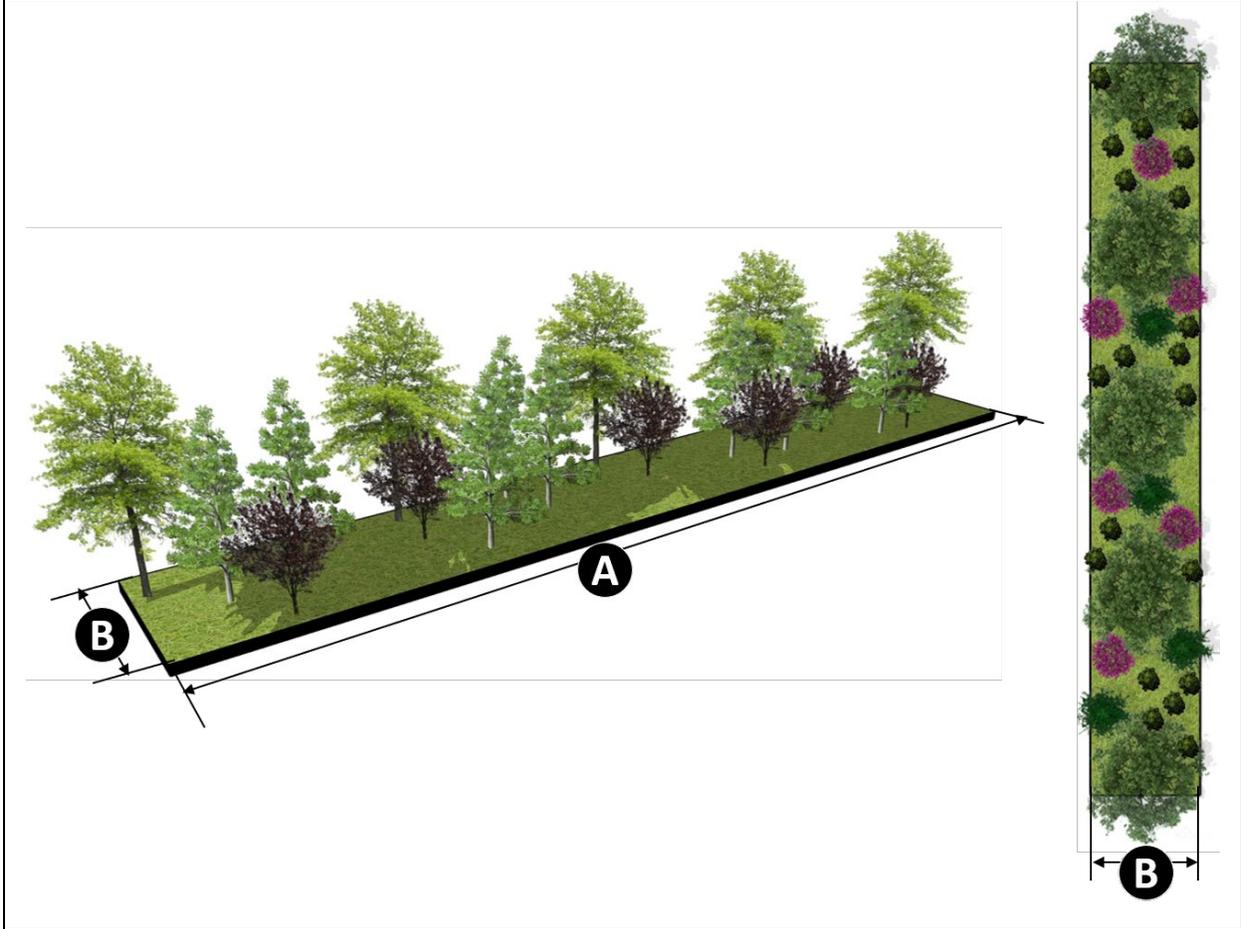


FIGURE NOTES: A = 100 feet; B = 15 feet

Figure 121.04.03-3
Type C Buffer Planting Standards

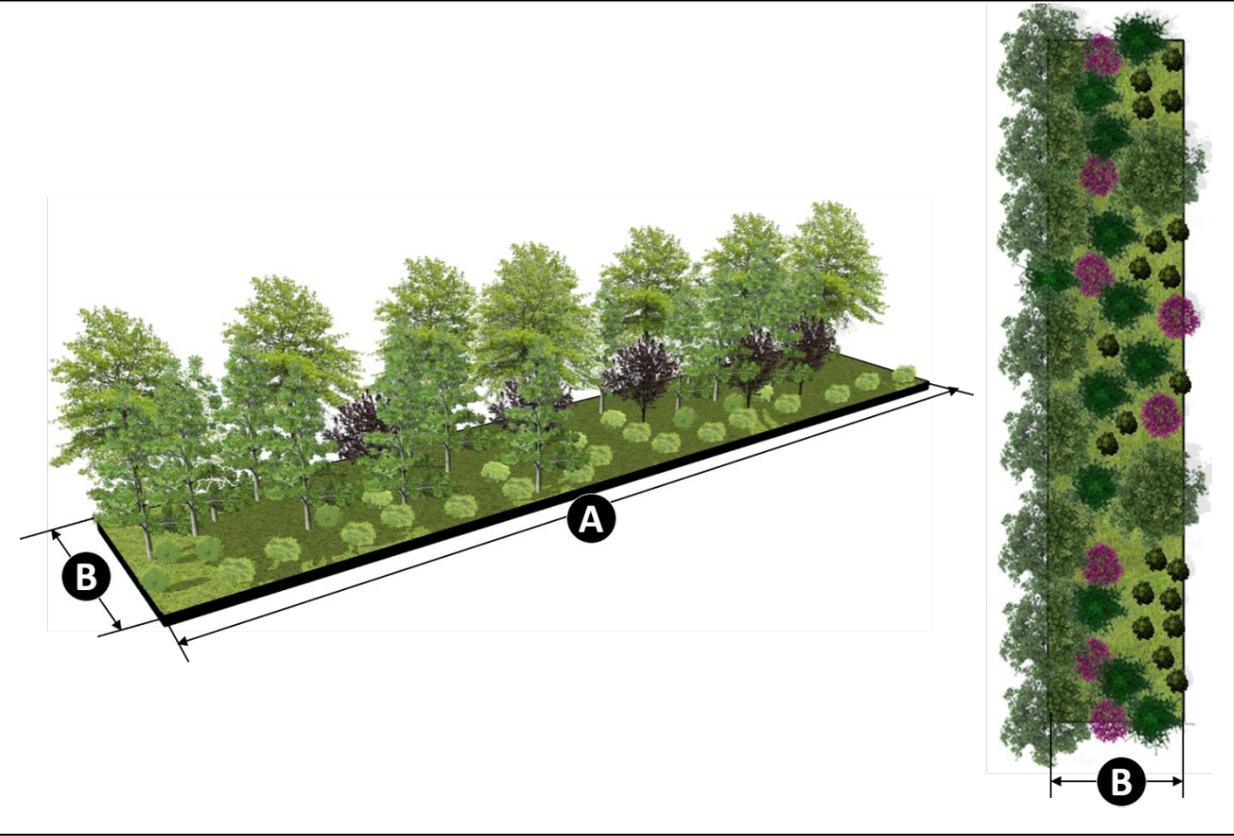
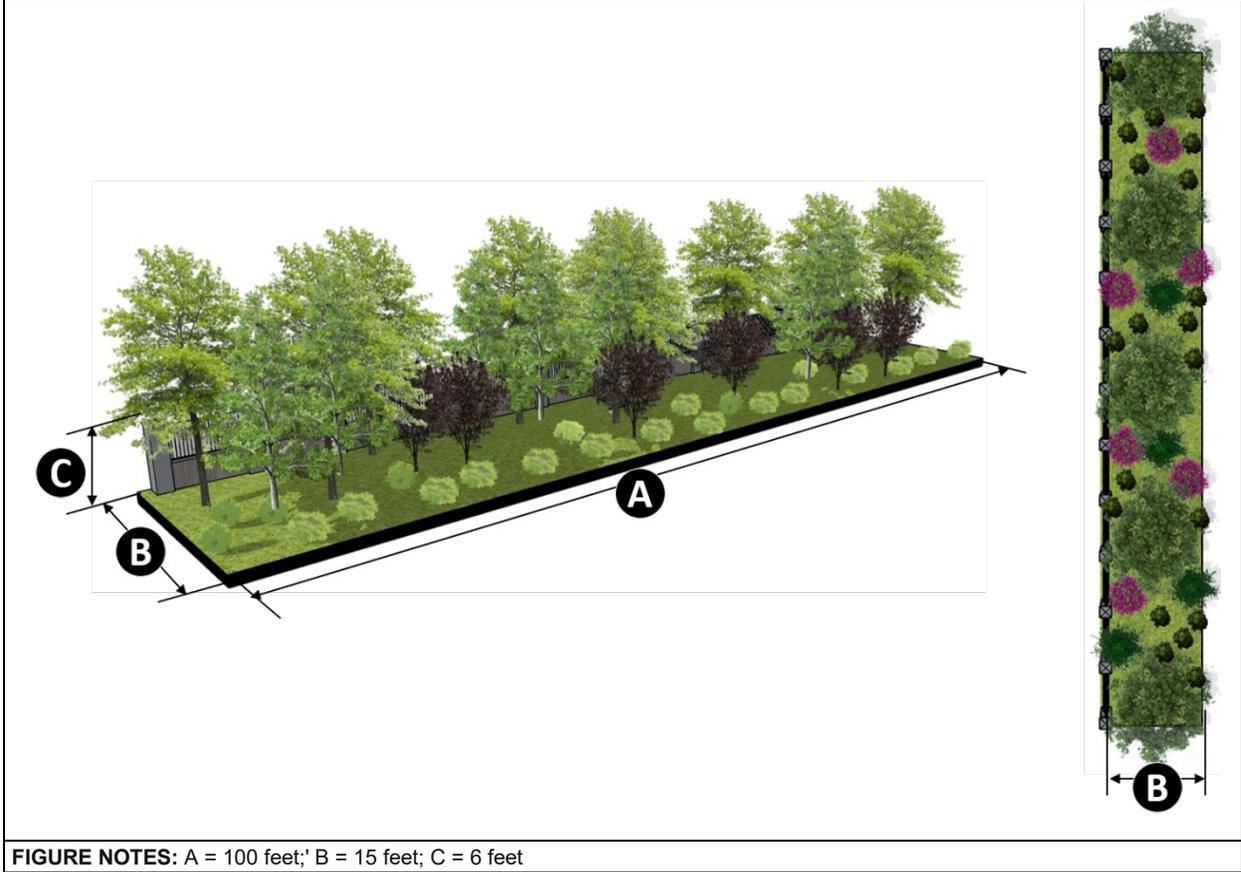


FIGURE NOTES: A = 100 feet; B = 20 feet

Figure 121.04.03-3
Type C Buffer Planting Standards



**Figure 121.04.03-4
Type D Buffer Planting Standards**

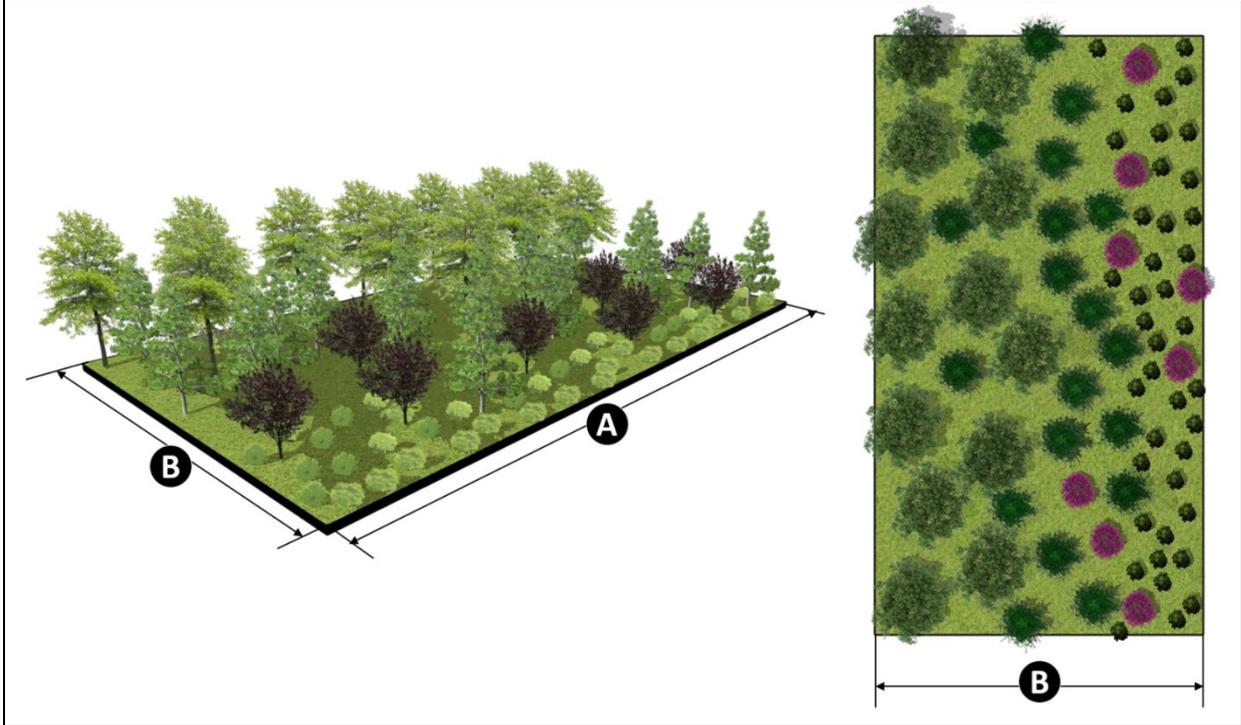
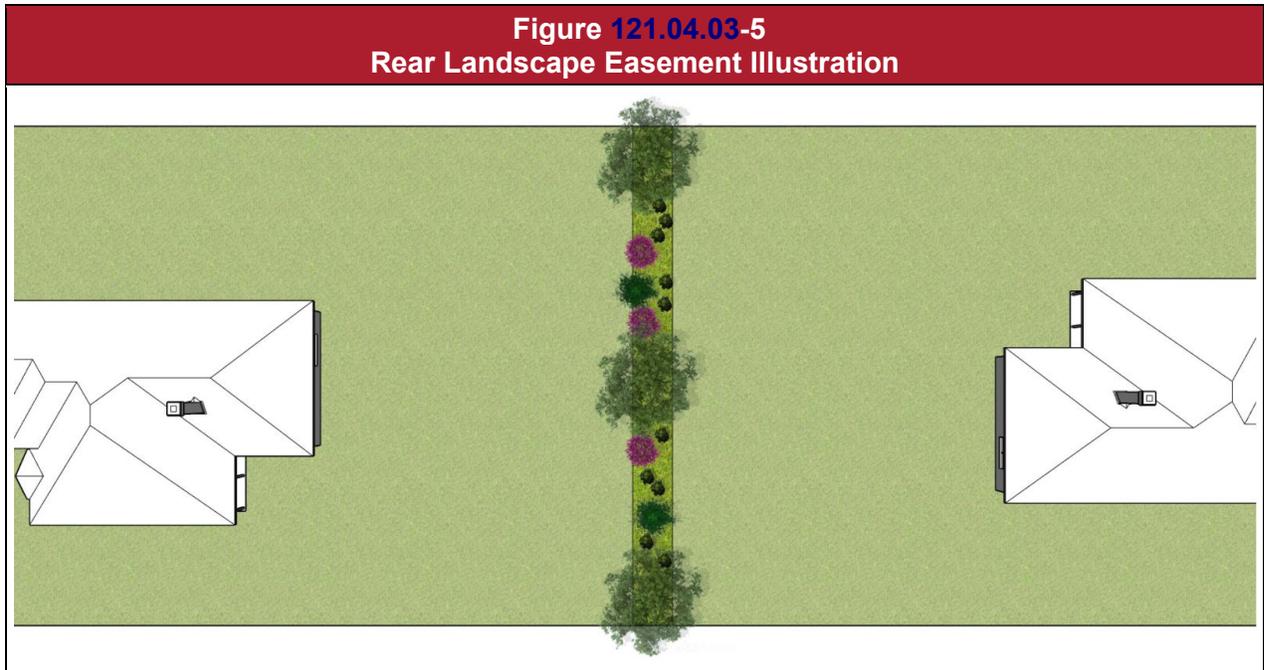


FIGURE NOTES: A = 100 feet; B = 50 feet



FIGURE NOTES: A = 100 feet; B = 25 feet; C = 6 feet

E. Back to Back Residential Lots. Residential Subdivisions with back to back lots that share a common property line shall have a planted landscape buffer easement a minimum of eight feet in width, equally divided on each lot, as depicted in Figure 121.04.03-5, *Rear Landscape Easement Illustration*. Such buffer easement shall be deeded and recorded.



- F. **Exemptions.** Certain uses are exempt from the buffer requirements as described in this section. Exemptions include, but are not limited to the following:
1. *Common Ownership.* Lot or parcels, under common ownership, on which the uses or buildings demonstrate compatible design elements and are linked to adjacent lots or buildings by a common system of sidewalks or other pedestrian walkways across property lines;
 2. *Separation by ROW.*
 - a. Lots or parcels separated by a public street right- of-way greater than 30 feet in width;
 - b. Lots or parcels separated by a railroad right-of- way.
- G. **Prohibited Uses and Structures.** The following are prohibited with in buffer yards:
1. *Buildings and Equipment.* The construction of any structure or the placement of any mechanical equipment within the landscape buffer yard except for equipment necessary for the provision of utilities;
 2. *Signs.* Signs not placed consistently with § 121.05, *Signs*;
 3. *Recreational Uses.* Active recreational uses, such as play fields, swimming pools, racquetball and tennis courts, or other active, structured recreational uses; and
 4. *Vehicle Use Area.* Vehicle use areas or circulation drives.
- H. **Permitted Uses.** The following other uses may be permitted in a buffer yard provided that none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer yard is maintained, and all other requirements of this Section are met:
1. Passive recreation;
 2. Sculpture, outdoor furniture, picnic areas; pedestrian, bike or equestrian trails; golf courses,
 3. Storm water retention basins;
 4. Parks and open space.
- I. **Reduction in Required Buffer Yard.** Where a dedicated buffer yard exists on an abutting property, the Administrator may eliminate the buffer yard requirement for the property to be developed subject to the following:

1. **Written Agreement.**
 - a. The adjoining property owners have provided a written agreement restricting the use of the dedicated buffer yard to uses provided for in this Section;
 - b. The written agreement also includes maintenance responsibilities of the existing buffer yard consistent with the requirements of this Section; and
 2. **Net Buffer Yard.** The “net” buffer yard satisfies the minimum buffer yard requirements of this Section for both properties. The net buffer shall include the cumulative total for both required buffers.
- J. **Existing Vegetation.** Existing healthy vegetation may be counted toward required landscaping. In order to do so, the landscape plan shall indicate the type, number and size of existing plants which are sufficient to comply with the respective buffer yard. It shall not be necessary to indicate the total inventory of existing plants. Only plants required to meet the provisions of this UDO shall be required to be listed.
- K. **Application Toward Setback Requirement.** Buffer yard areas shall be counted towards required building setbacks.
- L. **Designation of Buffer Yard as Landscaped Area.** Buffer yards shall be designated as landscaped areas on the application for development approval and as landscape easements when shown on a subdivision plat. The buffer yard shall be recorded with the title of the property as a landscape buffer yard easement.
- M. **Buffer Yard On Property Line.** When platting abutting lots, the applicant may dedicate a buffer yard that straddles the property line, provided the cumulative buffer width is maintained for both yards.
- N. **Visual Separation.** Where complete visual separation is required, it shall be accomplished through the use of landscaping which provides year-round opaque screening. In addition, to provide complete visual separation within three years of planting, when and if needed, landscaping may be combined with earthen berms or masonry walls to accomplish the required visual separation.
- O. **Maintenance of Buffer.** It is the intent of the Town that all buffers will be maintained in their natural state and will not be excessively pruned or trimmed except as necessary to maintain compliance with all other town regulations, such as those prohibiting obstruction of roadway sight distances or obstruction to the free use of public sidewalks or streets. Infectious, invasive, exotic, dead, and damaged trees may be removed if no damage is done to other vegetation.

121.04.04 Tree Protection Standards

- A. **Purpose.** Preserving existing healthy vegetation on a site during development enhances the visual character of the community by screening and softening the impact of buildings and balancing the scale of buildings in addition to preserving wildlife habitat, controlling surface water runoff, and moderating temperatures. The goal is to preserve existing and significant vegetation to the extent practical and reasonable, while taking unique site conditions and features into consideration. Preservation of trees and existing vegetation ultimately conserves water because of factors such as increased absorption ability and reduced heat effects. The preservation of perimeter buffers and significant vegetation inside the buffers is a goal that warrants flexibility on the Town’s part in administering these requirements.
- B. **Purpose.** In addition to the requirements of Section 121.04.01.A, Landscape Plan Requirements, the purpose of the tree survey is to identify those areas of vegetation, including heritage trees and significant vegetation, before site and/or subdivision plans are so far advanced that it is unreasonable and impractical to modify the plans to protect the vegetation identified to be saved on the tree survey. Preserving heritage trees or significant vegetation on a site should not prevent a particular site from being developed for reasonable uses, given existing zoning.
- C. **Tree Survey Requirements.** A tree survey is a description of the existing vegetation on a site. This is necessary to ensure protection of shade trees and significant vegetation within required protection areas. The applicant shall meet with the Administrator to determine the areas of the proposed site to be surveyed and the extent of the survey; however the survey shall, at a minimum, provide the

information below. Town staff shall determine whether a tree survey is required as a part of the development review and approval process, based on the criteria of this Subsection. When required, the tree survey shall be prepared for the applicant by a duly qualified land surveyor, when a tree survey is required; however the final decision on selection is made by Town staff. The arborist shall not have had any involvement with the specific development within the 12 months prior to the tree survey.

1. *When Required.* During the development process, a tree survey is required for the following:
 - a. *Rezoning Of Property with Site Plan.* The applicant shall submit a fully completed tree survey to the Administrator for processing during the rezoning process to ensure the proposed project aims in protecting heritage trees to fully practicable extent. The Administrator shall review the tree survey for conformance with this Section, and shall make a recommendation to Town Council as part of preliminary plat review.
 - b. *Site Plans Review all Development Types.* The applicant shall submit a tree survey to the Administrator for processing during the minor site plan review. The Administrator shall review the tree survey for conformance with this Section and shall make a recommendation to Town Council as part of minor site plan review.
2. *Specific Requirements.*
 - a. *Document Size and Scale.* No specific size requirements apply to tree surveys. Tree surveys shall be prepared at a scale of one inch equals 100 feet, or a scale for which one inch equals a distance less than 100 feet.
 - b. *Qualified Land Surveyor.* The tree survey shall be prepared and certified by qualified surveyor which can be a registered land surveyor, registered landscape architect, urban forester, botanist, or arborist, and shall depict or contain the information set forth below. Incomplete plans shall be returned to the applicant without further review until revised and resubmitted.
3. *Contents Required.*
 - a. Legend, title, and revision number;
 - b. Location map showing relationship of the area to the town and surrounding area;
 - c. Tract boundaries shown by a heavy line including all bearings and distances;
 - d. Existing property lines, any structures, water courses, railroads, bridges, culverts, and storm drains on the tract and on adjoining property within 100’;
 - e. All areas that are to remain undisturbed on the site;
 - f. All existing and proposed topography, at two foot contours, with the limits of grading clearly delineated. Include existing and proposed elevations changes for preserved trees;
 - g. The location of each trunk, diameter, general condition, and common name of all trees 30” and greater dbh (diameter at breast height) that are proposed to be preserved and/or removed, transplanted, or located in any disturbed area. Please provide permanent numerical ID tags for the heritage trees that correspond to the tree survey;
 - h. A description of the forest stands on site that are outside of protected areas (i.e., buffers, or open space areas), including information on the type of vegetation and size ranges;
 - i. If a heritage tree is being removed, the location, diameter, and common name of the trees that will be planted in another location to offset the tree being removed.
 - j. Protective fencing plan showing protective fencing and signage.
 - k. The number of heritage trees with their diameters and location.
 - l. A description of the forest stands on site that are outside of protected areas (i.e., buffers or open space areas), including information on the type of vegetation and size ranges.

- D. **Tree Protection During Construction.** During development of property, the owner shall be responsible for the erection of any and all barriers necessary to protect any existing or installed vegetation from damage both during and after construction. Any unauthorized disturbance within the boundaries of the tree protection areas shall result in fines as identified in Chapter 127, *Enforcement and Remedies*, in addition to any other fines and replanting requirements for the removal or damage of vegetation within tree protection areas.
- E. **Protective Fencing.** All existing trees and vegetation that is to be preserved, including buffers, shall be completely enclosed with a sturdy and visible fence that encircles the critical root zone of the trees or buffers to be preserved before grading begins according to the following.
1. *Where Required.* Required fencing shall be installed a minimum of six feet from the trunk of preserved trees. Fencing of areas adjacent to existing and proposed roadways is required if the preserved tree's critical root zone is within three feet of the public right-of-way. Fencing is required on all Town and Department of Transportation road projects that are adjacent to protected streetscapes or buffers. The applicant and Administrator shall consider existing site conditions in determining the exact location of any tree protection fencing.
 2. *Type of Fence.* All fencing required by this Section shall be four feet orange polyethylene laminar fencing a minimum four feet high and of durable construction. Passive forms of tree protection may be utilized to delineate tree save areas that are remote from areas of land disturbance at the discretion of the Administrator.
 3. *Signs.* Signs shall be installed on the tree protection fence visible on all sides of the fenced-in area (minimum one on each side and/or every 300 linear feet). The size of each sign shall be a minimum of two feet by two feet and shall contain the following language in English and Spanish: "TREE PROTECTION AREA, KEEP OUT."
 4. *Designation of Plan and Plats.* The tree protection fencing shall be clearly shown on the site and/or subdivision plan. No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area. Fencing shall be maintained until the final site inspection prior to the Certificate of Occupancy is scheduled (including any required perimeter buffer for single-family home construction). The fencing shall be removed after the final site inspection for the Certificate of Occupancy.
- F. **Encroachments into Root Zones.** Permanent encroachments within the critical root zone of a preserved tree shall occur only in rare instances. If such an encroachment is anticipated, the following preventative measures shall be employed:
1. *Clearing Activities.* The removal of trees adjacent to a preserved tree's critical root zone may cause inadvertent damage to the preserved tree. The applicant shall cut trenches that area a minimum of one and one half feet deep along the limits of land disturbance, so as to cut, rather than tear, roots.
 2. *Soil.* Where compaction might occur due to traffic or materials through the tree protection area, the area shall first be mulched with a minimum four (4)-inch layer of processed pine bark or wood chips or a six (6)-inch layer of pine straw. Equipment or materials storage shall not be allowed within tree protection areas.
- G. **Specific Requirements for Heritage Trees.** The intent of this subsection is to protect healthy heritage trees on sites during the development process. With this in mind, flexibility in site design is provided for to offset area used to preserve heritage trees by deducting area from other required landscape/buffer areas. Heritage Trees shall be noted on the rezoning site plan early in the development process or during the site plan review for non-rezoning development projects. No heritage tree may be removed during development, unless the approval criteria of this Section are met and the tree is replaced pursuant to this Section. In support of any application which requests removal of a heritage tree, the applicant shall submit a report from a certified arborist or other such specialist.
1. *Removal of Heritage Trees.* The Administrator shall approve removal of a heritage tree if the tree is adversely impacted by one of the following and no practical alternative location exists:
 - a. Required road connections;
 - b. Required sanitary sewer or storm drain lines;

- c. Public infrastructure improvements made by others;
 - d. Required stormwater treatment devices located in geographically and topographically appropriate areas; or
 - e. Town design standards that limit the location of buildings and/or other features such as parking and requirements for the building to front on streets.
2. *Replacement of Heritage Trees.*
- a. When a heritage tree is removed during construction, or dies within one year following construction, on a site located outside of the City Center (CC) district, the applicant or developer shall replace such heritage tree with trees of similar type planted at least 30 feet from any other tree such that the total caliper inches of trees planted is no less two times the diameter of the tree removed. The size of such replacement trees at the time of installation shall be a minimum of two and one-half inches in caliper. The administrator may offer flexibility with the required spacing of the trees depending on the type of tree removed and the type of tree being used as a replacement.
 - b. When a heritage tree is removed during construction, or dies within one year following construction, on a site located within the City Center (CC) district, the applicant or developer shall comply with the requirements of this Section except that the total caliper inches of trees planted may be 25 percent less than the diameter of the tree removed if it is not practical to replant the required number and size of trees spaced at least 30 feet from any other tree on the same site or any adjacent property under common ownership. The administrator may offer flexibility with the required spacing of the trees depending on the type of tree removed and the type of tree being used as a replacement.
 - c. In consultation with the Town staff, acceptable replacement trees shall be determined by a person qualified by training or experience to have expert knowledge of the subject. Alternatively, the valuation of trees removed may be established in accordance with standards established by the International Society of Arboriculture and replaced with landscaping of equal dollar value.
 - d. Replacement trees shall be maintained through an establishment period of at least three years, except that single-family detached dwellings on an individual lot shall have an establishment period of only one year. The property owner and developer shall execute a landscape agreement guaranteeing the survival and health of all replacement trees during the establishment period and guaranteeing to replace any replacement tree(s) that does not survive the establishment period in good health as determined by a certified arborist.
3. *Alternatives for Replacement of Heritage Trees.*
- a. A development may meet the total inches required for mitigation in subsection 3, *Replacement of Heritage Trees*, by planting larger shade trees for the required buffers and/or landscaping. Any shade tree that is planted larger than the required minimum size may use the excess inches to count towards the Heritage Tree replacement requirements. This standard is only applicable for non-residential and mixed use developments.
 - b. If the developer chooses to protect trees that could otherwise be removed, the inches protected may count towards the mitigation requirements for the removal of Heritage Trees. These areas that are to be protected are called “Tree Save Areas” and shall be protected as outlined above.
 - c. The developer may choose to upgrade the size of the required side and rear buffer yards in Section 121.04.03, *Buffer Yards*, in exchange for a reduction of the Heritage Tree replacement requirements. This standard is only applicable for non-residential developments. Upgrading to a Type B buffer grants a reduction of 25 percent of total inches to be replaced. Upgrading to a Type C buffer grants a reduction of 30 percent of total inches to be replaced. Upgrading to a Type D buffer grants a reduction of 35 percent of total inches to be replaced.
4. *Exemptions.* Non-residential lots that are less than two (2.0) acres in size are exempt from the requirements set forth under this Section in relation to heritage trees.
- H. **Waivers for Emergencies.** During emergencies, such as windstorms, ice storms, fire, or other disasters, the Administrator may waive the requirements of this Section in order to avoid hampering

private or public work to restore order in the Town. This Section shall not be used, however, to otherwise circumvent the requirements of this Section.

I. **Clear Cutting of Trees and Other Vegetation.**

1. The removal or clear cutting of trees and other existing vegetation on undeveloped or underdeveloped sites within the corporate limits or extra-territorial jurisdiction is prohibited except as otherwise permitted in this Subsection.
2. Any clear cutting or vegetation removal on vacant, undeveloped, or underdeveloped sites shall be done in accordance with an approved site and/or subdivision plan.
3. Any property that has vegetation removed prior to a request for an approved site and/or subdivision plan shall be required to wait a minimum of three years before submitting an application for any development approvals.
4. This provision shall not apply to any property that is being managed in accordance with an approved Forestry Management Plan through the North Carolina Forestry Service, and any such plan shall be submitted as part of the development plan request.

121.04.05 Alternative Compliance

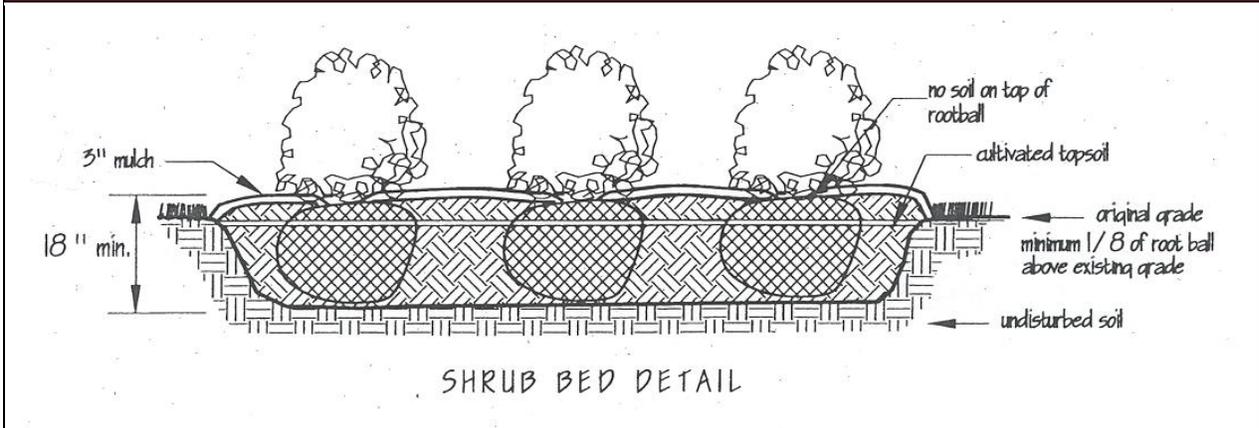
- A. **Generally.** Under the criteria listed below, the Administrator or Planning and Zoning Board, as appropriate, may review and approve an alternative compliance Landscape Plan upon determining that such plan meets the following criteria.
1. *Purpose.* The alternative compliance Landscape Plan meets the purpose of this Section; and
 2. *Conditions.* Site conditions inhibit creative site design or pose prohibitive constraints to appropriate development as a result of strict compliance with the requirements set forth in this Section in a minimum of one of the following manners:
 - a. *Features.* The subject property contains unique natural features such as soil characteristics, topography, geological characteristics, water features, and significant existing vegetation;
 - b. *Limitations.* The subject property has space limitations as a result of the locations of existing structures, paved areas, surrounding existing development, and other built features.
 - c. *Shape and Size.* The subject property is peculiarly-shaped, through no action of the owner or previous owner, or contains extensive undeveloped area.
 3. *Financial Hardship.* Financial hardship is not justification for alternative compliance.
 4. *Final Decision.* The Administrator may approve the alternative compliance proposal if he or she finds that all three criteria above apply to a property. The Planning and Zoning Board may approve all other alternative compliance proposals.
- B. **Legislative Reductions Permitted.** In addition to the requirements above and provided that the Town Council deems the plan a substantial improvement over the minimum requirements of this Section, the Town Council may, at a public meeting, approve additional forms of alternative compliance with this Section subject to the requirements of this Section.

121.04.06 Installation and Maintenance

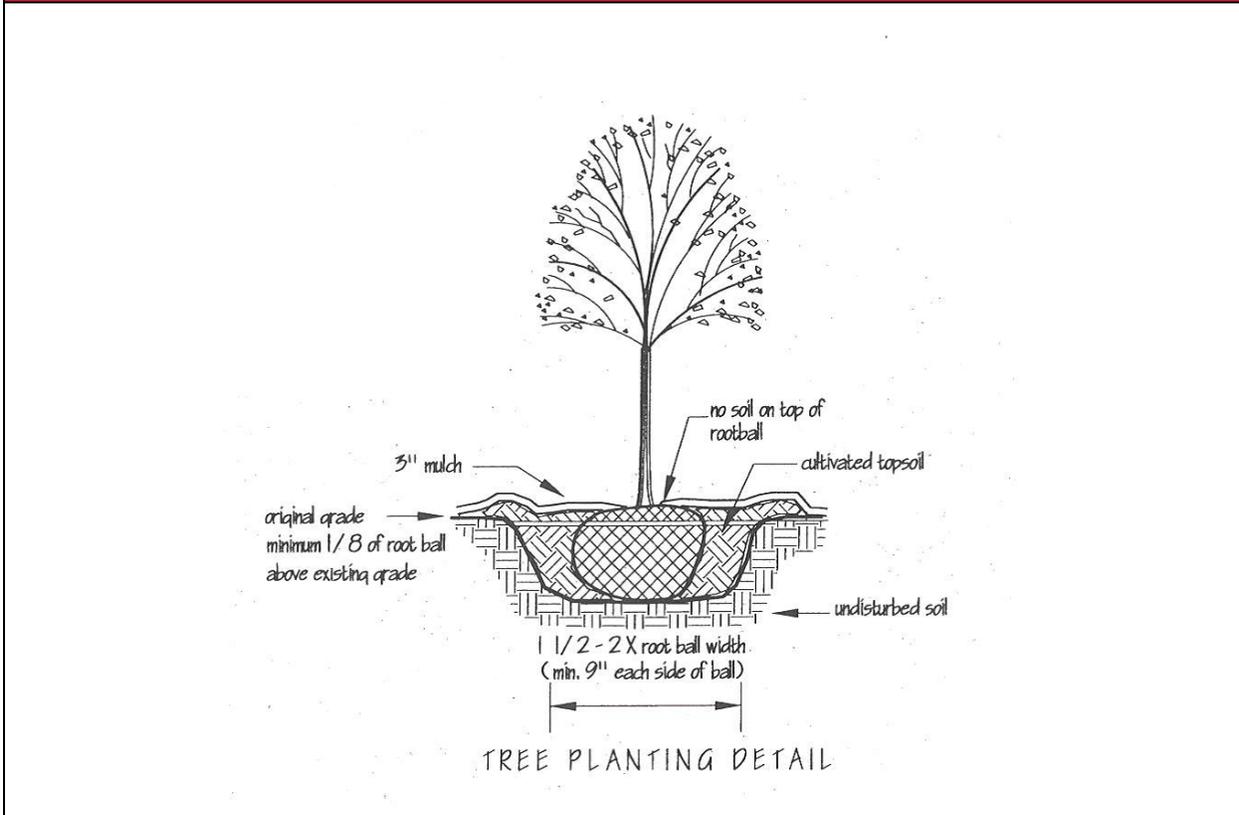
- A. **Ground Cover (Organic).** Organic ground covers shall provide 100 percent coverage on the ground within three (3) years of installation. Except for seeding, grass or turf shall provide 100 percent coverage upon installation. Organic mulch may be used around plantings to maintain soil moisture and prevent the growth of weeds.
- B. **Ground Cover (Inorganic).** Inorganic ground covers consisting of river rock or similar materials may be used provided they do not exceed 20 percent coverage of the required landscape planting area.
- C. **Selection of Plant Materials.** All plant material, except Ground Covers, shall be selected from the [Appendix A Plant List](#) in the Appendix of this UDO.

- D. **Substitution of Plant Materials.** The Administrator shall have the authority to approve the installation of comparable substitution plant materials to satisfy the requirements of the approved landscape plan when the approved plants and landscape materials are not available at the time that installations are to occur, or when other unforeseen conditions prevent the use of the exact materials shown on the approved landscape plan. Significant changes that require the replacement and relocation of more than 25 percent of the plant materials shall require a new landscape plan and approval through the plan review process. Replacement plant materials shall not come from [North Carolina Invasive Plan Species for the Piedmont](#).
- E. **Mix of Genus and Species Encouraged.** Except for Street Yard trees, a mix of genus and species of trees, shrubs, ground covering, perennials and annuals is encouraged in order to avoid potential loss due to infectious disease, blight, or insect infestation. Street Yard Trees should retained a reasonably uniform pattern along both sides of a street within the same block or corridor.
- F. **Plant Pit, Hedge Trench, and Shrub Bed Preparation.** Preparation of plant pits, hedge trenches and shrub beds shall be done in conformance with [Planting Trees and Shrubs Correctly](#), North Carolina Cooperative Extension Service, (2017).
- G. **Site Maintenance During Construction.** Equipment, wood and similar objects shall not be stored or laid upon the critical root zone during or after construction. Chemicals and liquid construction wastes shall not be dumped, poured or spilled in the area of any plant materials. Washing of concrete mixers shall not be done near the site. Trees and shrubs shall be installed in accordance with the following standards and as depicted in 121.04.06-1, *Shrub Bed Detail*, and Figure 121.04.06-2, *Tree Planting Detail*.
1. *Pit Depth.*
 - a. Excavate pits with vertical sides approximately the depth of the root ball and with a circular outline which shall be approximately two to three times wider than the root ball. For planting pits, beds or trenches which are to be developed where paving existed previously, all paving and base stone shall be removed as part of the excavation.
 - b. Cultivate shrub planting pits to a minimum depth of 18 inches. Ground cover and vine planting pits shall be cultivated to a minimum depth of 12 inches.
 2. *Debris Removal.* Remove rock, debris, inorganic compositions and chemical residues from soil in planting pits.
 3. *Root Ball.*
 - a. Install root ball on a flat, compact surface of undisturbed soil and remove any inorganic ties on top of the root ball.
 - b. Leave the top of the tree root ball exposed, to be covered by mulch only.
 4. *Wire Basket Removal.* Remove the top 1/3 of wire baskets.
 5. *Mulch.* Finish the planting with a minimum 3-inch layer of mulch of pine needles, tree bark or similar materials distributed around the tree trunk.
 6. *Annual Maintenance.* Prepare soil, plant, fertilize, mulch, and control insects and disease in conformance with the North Carolina Cooperative Extension Service, [Garden Calendar](#).
 7. *Plant Re-establishment.* Re-establish native plants salvaged from the site or relocated as a result of grading in conformance with the recommendations of the North Carolina Cooperative Extension Service.
 8. *Support.* Support trees and shrubs adequately when planted in order to avoid interference with their typical growing patterns.
 9. *Distance from Street Light.* Street trees shall not be planted within 10 feet of a street light.

**Figure 121.04.06-1
Shrub Bed Detail**



**Figure 121.04.06-2
Tree Planting Detail**



H. General Maintenance of Landscaping and Site.

1. *Responsibility.* The applicant, property owner, and/or subsequent or successor owner, and their agents, including tenants, shall be jointly and severally responsible for maintenance of landscaping on the property on a continuing basis for the life of the development as specified in this Section. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing, edging, pruning, fertilizing, watering, weeding and other activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other materials or plants not a part of the landscaping.

2. **Length of Maintenance.** Required landscaping shall be maintained in perpetuity, in accordance with paragraph 1, above. After initial installation, it shall be the responsibility of the owner and/or tenant of the property upon which the landscaping is installed to maintain all required plantings in a healthy, vigorous and attractive state, or replace dead, diseased or deteriorated plants. Within residential subdivisions, the maintenance of street trees in planting strips between curbs and sidewalks which are within the street right-of-way shall be the responsibility of the respective homeowners association, or the abutting homeowner, in the absence of a homeowners association.
 3. **Screen Growth Allowance.** If after three years following installation of required screening plant materials, the plants have not formed an effective screen, or if an effective screen is not maintained, the Administrator may require that another type of screen be added or additional plantings be installed. Landscaped areas shall require protection from vehicular encroachment. The Administrator shall inspect all landscaping and no Certificate of Occupancy or similar authorization will be issued unless the landscaping meets the requirements of this Ordinance.
 4. **Health Requirements.** All required plant material shall be maintained in a healthy, growing condition as is appropriate for the season. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated. Dead plants shall be promptly removed and replaced within the next planting season after removal. If replacement is necessary, all plants and other non-living landscape materials shall be equal in size, density and appearance as originally required at the time of the approval of the development permit.
- I. **Maintenance and Trimming in Utility Rights-of-way.** Utility crews and companies are encouraged to do directional pruning of branches interfering with utility lines to prevent damage, disfigurement and heavy suckering and reduce future pruning needs. Utility tree trimmers are encouraged to remove branches to laterals (drop-crotching) in order to direct tree growth away from utility lines. Directional pruning includes top trimming, side trimming, under trimming and through trimming.

§ 121.05 Signs

121.05.01 General Provisions

- A. **Purpose.** This sign ordinance is adopted under the zoning authority of the Town to further the more general purposes set forth in this Chapter. The purpose of these sign regulations are:
1. To encourage the effective use of signs as a means of communication in the Town while preserving the rights of free speech under the First Amendment to the United States Constitution and State of the North Carolina Constitution;
 2. To maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth;
 3. To improve pedestrian and traffic safety;
 4. To minimize the possible adverse effect of signs on nearby public and private property; and
 5. To enable the fair and consistent enforcement of these sign restrictions.
- B. **Applicability.** A sign may be constructed, erected, placed, established, painted, created, or maintained in the Town only in conformance with the standards, procedures, exemptions, and other requirements of this Chapter. This section 121.05:
1. Establishes a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this section;
 2. Allows certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Chapter, but without permit requirements;
 3. Prohibits all signs not expressly permitted by this section; and
 4. Provides for the enforcement of this section.

- C. **Alteration of Sign Face.** The physical alteration of a sign face or supporting structure requires a permit and conformity to all the dimensional requirements of this section. However, repainting of sign or replacement of sign type is considered maintenance or repair and does not require a permit.
- D. **Signs on Public Property.** Any sign installed or placed on public property or within a public right-of-way, except in conformance with the requirements of this section, is forfeited to the public and subject to confiscation. In addition to other remedies in this section, the Administrator may recover from the owner or person placing the sign the full costs of its removal and disposal.

121.05.02 Signs Exempt from Regulation

- A. **Applicability.** No permit is required for the following signs, if they are not prohibited as defined in § 121.05.03, *Prohibited Sign Types, Materials, Design Elements, and Locations*, and comply with the conditions below. Signs permitted in this section are not considered in determining the total sign area. However, a sign that exceeds the size or does not comply with these requirements is subject to all other provisions of this section.
- B. **Building Marker Signs.** A building marker sign is an attached sign that is cut or etched into masonry, bronze, or similar material
- C. **Entrance Sign.** An attached sign located on or adjacent to a building entrance, up to six square feet in sign area.
- D. **Flags.** Flags attached to a pole of up to 40 feet in height. MAXIMUM SIZE IS 60 SQUARE FEET. Any flag not meeting these conditions is considered a banner sign.
- E. **Governmental Signs.** Signs posted by local, state, and federal agencies such as regulatory signs and traffic control signs.
- F. **Incidental Signs.** Incidental signs are allowed as follows:
 - 1. Signs up to three feet in height and three to six square feet in area, that do not obstruct any vehicular sight triangle, and are located at least 10 feet and up to 15 feet away from the edge of the entrance or exit of a site. Up to two signs per entrance or exit are permitted.
 - 2. Up to nine signs of up to four feet in height and 6 square feet in area that are not illuminated, not located within a public street right-of-way or located closer than 10 feet to the edge of street pavement or within a required sight triangle not attached to trees or utility poles. The property owner may display these signs twice a year for a period of up to 47 days. These do not include portable or roof-mounted signs. The Town may remove signs that violate these provisions.
 - 3. Up to five additional signs of up to six square feet in area.
 - 4. One additional sign of up to six square feet in area that is not illuminated or located within a sight triangle or public right-of-way for up to 70 consecutive days during any calendar year.
 - 5. **Letters.** Arrow dimensions shall be a minimum of 6" long with a shaft width of at least 2". The arrow head shall be at least twice as wide as the shaft. Business logos shall not exceed 33 1/3 percent of the sign area. Letters shall be black or white on a reflectorized or illuminated background of contrasting color. The first letter of each word shall be uppercase. Minimum letter size, lowercase: 6" and uppercase: 8".
- G. **Occupant/Street Number Signs.** The Town finds that visible street numbers and occupant identification are essential for emergency service providers to rapidly locate and identify specific buildings when emergency incidents are underway. Non-illuminated signs affixed to buildings, structures, mailboxes, decorative light posts, driveway entrances, or similar structures, that identify the address of the structure or occupant. Occupant/street number signs are placed in a manner that is visible from the street.
- H. **Suspended Canopy Signs.** Signs of up to four square feet attached to the underside of canopy/awnings in all districts. One sign is permitted per entity occupying the ground floor space, and those signs shall meet the provisions for clearance as described in the latest edition of The North Carolina State Building Code.
- I. **Window Signs.** Signs placed or painted on the interior or exterior of glass windows or doors that occupy up to 30% of the glass area of the entire ground floor facade. Window signs that cover more than 30 percent of the glass are considered wall signs and shall meet requirements for wall signs within the appropriate zoning district.

121.05.03 Prohibited Sign Types, Materials, Design Elements, and Locations

The following signs are prohibited within the Town of Harrisburg and its extraterritorial jurisdiction:

- A. To promote traffic safety, and to avoid dangerous traffic conditions:
 - 1. Signs which approximate official highway signs, warning signs, or regulatory devices.
 - 2. Pavement markings for purposes other than traffic control.
- B. Signs displaying blinking, flashing or intermittent lights, animation, and moving parts, except as provided for in Section 121.05.04, *Permanent Signs*.
- C. Portable signs (excluding A-frame signs as allowed in Section 121.05.05, *Temporary Signs*.)
- D. "Wrap-around" signs or other continuous wall signs that extend around building corners or radii.
- E. Facsimile Signs.
- F. Signs placed within any required sight triangle.
- G. Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, benches, and refuse containers, except that the latter two may contain a logotype.
- H. Roof signs.
- I. Signs placed within or extending into the right-of-way of Town and state-maintained streets and roads, except those signs erected by a duly constituted government body and certain signs permitted in the CC, and MU districts.
- J. Abandoned signs.
 - 1. A sign is "abandoned" if, for a continuous period of 45 days:
 - a. No business, service, commodity, accommodation, attraction, event, or other enterprise or activity is operating or conducted on the premises, or
 - b. The copy is illegible in whole or substantial part; or
 - c. No copy is visible on the sign.
 - 2. If a sign that is not maintained as required by this subsection, the Administrator must provide written notice to the sign's record owner of its deficiencies, and the owner has 30 days from the date of the notice to remove the sign or bring the sign into compliance with this section.
- K. Indirect illumination, such as floodlights, erected in a manner that causes:
 - 1. Glare that impairs driver vision on streets or roadways,
 - 2. Glare that impairs pilot vision approaching or departing Concord Regional Airport runways, or
 - 3. A nuisance to adjoining property.
- L. Signs that obstruct fire escapes, windows, doors, or other openings used as means of egress or as required legal ventilation.
- M. Signs containing or consisting of pennants, ribbons, streamers, festoon lighting, balloons (or inflatable signs), or spinners.
- N. Signs that do not conform to this section.

Note: nothing in this section authorizes any sign that is prohibited by state law, such as signs that contain language and/or pictures obscene to the general public (see NCGS 14-190.1).

121.05.04 Permanent Signs (12.5, 12.7)

- A. **Applicability.** The Section shall govern regulations for signs permanently installed on a site and which are required to obtain a sign permit in accordance with § 125.02.10, *Sign Permit*.
- B. **Wall Signs**

1. **Dimensional and Design Standards.** The maximum permitted sign area, location, characteristics, and number of Wall Signs is determined in accordance with Tables 121.05.04-1, *GC Sign Matrix*, through 121.05.04-5, *AG, RE, RL, RM, & RH Sign Matrix*, and as outlined in this Section.
2. **Wall Signs.** The following additional regulations apply to Wall Signs:
 - a. **Signs on Building Walls Which Do Not Face Public Streets.** The permitted wall sign may be placed on a wall that does not face a public street. The maximum allowable size is calculated as if the wall faces a public street. The maximum allowable size for a sign on one wall is not transferable to a wall with less frontage.
 - b. **Additional Wall Sign or Canopy Sign Permitted on Corner or Double Frontage Lots.** One additional wall or canopy sign is allowed on the secondary street frontage of lots with more than one street frontage if the secondary frontage is at least 100 feet in width at the street right-of-way.
 - c. **Additional Wall Sign or Canopy Sign Permitted to Face Side or Rear Parking Lot.** Lots with parking to the side or rear of a building are allowed one additional wall or canopy sign facing the parking lot, if at least 50 percent of the required parking for the establishment is located to the side or rear of the building and an entrance to the establishment faces the parking lot.
 - d. **Location Requirements for Wall Signs.** No wall sign may extend more than one foot from the exterior of the wall and no portion of a sign shall extend above the wall on which it is mounted.
 - e. **Wall Signs on Historic Buildings**
 1. Wall signs on historic buildings shall be placed:
 - a. Within the sign frieze, or
 - b. A distinct place where the wall sign was intended or designed to be located, or
 - c. If subsections a or b above do not apply, the wall sign shall be placed below the typical second-floor window area.
 2. No wall sign shall extend beyond the space designated in subsection 1, above.
 3. The design and coloration of these signs shall be compatible with the character of the building.
- C. **Canopy/Awning Signs.** The maximum permitted sign area, location, characteristics, and number of Canopy/Awning Signs is determined in accordance with Tables 121.05.04-1 through 121.05.04-5 and as outlined in this Section. The following additional regulations apply to canopy/awning signs:
 1. **Valance and Copy Size for Canopy/Awning Signs.** The valance, or apron, for any canopy shall not exceed 12 inches in height. Individual letters or symbols on these valances shall not exceed 9 inches in height. This provision applies only to valances to which sign copy is affixed.
 2. **Illumination for Canopy/Awning Signs.** Illuminated canopy/awning signs shall not have bare bulbs present on or around the sign face.
 3. **Canopy/Awning Signs on Historic Buildings.** No canopy/awning sign is permitted on a historic building unless documentation indicates that the sign was used on the building when originally constructed and occupied. The design and coloration of those signs shall be compatible with the building's character.
 4. **Clearance Requirements for Canopy/ Awning Signs and Suspended Canopy Signs.** All canopy/awning signs attached to the underside of a canopy/awning shall maintain the minimum clearance above the ground level of any sidewalk or vehicular access area specified in the most recent edition of the North Carolina State Building Code.

5. *Canopy/Awning Signs and Wall Mounted Signs for Combined Developments.* All establishments within combined developments shall use as individual identification signs, exclusively, canopy/awning or wall signs. No mixing of sign types within a combined development is permitted, except that canopies/awnings containing no copy may be used in combination with wall signs.
- D. **On-Premise Ground Signs.** The maximum permitted sign area, location, characteristics, and number of On-Premise Ground-Mounted Signs is determined in accordance with Tables 121.05.04-1 through 121.05.04-5 and as outlined in this Section.
1. *Base Landscaping for Ground Signs.* All ground signs, shall stand in a bed of landscaping at least 30 square feet in area. This area shall contain low growing materials such as ground covers, perennials, and shrubs, and shall be bordered by acceptable curbing materials as specified in § 121.04.
 2. *Distance Requirements from Existing Ground Signs.* No proposed ground sign shall be placed within 50 feet of an existing ground sign.
 3. *Ground Signs for Combined Developments.* All uses within a combined development (includes more than one establishment or business on a common parcel) shall share the permitted ground-mounted sign(s) that is (are) permitted in accordance with Table 121.05.04-1 through 121.05.04-4. These regulations do not apply to outparcels of the development, as outparcels are separate parcels of land.
 4. *Changeable Copy.* Electronic message boards (EMBs) are permitted as part of an on-premise ground sign if:
 - a. Changeable copy only comprises 50 percent of the allowed sign area.
 - b. Messages are non-animated, including any primary or secondary effects, and remain fixed for at least 30 seconds per message.
 - c. Self-luminous message boards do not exceed a luminosity of 5,000 nits between sunrise and sunset, and 150 nits between sunset and sunrise. Those message boards shall use automatic dimming controls, either by photocell (hardwired) or software settings.
 - d. Self-luminous message boards using LED technology shall provide a minimum LED density of 19/19 mm (bulb cluster spacing on center).
 - e. All EMBs are monochromatic. Multiple color displays are prohibited.
 - f. An application for a sign permit for a sign containing an EMB includes surface luminosity measurements (day and night) using a calibrated luminosity meter and is shot from the fronting roadway at the closest practical position.
 - g. The parcel has at least 150 feet of frontage on a boulevard, or 250 feet of frontage on a major or minor thoroughfare, as shown on the latest Cabarrus-Rowan MPO Comprehensive Transportation Plan maps.
 - h. The EMBs are placed on a ground sign with a decorative masonry base.
 5. *Drive-Through Signs.* Drive-through signs are limited to 64 square feet in area.
 6. *Additional Ground Signs.* Lots with more than one street frontage are allowed one ground sign per frontage if each frontage is at least 100 feet in width at the street right-of-way. No more than one ground signs shall be placed on the same street frontage.
- E. **Projecting or Suspended Signs.** The maximum permitted sign area, location, characteristics, and number of Projecting or Suspended Signs is determined in accordance with Tables 121.05.04-1 through 121.05.04-5 and as outlined in this Section. Projecting or suspended signs:
1. Shall not extend more than five feet into the public right-of-way, and
 2. Shall not encroach over a motorized vehicle travel way such as a public or private street, alley, or driveway. If a sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining, and maintaining in force, liability insurance in an amount of at least \$500,000 per occurrence per sign.

F. Murals.

1. *Dimensional and Design Standards.* The maximum permitted sign area, location, characteristics, and number of murals is determined in accordance with Tables 121.05.04-1, *GC Sign Matrix*, through 121.05.04-3, *NC, CC, & MU Sign Matrix*, and as outlined in this Section.
2. *Additional Regulations.* The following additional regulations apply to murals:
 - a. *Location Requirements for Murals.*
 - i. *Front Building Wall.* Murals are not permitted on the front building wall. The "front building wall" is a building elevation that faces the adjacent street right-of-way and is the primary entrance. Buildings located on a block corner with the primary entrance located diagonally at the building corner to both intersecting streets has two primary front building walls.
 - ii. *Additional Mural Facing Side or Rear Parking Lot.* Lots with parking to the side or rear of a building are allowed one mural facing the parking lot, if at least 50 percent of the required parking for the establishment is located to the side or rear of the building and an entrance to the establishment faces the parking lot. The area of the secondary signs placed on the primary wall are calculated using the linear footage of the secondary walls and transferred to the primary.
 - b. *Application.* Murals shall be applied using weather-resistant paint or materials.
 - c. *Copy.* Up to 20 percent of a mural may include text or copy but shall not include anything advertising the business name.
 - d. *Maintenance*
 - i. The display surface shall be kept clean, neatly painted, and free from corrosion.
 - ii. The mural shall be kept in good condition for the life of the mural. A mural is not in good condition when 25% or more of the display surface area contains peeling, faded or flaking paint, or is otherwise not preserved in the manner in which it was originally created.
 - e. *Murals on Historic Buildings*
 1. *Placement.* Murals on historic buildings shall be placed:
 - a. Within the sign frieze, or
 - b. A distinct place where the mural was intended or designed to be located.
 2. *Extent.* No mural shall extend beyond the space designated in Subsection 1, *Placement*, above.
 3. *Design.* The design and coloration of murals shall be compatible with the character of the building.

G. Outdoor Advertising (Billboard) Signs. The maximum permitted sign area, location, characteristics, and number of off-premise Outdoor Advertising Signs (Billboards) is determined in accordance with the standards in this Section. The following additional regulations apply to Billboards:

1. Billboards are permitted only in the CD and EC districts with the issuance of a Special Use Permit.
2. Billboards are limited to a maximum size of:
 - a. 378 square feet along Interstate 85.
 - b. 150 square feet along all other streets or roads.
3. Billboards shall be setback at least 50 feet from the public right-of-way, or any legal private access road.

4. Billboards shall not exceed 30 feet in height.
5. There shall be only one face per side of the sign. "Double-decker" signs with signs erected one over or above the other and side-by-side signs with signs erected one next to the other are prohibited.
6. Billboards shall be located at least 1,000 feet from any Residential Zoning District or residentially developed property, whether within the jurisdictional limits of the Town or not. The distance is measured radially from the proposed sign location to the nearest point of the residential district or property.
7. Each Billboard shall be located at least 1,000 feet from any Billboard, located on the same or on the opposite side of the street. The distance is measured radially from the proposed sign location to the existing sign location.
8. Billboards shall be at least 100 feet from any existing or proposed building, off-street parking area or other building or structure. The distance is measured radially from the proposed sign location to the nearest point of the building, off-street parking area, or other building or structure.
9. No vegetation in the public right-of-way shall be cut to increase or permit visibility to a Billboard unless approved by the chief engineer of the governmental authority having jurisdiction over that right-of-way.
10. No Billboard shall be located in a required front yard setback.
11. Billboards shall meet 30 PSF wind loading requirements and all supports shall be of steel, aluminum, concrete or other non-combustible material.
12. No Billboard shall be erected closer than 10 feet from any electric conductor and shall comply with all requirements of the National Electrical Code with respect to clearance from overhead electrical conductors.
13. Changeable copy or electronic reader board signs are not allowed as part of any Billboard.

Table 121.05.04-1 GC Sign Matrix				
Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
Ground Signs				
Individual Occupant	1 per frontage	50 sf	8 ft	Outside of street ROW & site triangle
Combined Development	1 per frontage	50 sf (+10 sf per additional tenant up to a 100 sf max)	10 ft	Outside of street ROW & site triangle
Subdivision Entrance Sign	1 per entrance road	32 sf	8 ft	Outside of street ROW & site triangle
Wall Signs				
Individual Occupant and Combined Developments	1 per frontage	For buildings with no more than 100 linear feet of frontage (wall which serves as the building's "front") the following shall apply: 1.0 sf per lineal ft. of the building the wall sign is to be attached to up to 50 square feet maximum sign area. For buildings with more than 100 linear feet frontage the following shall apply: 1.0 s.f. per 2 linear feet of the building the wall sign is to be attached to up to 100 square feet maximum sign area.	not to extend above the vertical wall	n/a

Table 121.05.04-1 GC Sign Matrix				
Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
Canopy/Awning Signs				
Individual Occupant and Combined Developments	May be substituted for allowed wall signs	12 sf	n/a	n/a
Projecting/Suspended Signs				
Individual Occupant and Combined Developments	May be substituted for allowed wall signs	For first floor units Suspended sign-4sf Projecting sign-6sf For the second floor and higher units Projecting sign – 18sf Suspended sign – 4 sf	n/a	No portion of a projecting or suspended sign shall extend more than 5 ft. from building wall
Murals				
Copy / text 0-10%	May be substituted for allowed wall signs on side or rear building elevation only	100% of building wall	n/a	side or rear building elevation only (see subsection F above)
Copy / text 11-20%	May be substituted for allowed wall signs on side or rear building elevation only	Within wall sign allocation above	n/a	side or rear building elevation only (see subsection F above)

Table 121.05.04-2 O-I, CD, & EC Sign Matrix				
Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
Ground Signs				
Individual Occupant	1 per frontage	32 sf	8 ft	Outside of street ROW & site triangle
Combined Development	1 per frontage	32 sf (+8 sf per additional tenant up to a 64 sf max)	8 ft	Outside of street ROW & site triangle
Subdivision Entrance Sign	1 per entrance road	32 sf	8 ft	Outside of street ROW & site triangle
Wall Signs				
Individual Occupant and Combined Developments	1 per frontage	1.0 sf per lineal ft. of the building the wall sign is to be attached to up to 50 square feet maximum sign area.	not to extend above the vertical wall	n/a
Canopy/Awning Signs				
Individual Occupant and Combined Developments	May be substituted for allowed wall signs	12 sf	n/a	n/a
Projecting/Suspended Signs				
Individual Occupant and Combined Developments	May be substituted for allowed wall signs	For first floor units Suspended sign-4sf Projecting sign-6sf For the second floor and higher units	n/a	No portion of a projecting or suspended sign shall extend more than 5 ft. from building wall

Table 121.05.04-2 O-I, CD, & EC Sign Matrix				
Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
		Projecting sign – 18sf Suspended sign – 4 sf		
Murals				
Copy / text 0-10%	May be substituted for allowed wall signs on side or rear building elevation only	100% of building wall	n/a	side or rear building elevation only (see subsection F above)
Copy / text 11-20%	May be substituted for allowed wall signs on side or rear building elevation only	Within wall sign allocation above	n/a	side or rear building elevation only (see subsection F above)

Table 121.05.04-3 NC, CC, & MU Sign Matrix				
Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
Ground Signs				
Individual Occupant	1 per frontage	16 sf	4 ft	Outside of street ROW & site triangle
Combined Development	1 per frontage	16 sf (+8 sf per additional tenant up to a 32 sf max)	4 ft	Outside of street ROW & site triangle
Subdivision Entrance Sign	1 per entrance road	16 sf	4 ft	Outside of street ROW & site triangle
Wall Signs				
Individual Occupant and Combined Developments	1 per frontage	1.0 sf per lineal ft. of the building the wall sign is to be attached to up to 32 square feet maximum sign area.	not to extend above the vertical wall	n/a
Canopy/Awning Signs				
Individual Occupant and Combined Developments	May be substituted for allowed wall signs	12 sf	n/a	n/a
Projecting/Suspended Signs				
Individual Occupant and Combined Developments	May be substituted for allowed wall signs	For first floor units Suspended sign-4sf Projecting sign-6sf For the second floor and higher units Projecting sign – 18sf Suspended sign – 4 sf	n/a	No portion of a projecting or suspended sign shall extend more than 5 ft. from building wall
Murals				
Copy / text 0-10%	May be substituted for allowed wall signs on side or rear building elevation only	100% of building wall	n/a	side or rear building elevation only (see subsection F above)
Copy / text 11-20%	May be substituted for allowed wall signs on side or rear	Within wall sign allocation above	n/a	side or rear building elevation only (see

Table 121.05.04-3 NC, CC, & MU Sign Matrix				
Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
	building elevation only			subsection F above)

Table 121.05.04-4 AG, RE, RL, RM, & RH Sign Matrix				
Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
Ground Signs				
Subdivisions	2 per entrance	16 sf	6 ft	Outside of street ROW & site triangle
Neighborhood Bulletin Board or Informational Signs	1 per entrance	16 sf	6 ft	Outside of street ROW & site triangle
Other Uses	1 per premises	16 sf	4 ft	Outside of street ROW & site triangle
Wall Signs				
Residential Subdivisions	not permitted	n/a	n/a	n/a
Other Uses	1 per premises	16 sf	n/a	n/a

Table 121.05.04-5 Billboard Matrix	
Dimensions	
I-85	378 sf
Other Roads	150 sf
Height	30 ft
Setbacks from:	
ROW	50 ft
Residential Zone/Use	1,000 ft
Building, parking area, or structure	100 ft
Electricity Conductor	10 ft
Other Billboards	1,000 ft
Design Characteristics	
Changeable Copy	No
Electronic Reader	No

Table 121.05.04-6 Standards for Sign Characteristics				
	AG, RE, RL, RM, RH, MU	CC	O-I, GC	NC, CD, EC
P - Permitted, P/N - Permitted, Non-electronic				
Animated	-	-	-	-
Changeable Copy	P/N (for neighborhood bulletin board/informational signs)	-	P	-
Illumination, Internal	-	P	P	P

Table 121.05.04-6 Standards for Sign Characteristics				
Illumination, Indirect	P	P	P	P
Illumination, Indirect, Exposed Bulbs or Neon	-	P	-	-

Table 121.05.04-7 Standards for Wall Sign Increase	
Principal Building Distance Setback from the Required Front Setback (ft)	Allowed Aggregate Wall Sign Area Increase (%)
0 - 49	0
50 - 99	25
100 - 149	50
150 - 199	75
200 - 249	100
250 - 299	125
300 - 349	150
350 - 399	175
400 or more	200

121.05.05 Temporary Signs

- A. **Applicability.** Each tax parcel is allowed one of the following types of temporary sign if it is located outside of the Right-of-Way and not obstructing sight triangles at intersections:
1. Wall banner;
 2. Yard banner;
 3. A-Frame sign; and
 4. Feather banner.
- B. **Size, Material, and Aesthetic Requirements.** The size requirements of the allowed types of temporary signs are set forth in Table 121.05.05, *Area for Temporary Signs*.
- C. **Banners.** All banners shall meet the following requirements:
1. Temporary banners shall be constructed of a material at least 13 oz vinyl scrim or heavier, or alternatively nine oz vinyl mesh or heavier material.
 2. All temporary banners shall be professionally printed, hemmed, have grommets on at least the four (4) connective corners, and be mounted on heavy metal stakes when mounted in the yard. Bungee cord or similar material shall be used to attach the sign to the stakes, to maintain tautness of sign.
- D. **A-Frame Signs.** A-Frame Signs shall meet the following requirements:
1. The A-frame sign must be professionally fabricated from the following materials only: plastic, metal, wood, melamine, and/or chalkboard.
 2. The size limitations for the message portion on all a-frame signs must be no larger than 6 square feet per side.
 3. Messages may be changed on an A-frame sign within a requested set of permit dates if the sign is designed to accommodate those changes, i.e. a wood and chalkboard sign or metal and melamine sign.
- E. **Maintenance.** All temporary signs may be displayed until they become tattered, faded, ripped, or otherwise dilapidated. At that time, the temporary sign must be removed and/or replaced with a new, professionally manufactured sign.

- F. **Flexibility.** The Administrator may approve additional sign area for special cases of unorthodox shapes and materials if the does not exceed the area designated in Table 121.05.05-2:

Table 121.05.05 Area for Temporary Signs	
Sign Type	Size (<i>maximum</i>)
Wall Banner	32 square feet
Yard Banner	32 square feet
A-Frame	6 square feet per side
Feather Banner	18 square feet

121.05.06 Installation and Maintenance (12.2)

- A. **Sign Plan Required.** For any lot on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit to the Administrator a Sign Plan containing the following. For a combined development or other multi-tenant development, a Sign Plan is required.
1. *Plot Plan.* An accurate Plot Plan of the lot or parcel, at any scale the Administrator may reasonably require;
 2. *Locations.* Location of buildings, parking lots, driveways, and landscaped areas on the lot or parcel;
 3. *Sign Areas.* Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) or parcel(s) included in the plan under this Chapter; and
 4. *Present and Future Signs.* An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not. Incidental signs need not be shown.
 5. The Administrator shall review the application in accordance with the criteria established in this Section. The Administrator shall solicit review comments in accordance with general review procedures.
 6. Permanent signs for various development types and special uses are reviewed as part of the site plan.
- B. **Sign Area Computations.** The following principles control the computation of sign area and height:
1. *Computation of Area of Single-Faced Signs.* The area of a sign face is computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when that fence or wall otherwise meets UDO regulations and is clearly incidental to the display itself. Refer to Figure 121.05.06-1, *Sign Area*.
 2. *Computation of Area of Multi-faced Signs.* The sign area for a sign with more than one face is computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when the sign faces are part of the same sign structure and not more than 42 inches apart, the sign area is computed by the measurement of one of the faces.

Figure 121.05.06-1
Sign Area

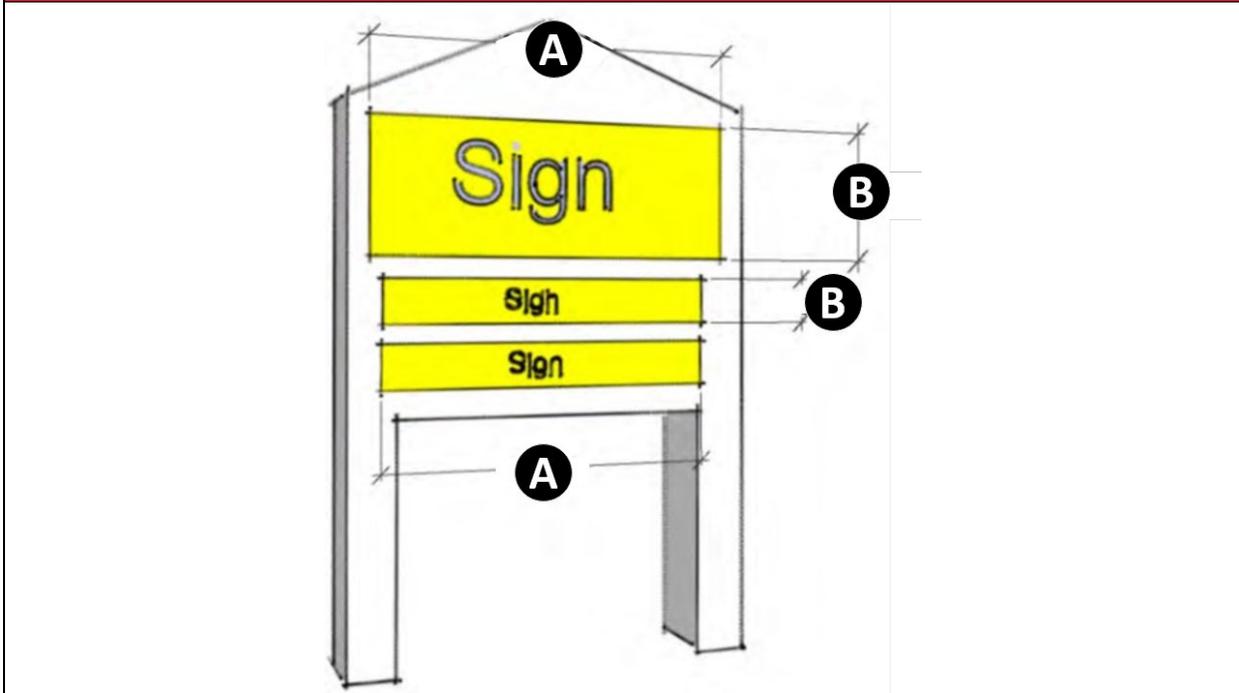


FIGURE NOTES:: A = Sign Face Width; B = Sign Face Height

3. *Computation of Height.* The height of a sign is computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be either of:
 - a. Existing grade prior to construction; or
 - b. Newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely to locate the sign. If the normal grade cannot reasonably be determined, sign height is computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the Principal Structure on the lot or parcel, whichever is lower.

**Figure 121.05.06-2
Sign Area**



FIGURE NOTES: A = Sign Height

- C. **Design, Construction, and Maintenance.** All signs shall be designed, constructed, and sign maintenance shall occur, in accordance with the following standards:
1. *Structural Condition.* All signs shall be constructed and maintained to retain sound structural condition, and shall comply with all applicable provision of the State Building Code, all applicable electrical codes, and this Chapter, at all times.
 2. *Materials and Attachment.* Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- D. **Permit Expirations.** Sign Permits are valid for up to six months. Permits may be renewed prior to the end of the six-month period, if necessary. However, if the permit expires, the original cost of the permit is charged as the renewal fee.

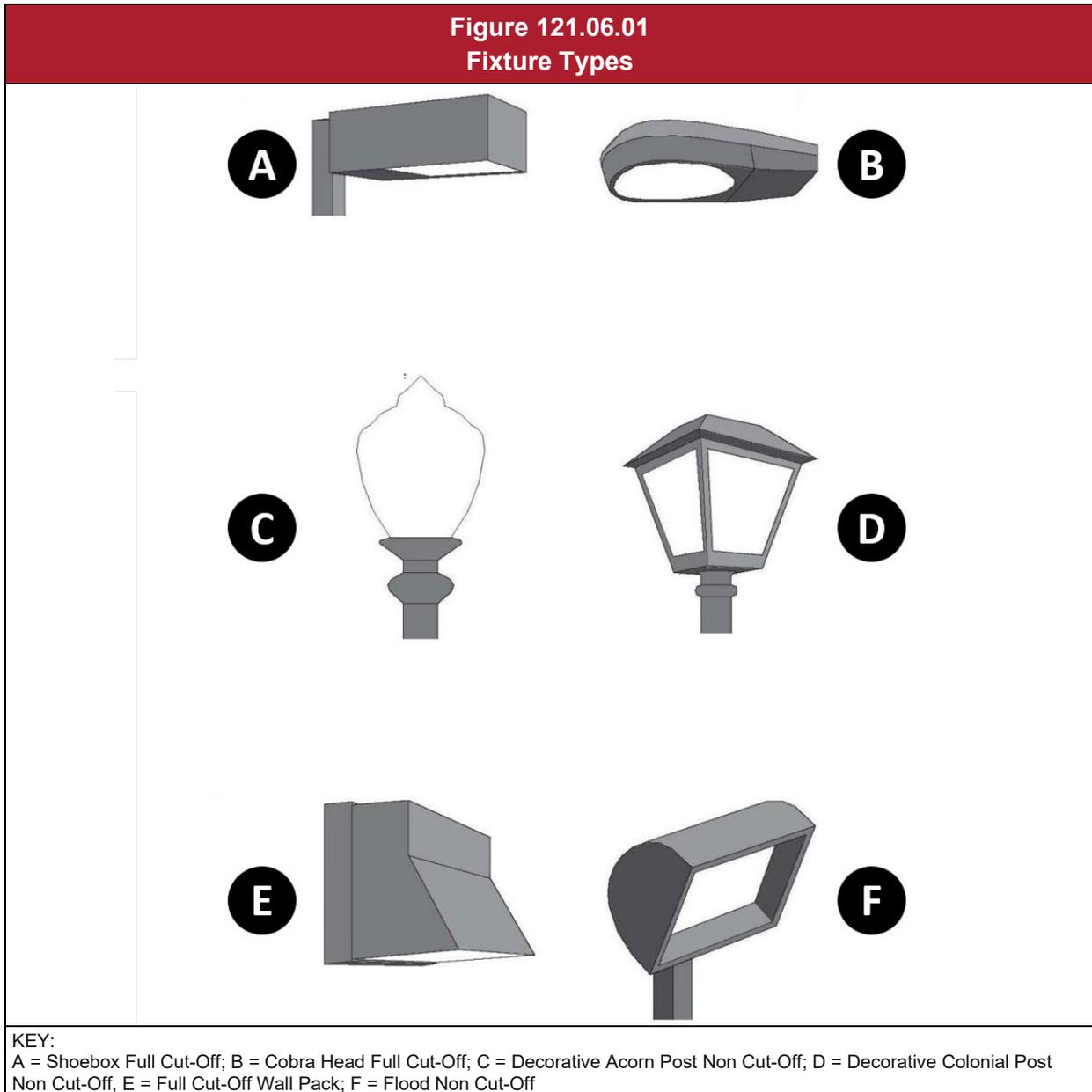
§ 121.06 Outdoor Lighting

121.06.01 Light Fixture Standards

- A. **Generally.** The maximum permitted illumination and the maximum permitted light fixture height of outdoor lighting on private property shall conform to the standards of this Section.
- B. **Fixture Type and Standards.**
1. *Architectural Integration.* Exterior lighting shall be architecturally integrated with the architectural character of the building.
 2. *Nuisance.* Determination of light fixtures and levels of illumination to achieve a certain function or desired effect shall also reduce or eliminate the hazardous aspects and nuisance of glare and light spillover.
 3. *Spillover.* All exterior lighting, with the exception of street lighting, that is used in and around buildings, recreation areas, parking lots, and signs, shall be designed to protect against the spillover of light to adjacent properties or the public right-of-way. Street lighting shall comply with the Town's Street Lighting Policy, as established in Section 121.06.03, *Street Lighting Policy*.
 4. *Characteristics.* Lighting may be characterized by the kind of fixtures to be installed (such as shoebox, acorn, or wall pack as depicted in Figure 121.06.01-1, *Fixture Types*); by use or activity being served (I.e. sports activities, utility lighting, lot lighting, or security lighting); or by

desired effect, (i.e. spot lighting). Lighting design, location, and fixture selection should be planned to serve the primary lighting objective.

5. *Lighting Plan.* Site Lighting shall be depicted on a Lighting Plan that meets the requirements of this Section and **APPENDIX B** of this Unified Development Ordinance be submitted as part of all development plan approval process..



C. Cut-Off Requirements.

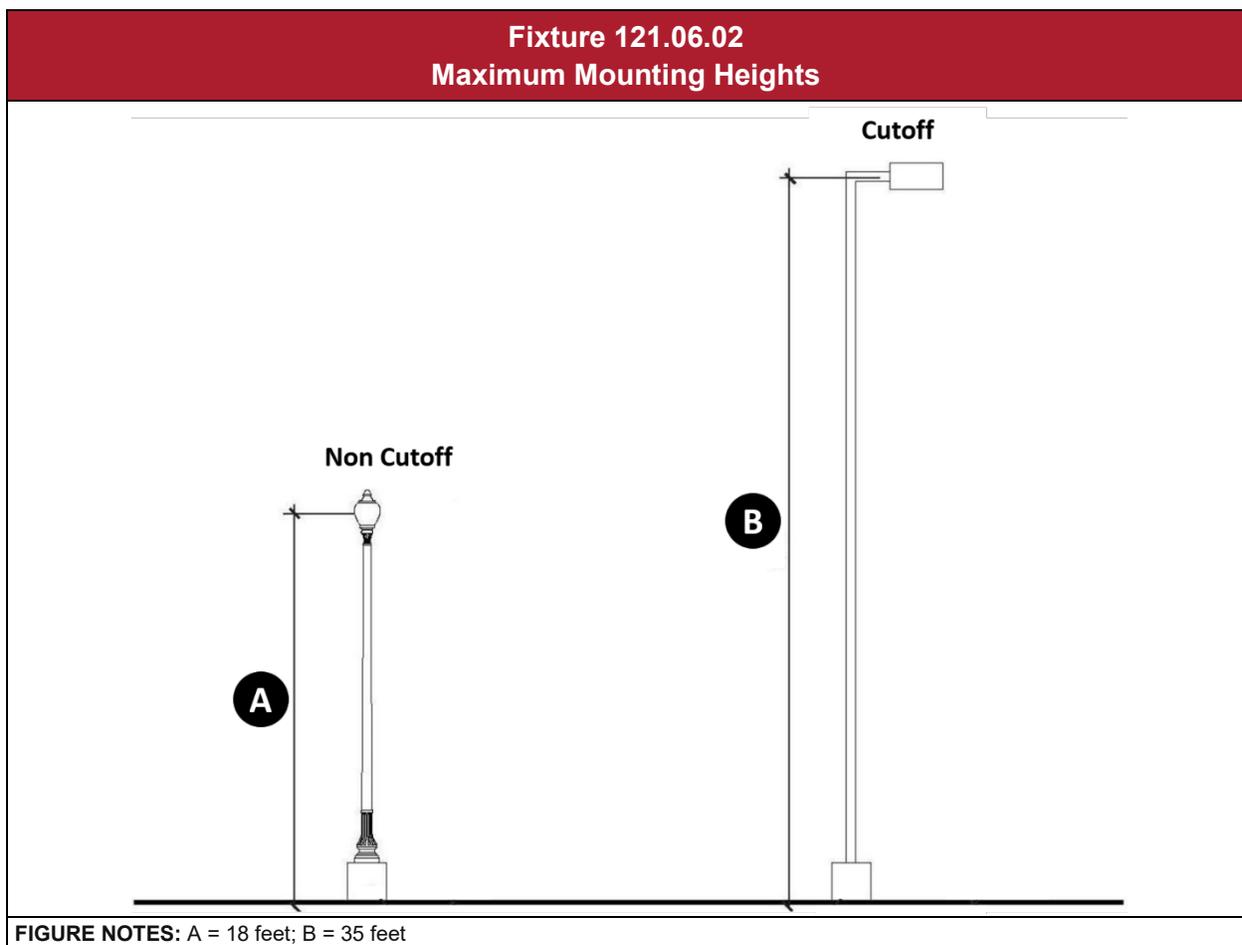
1. *Cut-Off.* Generally, light fixtures shall be “cut-off” fixtures that limit lighting that is visible or measurable at the property line and shall be of constant intensity.
2. *Non Cut-Off.* Fixtures without baffling (non cut-off) may be used only for decorative purposes, provided:
 - a. They have lamps that produce no more than 1,500 lumens (approximately equal to a 100 watt incandescent bulb);

- b. They have a maximum height of 18 feet as depicted in Figure 121.06.02, *Maximum Mounting Heights*; and
- c. They use energy-efficient bulbs, such as compact fluorescent ("CF") and light-emitting diode ("LED").

121.06.02 Location and Design Standards

A. Freestanding Fixture Height.

1. *Generally.* Lighting fixtures in scale with pedestrian activities shall provide for uniform distribution of light to produce minimal shadows.
2. *Non-cutoff Lights.* No non cut-off light fixture shall be greater than 18 feet above grade as depicted in Figure 121.06.02, *Maximum Mounting Heights*.
3. *Cutoff Lights.* No cutoff light fixture shall be greater than 35 feet above grade.



B. Location.

1. *Setback.* All outdoor lighting shall be located at least 10 feet from property lines defining rear and side yards or required perimeter buffer areas as required by this UDO.
2. *Placement.* Fixtures should be placed to provide uniform distribution of light and to avoid intense lighting to minimum excessive glare.

- C. **Illumination.** The average intensity illumination for outdoor lighting shall not exceed six footcandles in intensity as measured at grade.

- D. **Exceptions.** Because of their unique requirements for nighttime visibility and limited hours of operation, the lighting of active recreation areas, such as for Outdoor Entertainment uses are exempt from the requirements of this Section.
- E. **Prohibited Lighting.**
1. *Flickering.* No flickering or flashing lights shall be permitted.
 2. *Buffer Yards.* Light sources should not be located within any buffer yard areas except on pedestrian walkways.

121.06.03 Street Lighting Policy

The Town's Street Lighting Policy establishes standards for the installation and maintenance of decorative street lighting and roadway lighting in the Town. [Provide external web link to "Harrisburg Street Lighting Policy"]

CHAPTER 122: SUBDIVISION STANDARDS

§ 122.01 Applicability and Purposes

122.01.01 Applicability (1.1.4; 6.1, Appendix B-7)

- A. **Generally.** This Chapter shall apply to any subdivision within the corporate limits of the Town or any extraterritorial jurisdiction established pursuant to NCGS. This Chapter sets out regulations for the substantive review of subdivisions of land to serve the needs of all public and private interests within the Town and surrounding areas.
- B. **When a Subdivision Plat is Required.**
1. *Subdividing Land.* The owner or proprietor of any tract of land who desires to Subdivide land (to create a “Subdivision”) shall be required to submit a plat of such Subdivision to the Administrator, whom is hereby charged with the responsibility for coordinating the processing of such plats. The subdivision plat submitted to the Administrator must be made in accordance with the regulations set forth in this Article.
 2. *Subdividing Land without Plat.* No person shall subdivide land without making and recording a plat and complying fully with the provisions of this Article and all other state and local laws and regulations applying to Subdivisions.
 3. *Transfer of Ownership.* No person shall sell or transfer ownership of any lot or parcel of land by reference to a plat of a subdivision before such plat has been duly recorded with the Register of Deeds, unless such subdivision was created prior to the adoption of this Ordinance and any other subdivision ordinance applicable thereto.
 4. *Building Permit or Certificate of Occupancy.* No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of this UDO, and no construction of any public or private improvements shall be commenced, except in conformity with the requirements of this Ordinance.
 5. *Court Orders.* In any matter in which a court orders the partition of land by dividing the same among the owners, such action shall be exempt from the provisions of this Article, provided that the Town is made a party defendant to said action and gives its consent or fails to file responsive pleadings to said division of the property.
 6. *Final Subdivision Plat.* A final subdivision plat shall be approved by the Administrator before the subdivision of a parcel may be recorded. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Administrator in accordance with these regulations.
- C. **When a Subdivision Plat is Not Required.** Pursuant to [NCGS § 160A-376](#), a subdivision plat shall not be required for any of the following:
1. *Combination.* The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as shown in this UDO;
 2. *Large Lots.* The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
 3. *Public Acquisition.* The public acquisition by purchase of strips of land for the widening or opening of streets.
 4. *Certain Subdivision.* The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in this UDO
 5. *Wills.* The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under [NCGS Chapter 29](#).

- D. **Recordation of Unapproved Plat Prohibited.** The Register of Deeds shall not file or record any subdivision plat required by this UDO until such plat shall have been approved, and such approval evidenced thereon, in accordance with the regulations set forth in this Article.
- E. **Sale of Property in Violation of this Ordinance Prohibited.** No land described in this Section shall be subdivided or sold, or transferred until each of the following conditions has occurred in accordance with these regulations:
1. The subdivider or his agent has submitted a conforming sketch plat of the subdivision to the Administrator; and the subdivider or his agent has obtained approval of the sketch plat, a preliminary plat (when required), and a final plat as provided in this Article; and
 2. The subdivider or his agent files the final or conveyance plat with the Register of Deeds.
- F. **Rural or Conservation Subdivisions.** Any tract of land to be subdivided for the purpose of residential development within an AG zone or for a conservation subdivision shall comply with the provisions of this Chapter as well as the supplemental standards as set forth in Section [122.02, Rural or Conservation subdivision Standards](#).

122.01.02 Purposes (6.1.1, 1.1.4)

The purposes of this Chapter are to:

- A. *Generally.*
1. Provide healthy and safe development patterns and for the efficient use of our resources (land, water, roads, etc.);;
 2. Implement the [HALUP](#);
 3. Promote economic development;
 4. Protect the subdivider's and citizens of Harrisburg's needs; and
 5. Ensure that development is compatible with and properly integrated into existing and future neighborhoods.
- B. *Transportation System.*
1. Provide for the harmonious development of the Town, for the coordination and alignment of streets within subdivisions with other existing or planned streets, or with other features of the Town;
 2. Provide for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will enhance public health, safety, and the general welfare;
 3. Provide for connectivity opportunities with streets, greenways, multiuse paths, as applicable; and
 4. Provide that, in lieu of required street construction, a developer may be required to provide funds for the Town to construct roads that serve the neighborhood and these funds may be used for roads which serve more than neighborhood within the area.
- C. *Open Space.*
1. Provide for appropriate open space for recreation, public facilities, light, and air, or, alternatively, for provision of funds to be used to acquire recreation areas serving residents of the neighborhood and/or for residents within the immediate area; and
 2. Provide for the dedication or reservation of and rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to [NCGS § 136-66.10](#).
- D. *Community Facilities.*
1. Assure that facilities to be accepted and maintained by the Town are properly located and constructed;
 2. Facilitate adequate provision of transportation, potable water, wastewater, drainage, schools, parks, and other public requirements;
 3. Provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with municipal or county policies and standards and,

to assure compliance with these requirements, by requiring the posting of bonds or any other method that will offer guarantee of compliance; and

4. Provide for the reservation of school sites in accordance with comprehensive land use plans approved by the Town and/or Cabarrus County School Board.

E. *Other.*

1. Provide that sufficient data is presented accurately by subdividers to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines; and
2. Require the preparation and recording of a plat whenever any subdivision of land takes place.

122.01.03 Authority and Jurisdiction

The authority and jurisdiction of the subdivision standards of this UDO are described in Section [124.01.03](#), *Authority and Jurisdiction*.

§ 122.02 Subdivision Design Standards

122.02.01 Types of Plats (New; 6.1.8; 6.2; 6.3; 6.4)

- A. **Generally.** Before any land is subdivided, the owner of the property proposed to be subdivided, or his or her authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which include two principal steps for an expedited or minor subdivision and three principal steps for a major subdivision (see Table 122.02.01, *Classification of Subdivisions*):
- B. **Minor Subdivision** (See Section 125.05.01, *Minor Subdivision*.)
1. Sketch Plat; and
 2. Conveyance or Final Plat.
- C. **Major Subdivision** (See Section 125.05.02, *Major Subdivision*,)
1. Sketch Plat;
 2. Preliminary Plat; and
 3. Final Subdivision Plat.

Classification	Stage	Designated Agency (Decision-Maker)	Time Limit For Processing
Minor Subdivision	Sketch Plat	Administrator	15 Working Days
	Conveyance Plat or Final Plat	Administrator	15 Working Days
	Recombination Plat	Administrator	15 Working Days
Major Subdivision	Sketch Plat	Administrator	15 Working Days
	Preliminary Plat	Town Council, after receiving a recommendation from the Planning & Zoning Board	60-90 days
	Final Plat	Administrator	15 working days
Construction Plans	--	Director of Public Works or their designee, as delegated by this Ordinance	30 days
Exception from Subdivision Requirements	--	Town Council, after receiving a recommendation from the Planning & Zoning Board	Reasonable period of time, depending on circumstances and scope of application

122.02.02 Design Principals (New)

- A. **Generally.** An administrative body may require modifications to proposed subdivision plats that otherwise conform to the standards of this Chapter in order to justify the granting of an Exception in accordance with Section 125.05.03, *Exception*. The principles of this Section shall be applied and interpreted in the context of the other applicable standards that are set out in this UDO.
- B. **Compatibility.** The proposed subdivision shall be designed in a way that:
1. *Environment.* Preserves and protects the environmental resources to the benefit of the subject property and abutting properties;
 2. *Buffering.* Provides appropriate space for buffer yards and transitions between land uses or obvious changes in density or intensity alongside and rear lot lines as set out in § 121.04, *Trees, Landscaping, and Buffering*;
 3. *Common Open Space.* Maximizes the access to and benefit of common open spaces by providing for a connection to or continuation of the open spaces of abutting or adjacent properties and providing for maximum frontage and access to such open spaces;

4. **Connectivity.** Provides appropriate, context-sensitive vehicular and pedestrian linkages, providing access while protecting neighborhood integrity and individual property values;
 5. **Storm Water.** Protects neighboring property from undue storm water runoff;
 6. **Access.** Minimizes interference with existing access to adjacent and nearby properties, unless new and improved access is provided by the proposed development; and
 7. **Level of Service.** Does not reduce the level of service of public infrastructure that are provided to surrounding development.
- C. **Tree Preservation.** The subdivision shall be designed to meet the standards of Section 121.04.04, *Tree Preservation Standards*, and so that existing tree masses, large individual trees, and plant materials shall be preserved where practicable.
- D. **Topography and Natural Features.** The arrangement of lots and blocks and the street system should be designed to conserve and make the most advantageous use of topography and natural physical features.
- E. **Renewable Resources.** The blocks, lots, and buildable areas of a subdivision should be designed to take full advantage of sun and shade, where appropriate, wind, and other sources of renewable energy.
- F. **Street Arrangement.** The general arrangement of streets should conform to the functional street classification system and the network alignments of the HALUP.
- G. **Visual Qualities.** The system of roadways and sidewalks and the lot layout should be designed to take advantage of the visual, topographical, and environmental qualities of the area.

122.02.03 Street Network and Design (10.1, Appendix C; 11.2.5.2)

- A. **Purpose.** The purpose of this Section is to prescribe minimum design standards for new public and/or private streets. These requirements may exceed the standards prescribed by the North Carolina Department of Transportation (NCDOT) for the acceptance of streets into the Secondary System of State Highways.
- B. **Generally.**
1. **.HALUP and Community Transportation Plan.** The streets within the proposed subdivision shall conform in alignment to the Harrisburg Community Transportation Plan and the HALUP.. The improvement standards of the Community Transportation Plan shall not apply, except where such a standard has been specifically set forth in Appendix C of this UDO. Whenever a tract to be subdivided embraces any part of a collector street or thoroughfare so designated on a plan approved pursuant to NCGS § 136-66.2, such part of the proposed street or thoroughfare shall be platted by the subdivider in the location and width indicated on such plan or reserved for a future ROW if said street is not used to access the subdivision. Stub streets within previously platted subdivisions shall be connected with streets in the proposed subdivision.
 2. **New Lots.** All new lots, parcels or divisions of land shall be provided access to public or private streets by means of a subdivision street or an entrance either maintained or approved by the State of North Carolina, the Town, or the County.
- C. **Street Improvement Standards.**
1. **Public Streets.**
 - a. **Design Standards Reference.** Public streets shall be designed and constructed in accordance with APPENDIX C, *Design Standards for Streets and Utilities*, of this UDO.
 - b. **Dedication.** Pursuant to NCGS § 136-66.2, where a proposed subdivision abuts an existing street or roadway included in the Town or North Carolina Department of Transportation street system, the applicant shall be required to dedicate at least one-half of the land necessary to comply with the minimum width requirements referenced in this Section or the Community Transportation Plan or the applicable regulations of the North Carolina Department of Transportation, whichever is greater, in accordance with § 122.05, *Public Improvements Dedication and Acceptance*.

- c. **Improvements.** Where a proposed development abuts an existing street or roadway included in the Town or North Carolina Department of Transportation street system and, where permitted, is designed to utilize such street for frontage and direct access, the developer shall be required to improve such street in accordance with the design requirements of this Section or, if the street is on the State Highway System, the adopted regulations of the North Carolina Department of Transportation. Furthermore, the developer shall be responsible for installing utilities and infrastructure along these public streets, including but not limited to water, sewer, sidewalks, curb and gutter, and bike lanes/bike facilities. The requirement for bike lanes shall be determined by the adopted [Bicycle, Pedestrian, and Greenway plan](#); if shown on the plan, the developer is responsible for improving the street with a bike lane for the entire frontage of the property being subdivided.
- d. **Street Classification System.**
 1. Classification of an existing or proposed street not already identified in the HALUP and Community Transportation Plan, for the purpose of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location for a proposed use, shall be done by the Administrator in consultation with the Director of Public Works or their designee.
 2. The street classification system set forth in Table 122.02.03-1, *Street Classifications*, is hereby adopted for rural and urban streets. Streets may be further categorized pursuant to the HALUP and Community Transportation Plan.

Table 122.02.03-1 Street Classifications		
Street Type	Description	ADT*
Freeway/ Expressway	Highway system serving travel, having characteristics of substantial statewide or interstate travel and exist solely to serve traffic	8,000
Major Thoroughfare	Streets that provide for expeditious movement of high volumes of traffic within and through urban streets	8,000
Minor Thoroughfare	Streets that perform the function of collecting traffic from local access roads/streets and carrying it to the major thoroughfare. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating minor through traffic movements and may also serve abutting property.	4,000
Collector	A road that serves intra-county travel corridors and traffic generators and provides access to the Freeway/Expressway system.	3,000
Neighborhood Center Street	A street in a Planned Development Type, Traditional Neighborhood Development, or Transit Oriented Development that provides access to Neighborhood Streets.	[insert]
Neighborhood Street	A street that serves residential uses in a Planned Development Type, Traditional Neighborhood Development, or Transit Oriented Development.	[insert]
Residential Street	A road that provides service to small local communities and traffic generators and provides access to the Major Collector system.	1,000
Residential Lane	A local street serves to provide access to adjacent land, over relatively short distances.	250
Alley	An alley provides access to adjacent land, typically to the rear of parcels. Alleys are typically used for utilities, garbage service and garage access in residential areas.	100

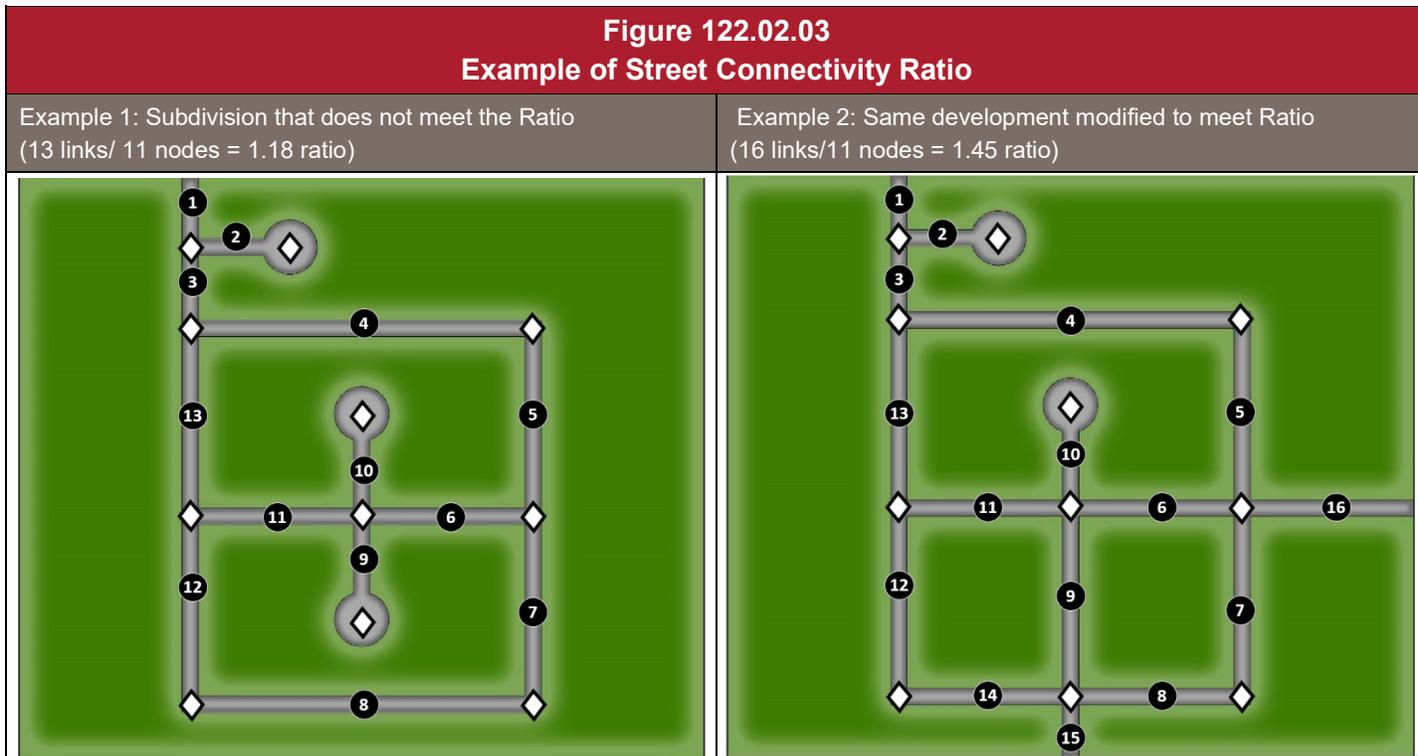
Table 122.02.03-1 Street Classifications		
Street Type	Description	ADT*
TABLE NOTES:		
* Refers to the minimum Average Daily Traffic (ADT) typically experienced by a given Street Classification.		

- e. *Determination Criteria.* In determining the classification of a street, factors to be considered include the following existing or proposed features:
 - 1. Facility Geometrics, including the number and width of traffic lanes, turning lanes, and parking lanes.
 - 2. Access Conditions, including any restrictions on access, the spacing of private accesses, and average lot frontages.
 - 3. Traffic Characteristics, including ADT, percentage of trucks, average operating speed, percentage of turning movements, origin-destination characteristics of the traffic, and peak hour characteristics of traffic.
 - 4. In applying these factors, the Administrator may refer to Subsection A.2.d, above, and the sources listed therein, which are hereby incorporated by this reference.
 - f. *Designation Authority.* Utilizing the criteria of Subsection C.1.e, *Determination Criteria*, above, in conjunction with the Community Transportation Plan Map and the narrative descriptions for each roadway classification provided in Appendix C, Director of Public Works or their designee shall determine which of the Community Transportation Plan designations apply to the street under consideration.
1. *Private Streets.*
 - a. Private streets that develop as part of a subdivision, or integrated nonresidential, mixed use, or multifamily residential development shall be designed and constructed to the public street standards set forth in this Chapter and Appendix C. Private streets (with established right-of-way) shall only be allowed in TND and PUD developments.
 - b. A legally responsible organization (i.e. homeowners association, special district, etc.) as acceptable to the Administrator shall be established to maintain a private street(s). Documents to assure private responsibility of future maintenance and repair by a homeowners association or a special district shall be approved as to form by the Administrator.
 2. *Internal Street Connectivity Requirements.*
 - a. The Town Council hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance nonvehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes.
 - b. All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.
 - c. The street network for any subdivision shall achieve the connectivity ratios required in Table 122.02.03-2, *Internal Connectivity Ratio Requirements* (see example in Figure 122.02.03).

Table 122.02.03-2 Internal Connectivity Ratio Requirements	
Development Type	Required Connectivity Ratio
Countryside	0.0
Conventional	1.4

Table 122.02.03-2 Internal Connectivity Ratio Requirements	
Development Type	Required Connectivity Ratio
Conservation	1.0
Planned, Traditional Neighborhood, and Transit-Oriented	1.5

- b. New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this section, provided the Administrator determines that there is:
 - 1. No options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors; and
 - 2. Interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on the constraints of the property to be developed.
- c. Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds 500 feet in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.
- d. Residential streets shall be designed so as to minimize the block length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.
- e. For purposes of this Subsection, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.



4. *External Access Requirements.*

- a. New major subdivisions require sufficient secondary access streets leading to the existing or future street network of major or minor thoroughfares outside of the subdivision.

Secondary access points shall be provided in accordance with Table 122.02.03-3, *External Access Points*.

Table 122.02.03-3 External Access Points	
Number of Buildable Lots	Minimum External Access Points
30 or fewer	1
31 to 60	2
61 or more	3

- b. Secondary access streets shall be routed to avoid hazard areas such as floodways.
 - c. Where alternate access opportunities are determined not to exist, the Director of Public Works may grant a reduction in spacing standards of up to 20%.
 - d. If after considering alternatives above, the Director of Traffic of Public Works as well as the Fire Marshal, determines that no feasible alternatives exist, a subdivision with more than 30 units, but no more than 60 units, may be approved on a single access road so long as all dwelling units within the development are equipped throughout with an approved automatic sprinkler system.
5. *Street Hierarchy*. Streets shall be designed to create a hierarchy of streets according to the following standards, provided, however, that the Director of Public Works may recommend design modifications where such modifications are consistent with an adopted access management plan or necessary by reason of natural features or existing development, and do not create safety hazards or increased maintenance costs
- a. Local Streets or Local Roads shall intersect with two streets of equal or higher classification, except where otherwise permitted by this UDO.
 - b. Alleys shall only intersect with Residential Collector Streets, Residential Streets, Neighborhood Center Streets, Neighborhood Streets, or Residential Lanes.
 - c. The Administrator may require a street to be of a collector level design where the anticipated ADT will exceed 3,000 vehicles per day and serves to collect and distribute traffic to the major street system identified on the Thoroughfare Plan.
 - d. Reserve strips and cul-de-sac streets that interfere with street connections needed to serve existing or planned development are prohibited.
6. *Street Hierarchy*. Streets shall be designed to create a hierarchy of streets according to the following standards, provided, however, that the Director of Public Works or their designee may recommend design modifications where such modifications are consistent with an adopted access management plan or necessary by reason of natural features or existing development, and do not create safety hazards or increased maintenance costs
- a. Reserve strips and cul-de-sac streets that interfere with street connections needed to serve existing or planned development are prohibited.
 - b. The Administrator may require a street to be of a collector level design where the anticipated ADT will exceed 3,000 vehicles per day and serves to collect and distribute traffic to the major street system identified on the Thoroughfare Plan.
 - c. Alleys shall only intersect with Residential Collector Streets, Residential Streets, Neighborhood Center Streets, Neighborhood Streets, or Residential Lanes.
 - d. Local Streets or Local Roads shall intersect with two streets of equal or higher classification, except where otherwise permitted by this UDO.
7. *Access Management Standards*.
- a. The following standards shall be used to determine the adequacy of lot layouts so that safe and adequate access to each lot is provided. The purpose of regulating the number, spacing and design of vehicular access points is to balance the need for providing access to individual private properties with the need to preserve an adequate level of capacity on the streets providing access. Vehicular access restrictions shall be required to be shown on subdivision plats.

- b. Required spacing between adjacent access locations or a proposed access location and an adjacent street intersection is shown in Table 122.02.03-2, *Driveway Separation Standards*. For existing lots, driveways shall be located at the point of maximum separation if the standards of this section cannot be met.

Table 122.02.03-2 Driveway Separation Standards		
Street Classification	Minimum Separation Between Driveways (in feet)	Minimum Separation between Driveways and Intersecting Public Street (in feet)
Major or Minor Thoroughfare	400	250
Collector or Neighborhood Center Street	120	120
Neighborhood Street	Not permitted	N/A
Residential Street, Residential Lane, or Alley	40	60
<p>TABLE NOTES:</p> <ul style="list-style-type: none"> ▪ Access separation between driveways shall be measured from inside edge to inside edge of driveway. ▪ Access separation between a driveway and an intersection shall be measured from the nearest edge of the driveway to the intersecting street right-of-way. ▪ A maximum of three access points shall be allowed ▪ Single-family and duplex developments on individual lots of record shall be exempt from these standards. However, driveways associated with these uses shall not be located within any site triangles. 		

- c. Where lots in a proposed subdivision front on a thoroughfare, options for designing access that meets the standards of this Section shall include:
1. The use of cross access easements in order to maintain private access points at intervals of no less than 400 feet; or
 2. The use of lower level public streets to provide secondary access in accordance with Section 122.02.07, *Lots*.
- d. Notation shall be provided on an approved final plat to restrict vehicular access for lots along the frontage of thoroughfares, nonresidential collectors or higher level streets.

B. Emergency Vehicle Access. The purpose of this Section is to ensure that all premises shall be readily accessible for emergency service vehicles, particularly fire-fighting equipment.

1. *Emergency Access Required.* For developments which do not have frontage on a public street, access for fire vehicles and emergency apparatus from a public street shall be provided as follows:
2. *Fire Lane.* Except as provided by this Section, a fire lane shall be required to provide access to any portion of any structure which is more than:
 - a. 150 feet from the nearest street right-of-way when the structure is 30 feet or less in height; or
 - b. 50 feet from the nearest street right-of-way when the structure exceeds 30 feet in height.
3. When fire vehicles and emergency apparatus are provided access to any portion of a structure more than the distance from a street right-of-way specified in above, by means of either buffer yard area or adjoining property, the requirements of this Subsection may be waived by the Administrator, after consultation with the fire chief.
4. The Town shall not be liable for damage to underground utilities beneath fire access lanes caused by firefighting equipment.

C. Fire Protection Access.

1. **Access Roads.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building constructed or moved into or within the jurisdiction. The fire apparatus access road shall extend to within 150 feet of all portions of the facility or all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility.
2. **Exception.** The Administrator, in consultation with the Fire Marshal, is authorized to increase the dimension of 150 feet where:
 - a. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with North Carolina Building/Fire Prevention, Administrative Code requirements and NFPA Standards..
 - b. Fire apparatus access roads cannot be installed due to location on property, topography, waterways, non- negotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
 - c. There are not more than two Group R-3 or Group U occupancies.
 1. Facilities, buildings or portions of buildings shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved all weather driving surface capable of supporting the imposed load of the fire apparatus.
 2. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, except for approved security gates in accordance with Section 503 of the North Carolina Building Code Fire Prevention Code 2002, and an unobstructed vertical clearance of not less than 13 feet six inches.
 - a. The code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.
 - d. The required turning radius of a fire apparatus access road shall be determined by the Administrator, in consultation with the Fire Marshal.

122.02.04 Street Cross Sections

- A. **Design Standards for Streets.** Design Standards for the various classes of streets shall apply as shown in Table 122.02.04-1, *Geometric Design Standards for Streets*, and Table 122.02.04-2, *Cross Sectional Design Standards for Streets*.

Table 122.02.04-1 Geometric Design Standards for Streets				
Characteristic	Expressway or Thoroughfare	Collector or Neighborhood Center Street	Residential Lane, Residential Street, Neighborhood Street	Alley
Maximum Grade	See HALUP	6% level 9% rolling 12% hilly 5% within 100 feet of an intersection	0.5% min. grade 12% max. 9% level 12% rolling 5% within 100 feet of an intersection	12% max.
Minimum Horizontal Centerline Curve Radius	See HALUP	230 feet	150 feet	90 feet
Minimum Tangent Between Reverse Curves	See HALUP	200 feet	100 feet	0
Minimum Intersection Corner Radius	See HALUP	30 feet	30 feet, except that a 15' radius may be used with a 25' toe.	35 feet

Table 122.02.04-1 Geometric Design Standards for Streets				
Characteristic	Expressway or Thoroughfare	Collector or Neighborhood Center Street	Residential Lane, Residential Street, Neighborhood Street	Alley
Typical Design Speed	See HALUP	25-35 mph	25-35 mph	15 mph

Table 122.02.04-2 Cross Sectional Design Standards for Streets					
Street Classification	Right-of-Way Width (A)	Number of Lanes / Paved Width (B)	Sidewalk or Multi-Use Path (Number / Width) (C)	Planting Strip (Number / Width) (D)	Curb and Gutter (Number / Width) (E)
Expressway	>120 feet	[insert]	[insert]	75 feet	[insert]
Major Thoroughfare	120 feet	[insert]	[insert]	[insert]	[insert]
Minor Thoroughfare	100 feet	4 / 56 feet ¹	1 / 12 feet 1 / 8 feet	2 / 10 feet	2 / 2 feet
Collector	76 feet	3 / 44 feet ¹	2 / 8 feet	2 / 6 feet	2 / 2 feet
Neighborhood Center Street	60 feet	2 / 30 feet ²	2 / 8 feet	2 / 6 feet	2 / 1 foot
Neighborhood Street	50 feet	2 / 20 feet	2 / 6 feet	2 / 8 feet	2 / 1 foot
Residential Street	60 feet	2 / 24 feet	2 / 5 feet	2 / 6 feet	2 / 2 feet
Residential Lane	50 feet	2 / 20 feet	2 / 5 feet	2 / 6 feet	2 / 2 feet
Alley	20 feet	2 / 16 feet	NA	NA	NA

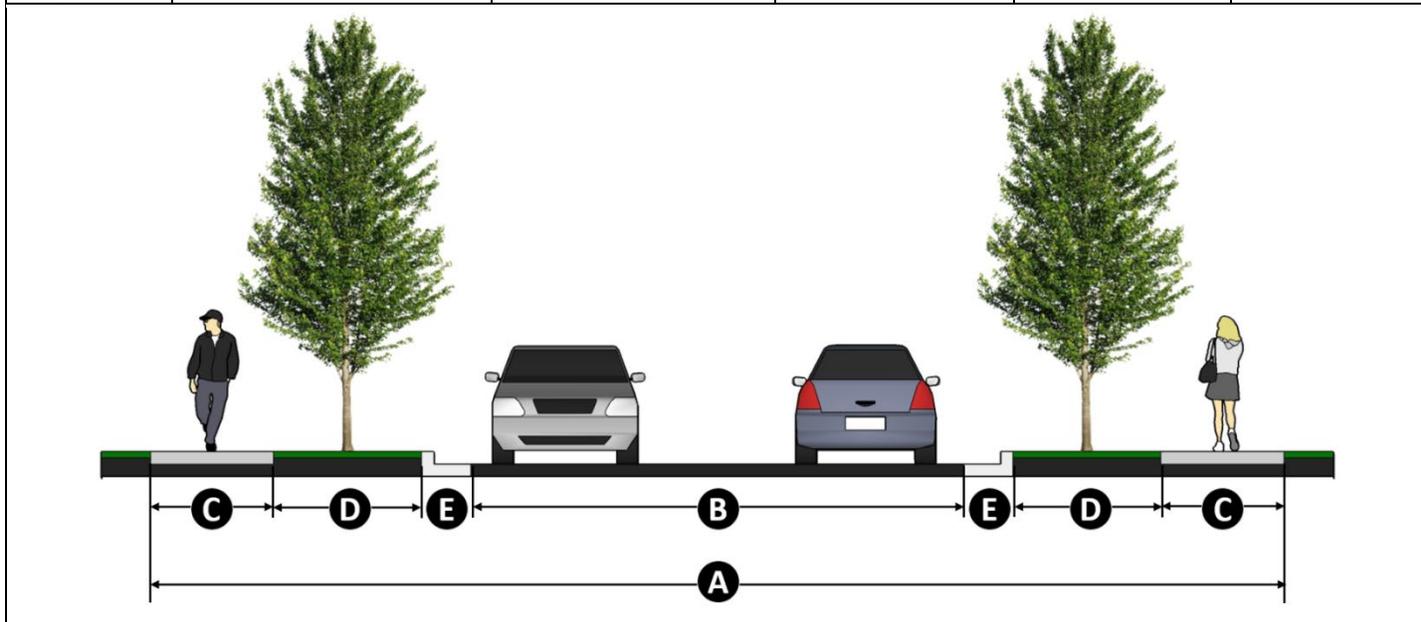


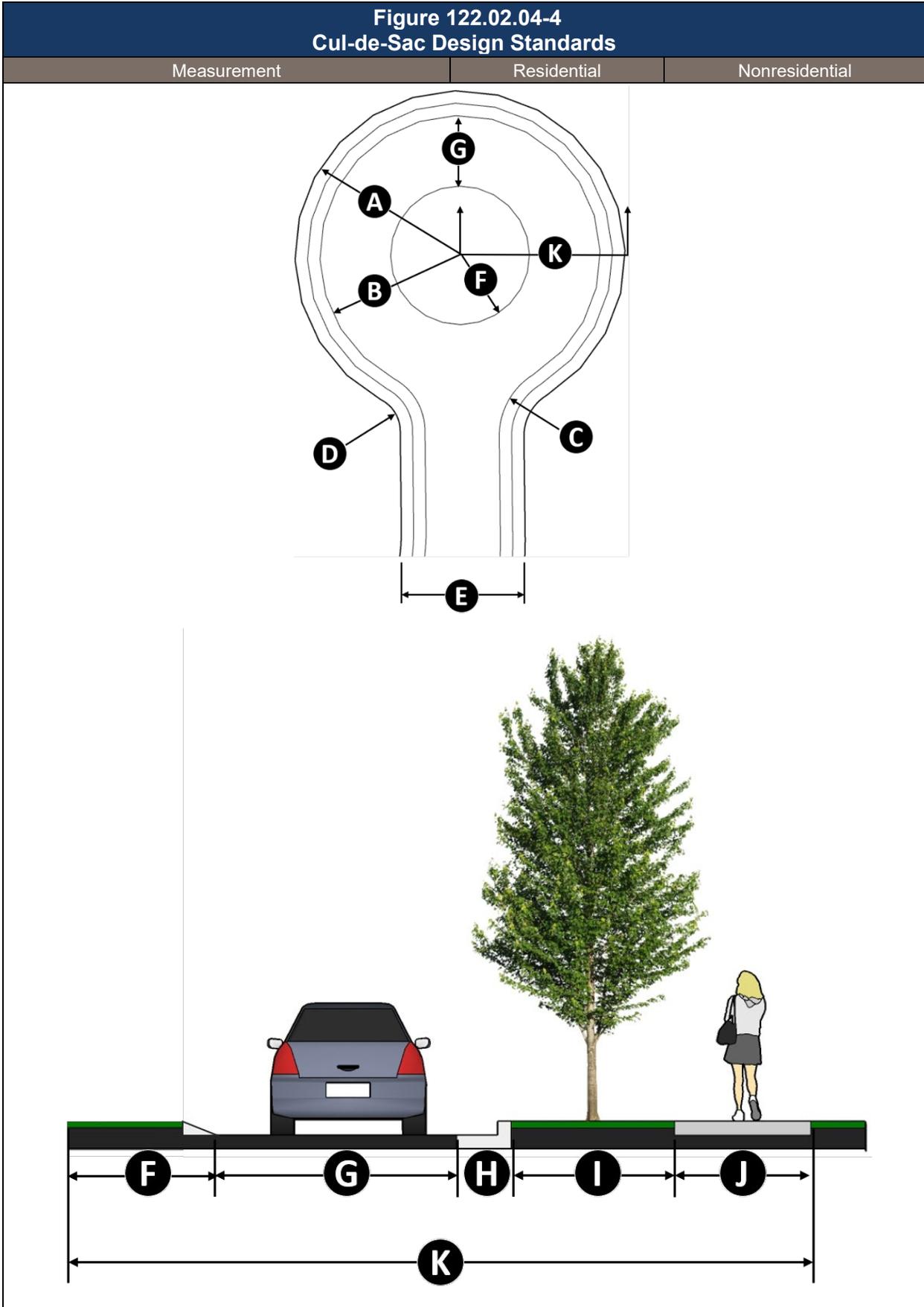
TABLE NOTES:

¹Including an 8-foot wide median or turn lane

²Including a 10-foot wide parking lane on one side of the street

B. **Cul-de-Sac Dimensions.** Cul-de-sacs shall have the dimensions established in Table 122.02.04-3, *Cul-de-Sac Design Standards*.

Figure 122.02.04-4 Cul-de-Sac Design Standards		
Measurement	Residential	Nonresidential
Center of Bulb to Right-of-Way (A)	60 feet	70 feet
Center of Bulb to Back of Curb (B)	48 feet	50 feet
Back of Curb Radius (C)	35 feet	35 feet
Right-of-Way Radius (D)	25 feet	25 feet
Throat Right-of-Way (E)	60 feet	60 feet
Island Radius (F)	9.5 feet	NA
Number of Lanes / Paved Width (G)	1 / 38.5 feet	1 / 48 feet
Curb and Gutter (Number / Width) (H)	1 / 2 feet	1 / 2 feet
Planting Strip (Number / Width) (I)	1 / 6 feet	1 / 6 feet
Sidewalk (Number / Width) (J)	1 / 5 feet	1 / 5 feet



122.02.05 Street Names and Street Lights

A. Street Names.

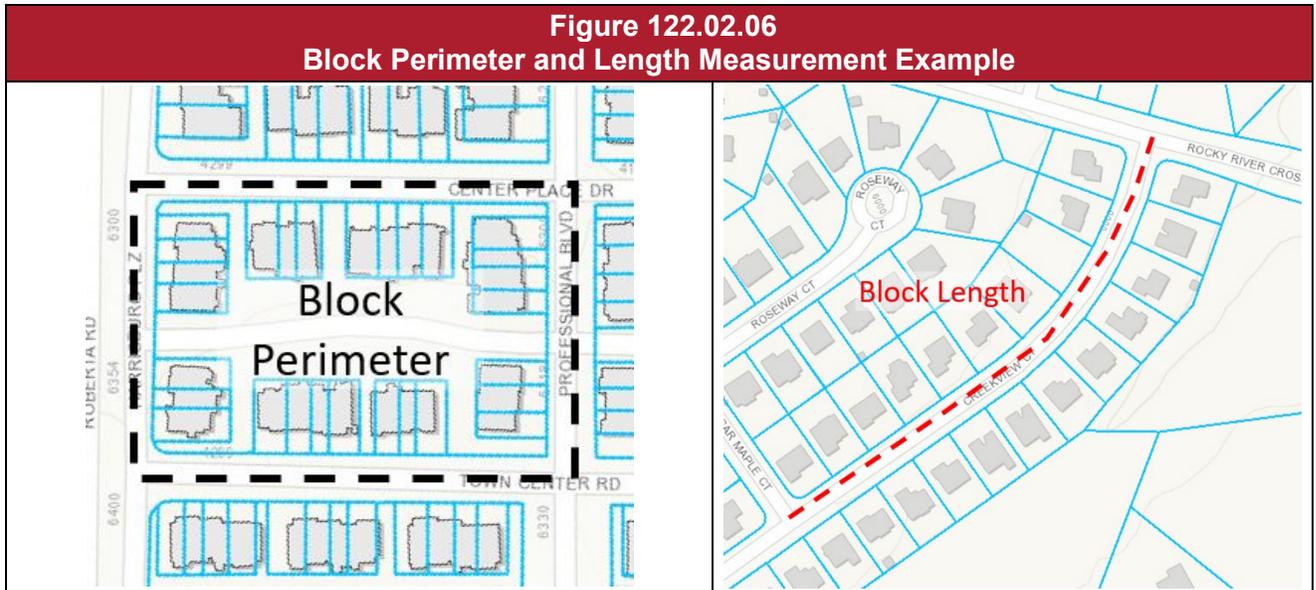
1. **Generally.** Proposed street names shall not duplicate nor too closely approximate phonetically the name of any street within the Town and Cabarrus County. Where proposed streets are extensions of existing streets, the existing street names shall be used except where a new name can reasonably be used to facilitate proper house numbering or to avoid further street name duplication.
2. **Street Name Submittal.** A street name review and confirmation form shall be submitted to the Cabarrus County E911 Addressing Services for review and approval prior to or not later than the Preliminary Plat submittal.
3. **Cul-de-Sacs and Terminating Streets.** Cul-de-sacs or streets terminating in a similar dead-end shall have the "Courts" suffix if oriented east-west or "Places" if oriented north-south.

- B. Street Lights.** The applicant shall provide street lights in accordance with the policies of the electrical provider of the subdivision.

122.02.06 Blocks

- A. Generally.** The maximum perimeter and length of any block within a subdivision shall not exceed that as shown in Table 122.02.06, *Block Perimeter and Length Requirements*. Block perimeter shall be measured along the centerline of a street from intersection to intersection and /or intersection to end point, as depicted in Figure 122.02.06, *Block Perimeter Measurement Example*. Block length shall be measured between the centerline of two through streets. Alleys and cul-de-sacs shall not be considered through streets.
- B. Mid-Block Crossing.** Blocks in the RL, RM, RH, O-I, NC, and GC districts may exceed the maximum in Table 122.02.06 if the developer provides a mid-block pedestrian access easement designed in accordance with Section 122.02.08, *Easements*, to provide access to abutting blocks.

Table 122.02.06 Block Perimeter and Length Requirements		
Zoning District and Development Types	Maximum Perimeter (in feet)	Maximum Length
AG, RE, CD, EC, and Countryside and Conservation Development Types in any permitted district	N/A	N/A
RL, RM, RH, O-I, NC, GC	1,800	600
MU, CC, and Planned Subdivision Type in any permitted district	1,500	400
TABLE NOTE: N/A = Not Applicable		



122.02.07 Lots

- A. **Minimum Lot Standards.** Lots shall meet or exceed zoning district standards and shall be designed for their potential uses, so that adequate buildable area is provided and adequate room for required setbacks (see § 120.02, *Zoning Districts and Standards*), buffer yards (see Section 121.04.03, *Bufferyard Landscaping*), and other required improvements will exist on the lot.
- B. **Lot Frontage Requirements.**
 1. *Generally.* Every lot resulting from a subdivision of land shall abut and have direct access to a publicly maintained street or other public rights-of-way legally dedicated, except as provided in this Section.
 2. *Maximum Number of Lots.* For proposed subdivisions with frontage on a thoroughfare street, the maximum number of lots to be created shall be limited to five lots. Any proposed subdivision proposing more than five lots shall require the additional lots to be served by a newly constructed internal public street.
 3. *Exceptions.* Frontage on a public street shall not be required in the following situations; provided, however, that an easement providing access to the public street shall be recorded and substituted with the application for development approval:
 - a. Parcels within nonresidential subdivisions;
 - b. Townhome lots where the individual lots are separated from a public right-of-way by a strip of land under common ownership by the owners of the townhome lots;
 - c. Lots fronting on approved private streets;
 4. *Adequate Frontage.* Lots shall be designed with adequate frontage for the purpose of providing direct physical access to the property from public streets for vehicles and utilities and for public safety equipment.
- C. **Flag Lots.** Flag lots may be developed on a limited basis in countryside or conventional development types where individual development of each lot is contemplated and the Administrator determines that no future street access through the property will be needed. Flag lots may be used to better use irregularly shaped properties or sites with physical limitations or to eliminate or reduce access to a thoroughfare or collector street. Flag lots shall not be permitted in any proposed subdivision except as listed below:

1. **Maximum Pole Length.** The “pole” portion of the lot shall have maximum length not exceeding 250 feet.
2. **Minimum Pole Width.** The minimum width of the “pole” portion of a flag lot shall be 15 feet for residential lots and 30 feet for non-residential lots.
3. **Maximum Number.** The maximum number of flag lots shall be set forth in Table 122.02.07-1, where the Administrator finds that the flag lot(s):
 - a. Allow for the more efficient use of irregularly shaped parcels of land, or
 - b. Where the integrated nature of multiple buildings on a site dictates the need for such lots.

Table 122.02.07 Maximum Number of Flag Lots	
Size of Subdivision	Maximum Number of Flag Lots
2-20 lots	1 lot
Over 20 lots	1 per 20 lots
TABLE NOTES: • This table does not apply to the AG District. The AG district does not have a limit on the number of flag lots. • The Administrator may approve additional flag lots if evidence is presented that physical hardships prevent development of land using conventional lot design.	

- D. **Cul-De-Sac Lots.** A lot located on a cul-de-sac that does not maintain the minimum required width along the public street frontage shall provide:
1. Lot width of at least 50 percent of the minimum required, but in no case less than 25 feet; and
 2. Lot area equal to or greater than the minimum lot area (if one is specified); and
 3. The minimum required lot width at the building line.

122.02.08 Easements

- A. **Generally.** The specific standards for acceptance of easements shall be subject to the technical design standards of this UDO and any other adopted policy or manual of the Town.
- B. **Compliance.** All easements shall be in full compliance with this UDO prior to acceptance.
- C. **Types of Easements.** During development review, a development review body may require a variety of easements. These easements may be for purposes including, but not limited to:
 1. Water;
 2. Wastewater;
 3. Street lights;
 4. Other utilities;
 5. Drainage, floodways, and floodplains;
 6. Landscape;
 7. Emergency access;
 8. Vehicle access across properties;
 9. Pedestrian access; and
 10. Natural resource or open space conservation.
- D. **Dedication and Utility Placement.** The subdivider shall dedicate easements to the public that allow every lot within a subdivision to have access to services listed in Subsection C, *Types of Easements*, above. Alternatively, the Director of Public Works may allow such services within the public right-of-way.
- E. **Encroachment.** No structure, slab, foundation, or other improvement shall be placed within any dedicated public easement without written permission from the Director of Public Works and all impacted franchise utility companies.

1. **Private Easements.** When private easements exist that may potentially interfere with a proposed public dedication or easement, the subdivision shall be designed to mitigate or minimize the number and extent of such conflicts.
2. **Form.** All required covenants and easement instruments shall be submitted on a form acceptable to the Town Attorney.

F. Locations and Widths of Public Easements.

1. **Front.** Unless otherwise required in this UDO or as otherwise required by the Director of Public Works, easements that are 10 feet in width shall be provided at the front of all lots.
2. **Unplatted or Separate Ownership.** Where the proposed subdivision abuts an unplatted area or property under separate ownership on which no easements exist, and the subdivider cannot arrange for one-half of the easement to be dedicated by separate instrument, the easement shall be located entirely within the proposed subdivision.

- G. Side Easement.** If conditions exist which make it impractical to serve lots with front easements, easements may be required alongside or rear lot lines. Such easements shall be centered on side lot lines. The width of a side yard easement may be reduced from a total width of 15 feet to a total width of 10 feet, centered on the lot lines, upon approval of the Director of Public Works, and all affected franchised utility companies.

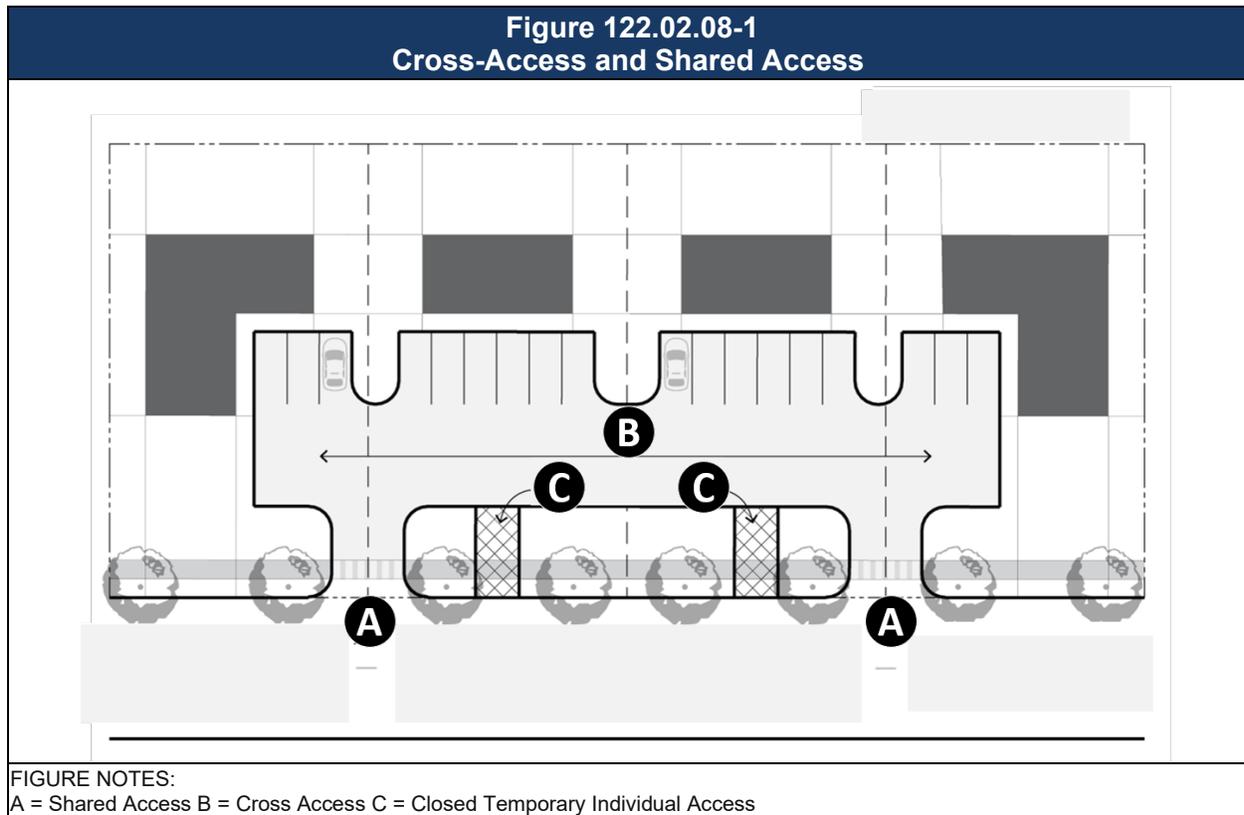
- H. Water and Wastewater Easements.** All public water and wastewater facilities shall be placed in public easements as described in Table 122.02.08, *Minimum Water and Wastewater Easements Required*.

Table 122.02.08	
<i>Minimum Water and Wastewater Easements Required</i>	
Type of Development	Easement Width (feet)
Individual water or wastewater lines up to 24" in diameter	15
Individual water or wastewater lines greater than 24"	20
Water and wastewater lines up to 24" in the same easement	30
Water and wastewater lines greater than 24" in the same easement	40
Easements along TxDOT right of ways [rights-of-way]	15

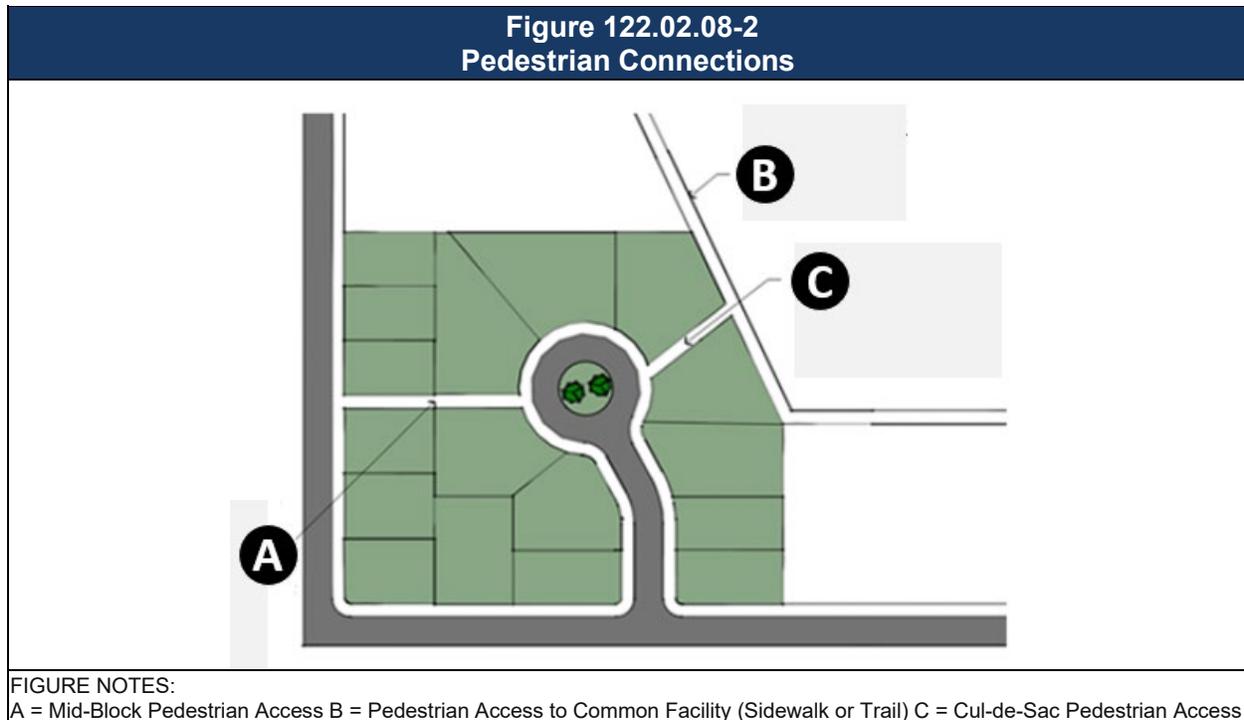
- I. **Underground.** All utility lines shall be installed underground.
- J. **Street Lights.** Where street lights are required or proposed, the subdivider shall provide street light easements necessary to serve such lights where it is not feasible to install the street light wiring in the public right-of-way. Street light easements shall be a minimum of five feet in width, and shall only be utilized for street light wiring.
- K. **Drainage / Floodway Easements.** The subdivider shall provide drainage easements along all natural and humanmade drainage channels and floodways that drain two or more lots or tracts of land according to the following standards:
 1. **Natural Drainage Channels.** Storm drainage easements shall be provided along existing or proposed open channels with sufficient width for the watercourse to handle the flow from the applicable frequency storm plus a minimum of 20 feet on each side beyond top of bank, for stream buffering, ingress and egress of maintenance equipment, for clearance from fences, for maintenance of the channel bank, and for adequate slopes necessary along the bank.
 2. **Enclosed Drainage Systems.** Where enclosed drainage systems are provided that are not within or adjacent to a public street, storm drainage easements a minimum of 20 feet in width shall be provided. Easements shall be centered on the system. Easements shall be wide enough to encompass the system, plus provide ingress and egress for future maintenance operations.
- G. **Floodplain Restriction.** The following provisions shall apply in conjunction with Chapter 123, *Environmental Management*.
 1. **100-Year Floodplain.** The subdivider shall provide floodplain restrictions where necessary along natural drainageways and lakes. Floodplain restrictions shall encompass the area between the dedicated channel and the water surface elevation resulting from a 100-year design frequency storm. The area encompassing the dedicated channel and the floodplain restriction shall be

- referred to as the 100-year floodplain. The width of the floodplain shall be substantiated by a drainage study, drainage calculations, or other criteria submitted to and approved by the Town.
2. **Storm Drainage Easement.** Within the 100-year floodplain, the subdivider shall provide storm drainage easements that contain stormwater resulting from the 100-year frequency storm less the amount of stormwater carried in an enclosed system, if any. The width of the easements shall be substantiated by a drainage study, drainage calculations, or other criteria submitted to and approved by the Director of Public Works.
 3. **Floodplain Restriction Statement.** The applicant shall place the Floodplain Restriction statement in the appendix of this UDO in the dedication instrument whenever an easement is proposed for a floodplain.
- H. **Emergency Access Easements.** The subdivider shall provide emergency access (fire lane) easements where necessary to provide adequate protection for a structure.
1. **Dimensions.** Emergency access easements shall have a minimum width of 28 feet and a minimum height clearance of 14 feet. Any emergency access easement shall either connect at each end to a dedicated public street or be provided with a turnaround having a minimum diameter of 80 feet with an additional distance of 10 feet on all sides clear of permanent structures. The driving surface within emergency access easements shall be designed and constructed according to standards established for local public streets.
 2. **Location.** All structures shall be located within 150 feet of a dedicated and improved emergency access easement or public street.
- I. **Cross-Access and Shared Access Easements.** As depicted in Figure 122.02.08-1, *Cross-Access and Shared Access*, the subdivider shall provide shared access (A in the Figure below) and cross-access (B in the Figure below) easements, for multifamily, nonresidential, and mixed use developments that front on locally maintained thoroughfares or collector streets, subject to the following standards. Driveway separation and width on locally maintained collector and arterial streets shall comply with Section 122.02.03, *Street Network and Design*.
1. **Separate Ownership.** Where adjacent properties are separately owned and not part of the same development, the Town may require shared access or internal cross access easements, or both, as the properties are platted. As such, a development review body may grant a subdivider temporary individual access (C in the Figure below) if:
 - a. The subdivider demonstrates that the adjacent landowner refused a reasonable offer with regard to cross-access;
 - b. The subdivider demonstrates that the proposed temporary access will not materially affect the safe and efficient flow of traffic; and
 - c. The subdivider records a covenant to ensure that the connection will be provided and access will be consolidated upon the earlier of:
 1. Approval of a plat of the adjacent property, if providing such connection is a requirement of the approval for the adjacent property; or
 2. The subject parcel and the adjacent parcel coming under common ownership.
 2. **Common Ownership or Phased Subdivisions.** Phased subdivisions, subdivisions under the same ownership, or parcels that are consolidated for the purposes of development and comprised of more than one building shall provide cross access and shared access easements as follows.
 - a. The property proposed for development shall include cross-access easements with connections to abutting cross-access points or, if the abutting property is undeveloped or without cross-access points, stub-outs at locations on the property that allow for a connection in the future. In addition, if the abutting property is undeveloped or is without a driveway suitable for sharing, the property proposed for development shall include a shared access easement on its perimeter, in a location suitable for sharing access to the street with the abutting property in the future.
 - b. The subdivider shall record a covenant to allow for future connection of shared access and cross-access stub-out easements to comparable facilities on abutting parcels when they develop or are redeveloped.

- c. Cross-access easements shall be a minimum of 24 feet in width.



- J. **Pedestrian Access Easements.** Except for countryside subdivisions and conventional subdivisions where all lots are greater than five acres, the subdivider shall provide the following pedestrian access easements. A pedestrian access easement shall be a minimum of 10 feet in width and shall include an all-weather surface with a minimum width of five feet.
1. *Mid-block Pedestrian Connections.* The subdivider shall provide a pedestrian access easement (A in Figure 122.02.08-2, *Pedestrian Connections*, below) to bisect blocks greater than 800 feet in length, where such blocks abut a thoroughfare or collector street. In addition, the subdivider shall provide such connections to establish linkages to common facilities, such as parks, open areas, and institutional and civic uses (B in the Figure below).
 2. *Cul-de-Sac Turnaround Pedestrian Connections.* The subdivider shall provide a pedestrian access easement that connects the cul-de-sac turnaround to existing or proposed sidewalks, trails, and common facilities, as depicted in (C in the Figure below).



3. *Trails.* Off-street bicycling and pedestrian trails shall be developed in accordance with the [HALUP](#) and the [Comprehensive Bicycle, Pedestrian, & Greenway Master Plan](#), to link major attractions and destinations throughout the Town, including neighborhoods, common facilities, employment centers, and shopping areas. In addition, a subdivider may provide such trails in the cluster development type in lieu of sidewalks where all lot widths exceed 200 linear feet in width. Maintenance responsibilities shall be established at the time of a preliminary plat.

K. Conservation Easements.

1. *Permanent Preservation.* Conservation easements are required in order to permanently preserve common open space required by this UDO, and to protect natural resources that are required to be protected.
2. *No Destructive Encroachment.* Other easements that may result in the disturbance of land shall not be permitted to encroach into a conservation easement, except that pedestrian access easements and non-destructive utility and drainage easements are permitted within areas protected by conservation easements.
3. *Responsible Party.* Conservation easements shall provide for permanent management and maintenance of the property by a responsible party other than the Town, such as a nonprofit land trust or a homeowners or property owners association.

L. Utility Extensions Permitted Under a Minor Plat. If applicable, utility extensions shall be allowed under a minor plat review provided that:

1. Such extension has a right-of-way or easement;
2. All construction drawings for utility extensions are submitted and approved in accordance with of this Ordinance;
3. All lines/improvements are constructed in accordance with Section [122.05.03, Acceptance](#); and
4. A final plat shall not be approved until all utility extension improvements have been inspected and accepted in accordance with Section [122.05.03](#).

122.02.09 Perimeter and Internal Buffer Yards (6.6.8)

- A. Generally.** A buffer yard as required in Section [121.04.04, Buffer Yard Landscaping](#), shall be required in a landscape easement or as an undevelopable tract along the perimeter of a residential,

mixed use, or nonresidential subdivision or development to separate the subdivision or development from abutting thoroughfares and other subdivisions or developments.

- B. **Label on Plat Required.** All required buffer yards shall be platted in easements or as common areas and may be included as “open space” subject to the standards and criteria as set forth in Section 122.02.14, *Open Space and Park Design*.

122.02.10 Sidewalks and Accessibility

A. **Generally.**

1. *Where Required.* Sidewalks shall be provided for the safe movement of pedestrians, separate from the movement of vehicular traffic based on the street cross sections in Section 122.02.04, *Street Cross Sections*.
2. *Destinations.* Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas. These interior sidewalks shall be constructed in accordance with the standards for sidewalks in Subsection C, *Construction Standards*, below.

- B. **Road Widening.** Sidewalks may be subject to road widening and other related improvements. Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements shall be the responsibility of the developer and/or owner. Design standards shall be subject to review and approval by the Town of Harrisburg’s Public Works Director. Design standards for pedestrian upfits to state-maintained roads shall be subject to review and approval by the Town of Harrisburg’s Public Works Director or their designee and the NC Department of Transportation.

C. **Construction Standards.**

1. *All Sidewalks.* All sidewalks shall:
 - a. Have minimum widths and placements as required in Section 122.02.04, *Street Cross Sections*.
 - b. Be constructed of not less than 3,000 PSI concrete;
 - c. Be constructed on an adequately compacted and properly graded base;
 - d. Have a lateral slope of one-quarter inch per foot toward the street;
 - e. Be steel troweled and light broom finished and cured properly. Tooled joints shall be provided at intervals of not more than five feet and expansion joints at intervals of not more than 40 feet;
 - f. Be constructed along all frontage roads providing access to the development for the full frontage of the development; and
 - g. Be extended across any waterways, streams, creeks, rivers, or other water bodies, at the expense of the developer, to continue pedestrian connectivity along the frontage of the development. Connectivity may be provided across existing bridges or structures with the permission of the North Carolina Department of Transportation, or via a separate pedestrian bridge to be provided by the developer;
2. *Non-Driveway Sidewalks.* Sidewalks that do not cross a driveway shall be a minimum four inches thick.
3. *Driveway Sidewalks.* Sidewalks that do cross a driveway shall be six inches thick.

- E. **School Bus Shelter.** A shelter shall be constructed the location(s) (including at the perimeter of a development site) where a public school bus(es) pick- up/drop-off of children as established by the Cabarrus County School system. The shelter shall be a constructed to a minimum size to accommodate the average number of children that may be awaiting pick-up. The shelter shall be included in the sidewalk design to ensure adequate access.

- F. **Multi-Family Residential Development.** If a multi-family residential development occurs along a corridor that has been identified by the adopted *Bicycle, Pedestrian, and Greenway Plan* as having a future greenway, the developer shall be responsible for developing the greenway as part of the development process. The greenway shall, at a minimum, meet the standards set forth in Section 122.02.13, *Open Space and Park Design*.. All proposed trails shall be a minimum width of 10’ and

shall be paved. In addition, a 25-foot easement shall be provided to the Town for any trail systems that are part of the proposed Town greenway systems

- G. **Alternative Sidewalk or Trail Plan.** A subdivider may achieve alternative compliance with the standards of this Section upon approval by the Planning and Zoning Board of an alternative sidewalk or trail plan that provides equal or greater pedestrian circulation. The subdivider shall submit such plan at the time of preliminary plat review. The Planning and Zoning Board may approve such plan if better pedestrian and bicycle access and connectivity is provided through the use of off-street trails or multi-use pathways that connect to sidewalks or off-street trails or multi-use pathways on the perimeter of the parcel proposed for development.

122.02.11 Public Water and Wastewater Systems (14.3.3; Appendix C)

- A. **Generally.** Design standards and specifications for water and/or sewer improvements shall conform to the most current adopted version of the Town of Harrisburg Water and Sewer Policy. A copy of the Policy is available at the office of the Administrator or the office of the Public Works Director.
- B. **Proposed Utility Extensions.** Plans for a proposed utility extension must be prepared by registered Professional Engineer and submitted to the Town and appropriate State agencies for their approval. The minimum distance for any extension of a water main or sanitary sewer main shall be determined by the Town. In general, the minimum distance for an extension shall be across the entire frontage of the property being developed, or as otherwise determined by the Public Works Director, or designee. Extensions will not be approved unless located within a Town or state- maintained road right-of-way or irrevocable easement obtained for such extension. Such easements shall be signed, be in recordable form, and shall be submitted prior to plan approval. Notwithstanding, the Town Council may approve a deviation in extreme hardship cases, which shall be supported by findings of fact.
- C. **Two-Inch Water Lines.** When two-inch water lines are utilized (i.e. for all cul-de-sac applications), the Rehau MUNICIPEX water service line, or equal, shall be installed. This material shall meet AWWAC904, ASTM F876 PEXa with a 200 PSI working pressure. The manufacturer will co-extrude, blue-colored ultraviolet (UV) shield on exterior and issue a 1-year warranty for UV protection of the water service line.
- D. **WSAAC Design and Construction Standards.** Private water and sewer utility systems shall meet all WSAAC design and construction standards.
- E. **Water Requirements.** The water standard applies to water supply and water treatment needed to accommodate the gallons per capita per day (gpcd) generated by residential and non-residential uses. Usage figures for residential and non-residential usage are taken from Boyle Engineering Corporation, WSACC Wastewater and Water Master Plan, Volume 5 (1995), and Camp Dresser & McKee, Water & Sewer Authority of Cabarrus County Master Plan Update [October (1996)]. These documents identify six pressure zones in the WSACC service area. Flow rates used to estimate the demand produced by the proposed development shall comply with [15A NCAC § 18C.0409](#), which is hereby incorporated by reference and made a part of this UDO, unless a different standard is identified in any Local Water Supply Plan for the service area adopted pursuant to NCGS § 143-55(l), in which case the flow rates identified for the particular use in the Water Supply Plan may be used. If the category of development proposed in the application is not identified in the above-referenced regulations, the professional engineer shall use the applicable industry and manufacturer's standards to calculate average and peak daily flows and demands, in gallons per day. The capacity for elevated storage and distribution systems shall comply with [15A NCAC § 18C.0805 to 18C.0901](#), which regulations are hereby incorporated by reference. Approval through the Adequate Facilities Process outlined in this section shall in no manner imply approval of required distribution systems.
- F. **Exemptions.** Water requirements shall not apply to agricultural uses.
- G. **Fire Protections.**
1. *Fire Hydrants.*
 - a. Applicants shall install fire hydrants in accordance with WSACC specifications and requirements.

- b. The WSACC may contract with a developer to install fire hydrants required pursuant to Section 8-1, subsection (a), but in all cases, the full cost of providing for such hydrants shall be borne by the developer
 - c. Any hydrant connected to the Town of Harrisburg's water system constructed pursuant this subsection, shall constitute dedication to the Town of Harrisburg of such hydrant.
 - d. All newly installed fire hydrants shall be 5-1/4 inch barrel hydrants. All foot valves shall be 5-1/4 inch in diameter. Only three-way hydrants shall be installed with pumper connections. Harrisburg Fire Protection Ordinance 95-74 (4) shall meet AWWA C502. 5-1/4 inch barrel hydrants with the Storz quick connection and cap, with two 2-1/2 inch hose outlets and one 5-1/4 inch main valve opening. All hydrants shall be delivered with a primer coat. After hydrant installation, the primer shall be touched up and then painted yellow (2 coats).
2. *Hydrant Spacing.* All newly installed fire hydrants shall be spaced at 400-foot intervals in residential zoning districts, except as provided in this Section. In mixed use and nonresidential construction developments, hydrants shall be spaced at 400-foot intervals. No application for development approval shall be approved for any building unless a hydrant is installed within 400 feet of the most remote area of the building. Structures with sprinkler systems shall provide fire hydrants within 200' of the Fire Department Connection. Mains shall be sized to provide 500 gpm exterior hose streams.
3. *Exceptions to Hydrant Spacing:*
- a. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.
 - b. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.
4. *Testing and Acceptance.* All newly installed fire hydrants shall be tested by the Harrisburg Fire Department, or the fire department in whose jurisdiction it is located. The water authority shall notify the Harrisburg Fire Department, upon completion of the system and its availability for testing. No construction shall be allowed in the protected area until the water system has been tested and approved unless otherwise allowed by the authority having jurisdiction. In phased construction or development, the minimum loops sizes, or applicable performance specifications required by these regulations, must be completed before construction of the structures can commence. The flows indicated as required for one- and two-story single-family dwellings are based upon the minimum distance allowed from structure to structure. A greater amount may be required based upon the following spacing:
- a. More than 30 feet . . . 750 gpm @ 20 psi
 - b. 30 - 13 feet 1000 gpm @ 20 psi
 - c. 12 - 0 feet 1200 gpm @ 20 psi

I. Fire Protection Facilities.

1. *Connections.* Connections for fire protection systems shall be made in compliance with Article VI Backflow Prevention and Cross-Connection Control Ordinance. Fire protection water facilities installed upon the owner's private property are for the use of the owner, and Water and Sewer Authority of Cabarrus County assumes no responsibility for such facilities. No water service, other than fire protection, will be taken from water mains intended to provide fire protection only. Metering may be required of systems that are run periodically for testing with the water going to waste. Notification of testing shall be given a minimum of 48 hours prior to testing. Violation of this notification may require the installation of approved metering devices and appurtenances as specified in Section 8-3, subsection (a). The Water and Sewer Authority of Cabarrus County reserves the right to make necessary inspections to ensure compliance with these regulations. No pumps may be directly connected to the Water and Sewer Authority of Cabarrus County's system.

2. *Cold Water Meters – Fire Service Type Size 6", 8" AND 12"*. All meters shall fully comply with the AWWA specification C-703-79. Fire service meters shall consist of a combination of mainline meter of the proportional type, having an unobstructed waterway of essentially the full pipe size for measuring high rates of flow, and a by-pass meter of appropriate size for measuring low rates of flow. The meter shall have an automatic valve mechanism for diverting low rates of flow through the by-pass meter. Meters must be approved by the National Fire Protection Association and listed by the Underwriters Laboratories. Loss in head not to exceed four psi.
3. *Casing*. Main casing shall be either of copper alloy containing not less than 75 percent copper or of cast iron protected by a corrosion resistant coating or other anti-corrosion treatment. Main-case connections shall be flanged. Flanges shall be of the round type, faced and drilled, and shall conform to ANSI B16.1, Class 125. Companion flanges are not required.
4. *Registers*. Registers shall be straight reading type and shall read in cubic feet. Registers will be provided with a center-sweep test hand. Registers will be perma-sealed.
5. *Automatic Valves*. The automatic valve shall be of a type suitable for the purpose. It shall close by force. The weight of the valve and any supplemental force imposed on it shall offer sufficient resistance to the incoming water to diver all small flows through the by-pass meter until such time as the rate of flow through the meter is great enough to ensure efficient operation of the main measuring section. Test plugs must be comparable to meter size.
6. *Test Outlet*. A minimum 2 inch outlet shall be provided on the downstream side of the meter.
7. *Piping Sizes*.
 - a. 3/4" - 2" piping shall be brass.
 - b. 3" - 10" piping shall be ductile iron (cement lined).

J. Fire Service Requirements.

1. *Requirements in Residential Zoning Districts*.
 - a. The minimum size of fire service water mains in residential developments shall be 6 inches. All 6 inch mains must be looped. Dead end mains shall be 8 inches or greater. Exceptions: Mains installed may meet minimum performance specifications for the expected demand upon the system. Mains shall be designed to provide the following flow rates at 20 psi:
 1. Residential: 1,000 gpm
 - b. *Requirements in Nonresidential and Mixed Use Zoning Districts*.
 1. The minimum size of fire service water mains in commercial and multi-family dwelling areas shall be 8 inches. All 8-inch mains shall be looped. Dead end mains shall be 12 inches. The minimum size of fire service water mains in industrial areas shall be 12 inches.
 2. All 12-inch mains shall be looped. Dead end mains shall provide the minimum fire flow as required in this subsection. Notwithstanding the foregoing, mains installed may meet minimum performance specifications for the expected demand upon the system in lieu of the minimum size requirement.
 - a. Individual large structures with life safety hazards or extra hazardous operations shall, where required, be provided with on-site hydrants and water mains designed to provide the required fire flow as determined by the ISO formula and the North Carolina State Fire Code.
 - b. A waiver of these standards may be allowed by the Town of Harrisburg during approval of the preliminary plat only in extreme cases where limited frontage, natural features (slope, topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery.
 - c. The fire marshal is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow is impractical.

3. The fire marshal is authorized to increase the fire-flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall not be more than twice that required for the building under consideration.

122.02.12 Storm Drainage

- A. **Obstruction of Drainage Channels Prohibited.** No fences or structures shall be constructed across an open drainage channel that will reduce or restrict the flow of water. The Administrator may require any watercourse or stormwater management facility to be located within dedicated a drainage easement officially recorded by the Cabarrus County Recorder of Deeds as a “permanent detention easement” that provides sufficient width for maintenance.
- B. **Lot Grading Standards.** The following standards shall be followed in establishing the grading plan for a development:
 1. *Positive Drainage Required.* Developments shall be designed and constructed with a positive drainage flow away from buildings towards approved stormwater management facilities. Plans for drainage facilities shall be approved by the Engineer. All interim and permanent drainage facilities shall be designed and constructed in accordance with the standards established in the section.
 2. *Accounts for All Development.* In the design of site grading plans, all impervious surfaces in the proposed development (including off-street parking shall be considered.
 3. *Protection from Sedimentation.* Site grading and drainage facilities shall protect sinkholes, wetlands, ponds and lakes from increased sediment loading.
 4. *Increased Runoff Prohibited.* Site grading shall not increase the volume or velocity of runoff onto downstream properties unless specifically approved as part of a project’s drainage plan.
- C. **Landscaping.**
 1. *Disturbed Areas.* All disturbed areas within the dedicated right-of-way and easements of any subdivision street shall be restored with vegetation.
 2. *Street Trees.* Street trees shall be planted or, where permitted trees already exist, consistent with §121.04, Trees, Landscaping, and Buffering, maintained and protected between the paved areas and sidewalks. Where no sidewalks are required, street trees shall be planted or existing trees shall be maintained or protected between the paved areas and the edge of the right-of-way.
- D. **Designation as Open Space.** Stormwater facilities to be located in designated open space areas shall be regulated in accordance with Section 122.02.13, Open Space and Park Design and Dedication.
- E. **Best Management Practices (BMP) Buffers.** There must be 50 feet of separation from normal pool to the property line and 20 feet of separation from the 100 year level to the property line.

122.02.13 Open Space and Park Design and Dedication

- A. **Generally.** The provisions of this section shall apply to an application for a major subdivision plat approval.
- B. **Connection to Public Open Space.** An applicable subdivision shall be designed to create a network of open space and/or trails in accordance with the [Livable Communities Blueprint for Cabarrus County](#), which is fully incorporated by this reference into this UDO. The open space/trail system shall be maintained by the applicant or subsequent owners provided, however, that the applicant may request to publicly dedicate any trail specifically delineated in the [Parks and Recreation Master Plan](#).
- C. **Preservation and Maintenance of Open Space.**
 1. *Required Open Space for Subdivisions.* Required open space shall be reserved for any major subdivision of land within the zoning districts and according to the percentages set forth in § 120.02, *Zoning Districts and Standards*. ..
 2. *Exemption.* Subdivisions with less than 50 dwelling units, located within 1/4th of a mile of walking distance from an existing or planned public park (or a public school with recreation

facilities accessible to the general public) shall be exempt from the open space dedication requirements of this UDO. Subdivisions with 50 or more dwelling units, regardless of proximity to an existing or planned public park, shall not be exempt.

3. **Maintenance.** Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as determined by the Town Council by any of the following mechanisms:
 - a. Dedication of open space to the Town, an appropriate public agency, or a non-profit entity (such as a land conservancy) if such an agency or entity is willing to accept the dedication and is financially capable of maintaining such open space; or
 - b. Common ownership of the open space by a home owner's or property owner's association which assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event the homeowner's association fails to maintain the open space according to the standards of this UDO, the Town may, following reasonable notice:
 1. Demand that deficiency of maintenance be corrected; or
 2. Enter the open space to maintain same. The cost of such maintenance shall be charged to the homeowners association.

D. Open Space Characteristics.

1. **Generally.** Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed except as provided below.
2. **Open Space Provisions and Maintenance Plan Required.** Any areas reserved as open space shall be indicated on a preliminary and/or final subdivision plat. An Open Space Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all open-space areas required by this UDO. The plan shall:
 - a. Designate areas to be reserved as open space. The specific design of open- space areas shall be sensitive to the physical and design characteristics of the site.
 - b. Designate the type of open space which will be provided (passive or active).
 - c. Specify the manner in which the open space shall be perpetuated, maintained, and administered.

E. Subdivision Open Space Types and Dimensions.

1. **Types.** The types of open space which may be provided to satisfy the requirements of this UDO, together with the maintenance required for each type, are as follows:
 - a. **Active Open Space.** Active open space areas shall be accessible to all residents of the development and shall be maintained by the developer, and or the property or homeowner's association.
 - b. **Passive Open Space.** Passive open space maintenance is limited to removal of litter, dead tree and plant materials (that is obstructing pedestrian movement), and brush; weeding and mowing. Natural watercourses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
 - c. **Greenways as Required in Conservation Subdivisions.**
 - i. Greenways connecting residences, schools and recreational areas are required for conservation development types. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.
 - ii. If a subdivision occurs along a corridor that has been identified by the adopted Bicycle, Pedestrian, and Greenway Plan as having a future greenway, the subdivider shall be required to develop a conservation development and shall be responsible for developing the greenway as part of the subdivision process. The greenway shall, at a minimum, meet the standards set forth in Paragraph vii., *Required Active Open Space*, below.. The acreage associated with the 25-foot easement may count toward the acreage required for Public Open Space in paragraph f, *Public Open Space*, below.

- d. *Greenbelts as Required in TND and Planned Developments.* Greenbelts, as required by the Traditional Neighborhood Development overlay district and the Planned development type, may be counted as passive open space provided, however, that:
 - i. If the greenbelt consists of agricultural areas, the agricultural areas shall have a continuous area of not less than 50 acres. The agricultural areas may be combined with adjacent agricultural lands provided, however, that the minimum width prescribed above shall be met on all portions of the agricultural greenbelt on the site.
 - ii. The greenbelt shall have an average width of not less than 50 feet.
2. *Spacing and Dimensional Limitations.* In order to ensure that all designated open space has suitable size, location, dimension, topography and general character, and proper road and/or pedestrian access, as may be appropriate, to be usable open space, the following standards shall apply:
 - a. No residential lot shall be greater than one-fourth of a mile from required open space, measured along a sidewalk or trail from the nearest property line of the lot to the nearest property line of the open space.
 - b. Required open space shall have a minimum width of 25 feet.
 - c. The percentage of required open space comprised of inaccessible land shall be a maximum of 25 percent .
 - d. A maximum of 10% of the overall required active open space shall be located in the flood plain.
3. *Use of Stormwater Detention Basins.* Stormwater retention areas or detention basins which may be required as part of Section 122.02.13, *Storm Drainage*, shall not qualify as an open space area. These areas shall be considered inaccessible open space. (See Table 122.02.13-1, Required Open Space for Subdivisions)
4. *Required Active Open Space.* Subdividers shall be responsible for making certain improvements to the land they dedicate as open space within their development for park, playground and public active open space purposes as follows:
 - a. All proposed trails shall be a designed at a minimum width of 10' and shall be paved. In addition, a 25' easement shall be provided to the Town of Harrisburg for any trail systems that are part of the proposed Town greenway system.
 - b. Subdividers shall provide finish grading and turf establishment for all disturbed areas and provide landscaping and/or screening in accordance with § 121.04, *Trees, Landscaping, and Buffering*.
 - c. Of the required open space set forth in § 120.02, *Zoning Districts and Standards*, a minimum of .025 acres per dwelling unit shall be provided as active open space for all subdivisions. For example, a subdivision containing 100 dwelling units shall be required to provide 2.5 acres of active open space for the development (.025 x 100 lots = 2.5 acres). Active open space shall be considered a part of the overall open space required for the development.
5. *Access to Open Space.*
 - a. *Required Pedestrian Access.* All areas to be preserved for open space be accessible to pedestrians by one of the following:
 1. Frontage (width as required in this Section) on a public street right-of-way; or
 2. Recorded pedestrian easement (min. 15' wide); or
 - b. *Additional Pedestrian Access Points.* Upon review of the design by the Administrator, additional pedestrian access points may be required.

F. Public Open Space Dedication.

1. *Dedication Generally.* All major residential subdivision proposals shall, prior to final approval of the preliminary plat, dedicate a portion of such land, as set forth in this UDO, for the purpose of public parks, recreation, greenways and open space sites to serve the residents of the neighborhood in which the subdivision is located as well as the Town of Harrisburg.

2. *Fee in Lieu of Dedication Generally.* As an alternative to the dedication of a portion of such land by the subdivider and where it is determined by the Town Council that a dedication of land is not feasible in a given plat or incompatible with the HALUP, the subdivider may make provision for an equitable amount of land in another location, or pay to the Town a fee in lieu of dedication as provided in Subsection F.7, below.
3. *Criteria for Dedication.* All land dedicated for recreation and park development shall substantially meet the following criteria:
 - a. **Unity:** The dedicated land shall form a single parcel of land except where the Planning Board determines that a connecting path or strip of land is in the public interest, and in which case the path shall not be less than 25 feet wide.
 - b. **Shape:** The shape of the dedicated parcel of land shall be sufficiently square or round to be usable for recreational activities such as softball, tennis, etc.
 - c. **Location:** The dedicated land shall be located so as to reasonably serve the recreation and open space needs of the subdivision for which the dedication was made and shall bear a reasonable relationship to the use of the area by the future inhabitants of the subdivision or residential development.
 - d. **Access:** Public Access to the dedicated land shall be provided either by adjoining street frontage or public easement of at least 30 feet in width.
 - e. **Topography:** No more than one quarter of the gross land dedicated may be comprised of land deemed to be inaccessible or within the 100-year floodplain. This requirement shall be waived if greenway trails are being proposed as part of the public open space dedication, so long as the requirements of Subsection E., *Open Space Types and Dimensions*, above, are met.
 - f. **Usability:** The dedicated land shall be usable for recreation; lakes may not be included in computing dedicated land area. Where the Planning Board and the Parks and Recreation Advisory Board determine that recreational needs are being adequately met, either by other dedicated parcels of land or existing recreational facilities, then land that is not usable for recreation may be dedicated as open space. The Parks and Recreation Advisory Board shall supply the Planning Board with comments and/or recommendations in order to assist the Board in making this determination.
 - g. **Plans:** Municipal and County plans shall be taken into consideration when evaluating land proposals for dedication.
4. *Criteria for Determining Dedication and Fee.* Whether the Town Council accepts the land dedication or requests payment of a fee in lieu of dedication, or a combination of both, shall be determined by consideration of the following:
 - a. The recommendation of the Planning Board and recommendations from the Parks and Recreation Advisory Board.
 - b. Size and shape of the subdivision and land available for dedication;
 - c. Topography, geology, soils, access and location of land in the subdivision available for dedication; and
 - d. Recommended improvements in the Parks and Recreation Master Plan and the Comprehensive Bicycle, Pedestrian, and Greenway Plan.
5. *Procedure for Determining Between Dedication, Combination of Dedication and Fee, and Fee-in-Lieu of Dedication.* The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:
 - a. **Prerequisites for Approval of Final Plat** – Where dedication is required, such dedication shall be shown upon the final plat submitted for approval. Where fees are required, the same shall be deposited with the Town prior to the recording of any final plat.
 - b. **Action of Town** – At the time of the preliminary plat approval, the Planning Board shall recommend, based upon staff recommendations and Parks and Recreation Advisory Board input, and the Town Council shall determine as part of such approval, whether to require a dedication of land within the subdivision or accept payment of a fee in lieu thereof or a combination of both.

- c. Subdivider – At the time of filing a preliminary plat for approval, the owner of the property shall, as part of such filing, indicate whether he desires to pay a fee in lieu thereof. If the desire is to dedicate land for this purpose, the dedicated area shall be shown on the preliminary plat.
6. *Computation of Fee Payable in Lieu of Dedication.* Where a fee is paid in lieu of dedication, the amount of such payment shall be the product of the number of acres to be dedicated and the average fair market value of the land being subdivided at the time of submission of the preliminary subdivision plat. Fair market value shall be determined by the Town Council on the advice of the Planning Board based upon current appraisals and acceptable to the subdivider.
7. *Use by Town.* The land received by the Town under this UDO shall be used only for the purpose of providing open space, park and recreational areas, but shall not be so restricted should the Town decide to sell such land as provided by the following paragraph.
8. *Sale by Town.* The Town shall have the right to sell any land dedicated to the Town for park and recreation purposes on finding by the Planning Board and the Town Council that a particular piece of property is not feasible or incompatible with the Town's Parks and Recreation Master Plan.
9. *Use of Funds Received in Lieu of Dedication.* Fees collected in lieu of dedications and any proceeds from such transactions or sales shall be held in a special fund by the Town, and the funds shall be used by the Town for the purpose of acquiring or developing recreation, parks, greenways, or open space areas as shown in the Parks and Recreation Master Plan or the Comprehensive Bicycle, Pedestrian, and Greenway Plan, and for no other purposes.
10. *Special Committee to Settle Disagreements between Town and Subdivider.*
 - a. In the event that the Town and the subdivider of land cannot agree upon the location, terrain, size, or shape of the land necessary to be dedicated for a neighborhood recreation area, or cannot agree upon the details of provisions for an equitable amount of land in another location or where there is any disagreement between the Town and the subdivider, including the amount of the fee in lieu of land, such disagreement shall be determined by a special committee.
 - b. One member of the committee shall be a professional land appraiser and shall be appointed by the Town Council. The second member shall be a professional land appraiser and shall be appointed by the subdivider. These two members shall appoint a third member. The committee shall view the land and hear the contentions of both the Town and the subdivider. The decision of the committee shall be by majority vote and shall be certified to the Town Council within forty-five days of the time of appointment of the third member of the committee. The decision of the committee shall be binding on both parties. The costs of the professional land appraiser appointed by the subdivider shall be borne entirely by the subdivider. All other costs shall be borne by the Town.

122.02.14 Markers and Monuments (new)

- A. **Generally.** The subdivider's registered professional land surveyor shall provide reference monuments and markers in the subdivision, based on National Geodetic Vertical Datum (NGVD).
- B. **Permanent Markers.** The surveyor shall install permanent markers at all corners of block lines, control points, and at the point of intersection of curves and tangents. Such markers shall be iron rods or pipes of magnetic quality a minimum of three-fourths of an inch in diameter and 36 inches in length. The surveyor shall place the rod flush with the finished grade, at the required locations.
- C. **Concrete Monuments.** The surveyor shall install one benchmark for each 10 acres of property, in a manner suitable to the Director of Public Works, with its location and elevation as shown on the approved and recorded final plat. Permanent benchmarks shall be concrete posts five feet in length and six inches in diameter with the top to be at least 12 inches below the finished grade.
- D. **Lot Markers.** The surveyor shall install a permanent marker at each corner of all lots. Such marker shall be an iron rod a minimum of one-half inch in diameter and 24 inches in length. The surveyor shall place each rod flush with the average ground elevation, or the rod may be countersunk, if necessary, to avoid being disturbed.

- E. **Control Points.** Control points are any property corner of any tract, parcel or lot which is not square or rectangular.

§ 122.03 Development Types

122.03.01 Generally

- A. **Subdivision Types.** New residential subdivisions are classified into conventional, cluster, planned, and mixed-use subdivision types. Development of any subdivision type permitted in the base zoning district is at the option of the applicant. No subdivision type is mandatory in any zoning district. Refer to Section 120.02.01, *Residential Districts*, for lot density and dimension standards related to each permitted subdivision type.
- B. **Permitted Residential Districts.** Table 122.03.01-1, *Permitted Subdivision Types by Residential District*, states the subdivision types that are permitted in each residential zoning district.

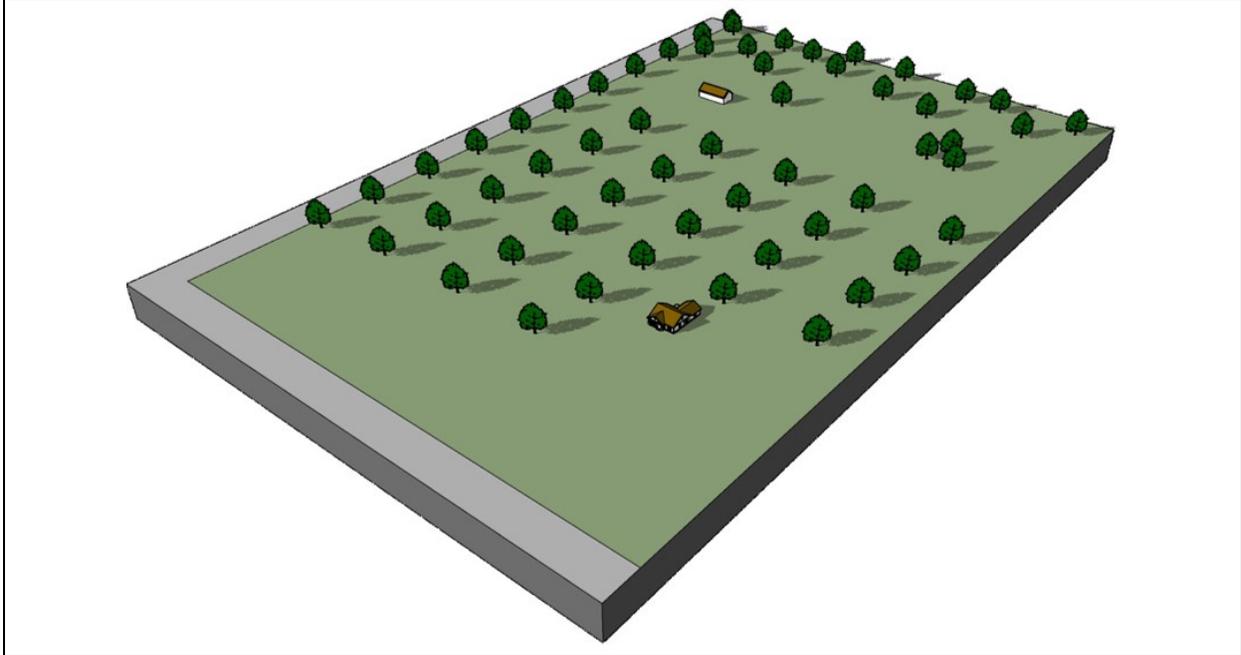
Table 122.03.01-1 Permitted Development Types by Residential District					
	AG	RE	RL	RM	RH
	"P" = Permitted "--" = Not Permitted				
Countryside	P	--	--	--	--
Conventional	--	P	P	P	P
Conservation	--	P	P	P	--
Planned	--	--	P	--	P

- C. **Applicability.** This Section established subdivision-related standards that are specific or unique to the various permitted development types.

122.03.02 Countryside (New)

- A. **Description.** Countryside development preserves the agricultural use of land in the peripheral areas of the Town. Generally, it is not intended for suburban or urban development yet it may accommodate individual homesteads.

**Figure 122.03.02-1
Illustrative Countryside Development Type**



- B. **Minimum Number of Lots.** Countryside developments shall be considered the division of any parcel of record at the adoption date of this ordinance into five or more lots.
- C. **Access.** Lots within a countryside development exceeding five lots shall not be permitted direct access to State maintained roads. A new interior road that meets the standards of this UDO shall be constructed for access to these lots. Divisions of thirty lots or greater shall include the construction of a left turn lane at the access point(s) that meets the standards of the NC Department of Transportation. This provision shall in no way substitute for or lessen any additional requirements of NCDOT made as part of a required driveway permit.
- D. **Orientation.** All lots within a countryside development shall have the front yard oriented to the interior access road.
- E. **Buffer Yard.** New countryside developments shall be buffered from surrounding properties. The required buffer must meet the standards of Buffer Yard Type A as established in Section 121.04.03, *Buffer Yard Landscaping*.
- F. **Tree Retention.** Countryside developments shall retain mature existing trees of 12 inch diameter at breast height (dbh) or greater. Such trees shall be identified and shall not be removed except when buildings, roads, or required utilities are to be constructed.
- G. **Shoulders and Drainage Swales.** Shoulders and drainage swales shall be provided rather than curbs.

122.03.03 Conventional

- A. **Description.** Conventional development is the standard form whereby the maximum density is achieved by use of minimum lot sizes and common open space. See Figure 122.03.03, *Illustrative Conventional Development Type*.

Figure 122.03.03-1
Illustrative Conventional Development Type



- B. **Applicability.** All the requirements of this Chapter shall apply to conventional development types unless otherwise specified.

122.03.04 Conservation (4.8)

- A. **Description.** Conservation development preserves and accommodates topography and site resources by consolidating smaller lots and/or different housing types around the natural resources of the property. Conservation may produce the same or higher densities than that of a conventional development, often resulting in lower infrastructure costs per dwelling. See Figure 122.03.04, *Illustrative Conservation Development Type*.

Figure 122.03.04
Illustrative Conservation Development Type



B. On-Site Pre-submittal Meeting Required.

1. Prior to plan submittal, a pre-submittal meeting shall be required. This meeting shall include the Administrator, the applicant, and any site planners or engineers involved with the development. The purpose of this meeting shall be to determine the location of conservation areas, as well as to devise a strategy for overall site development.
2. The Administrator shall provide to the applicant, in writing, notes from this meeting, outlining to the developer where the conservation areas should be located. This written notification shall be included in the staff report to the decision-making body for any needed public hearing or meeting.

C. Public Water & Sewer. The development shall be served by a public water system and a public sewer system as required in Section 122.02.11, *Public Water and Wastewater Systems*.

D. Minimum Project Area. A conservation development shall be a minimum of 40 acres in size.

E. Fee-in-Lieu of Open Space. The exemption for providing open space and the fee-in-lieu of open space dedications described in Section 122.02.13, *Open Space and Park Design and Dedication*, shall not be applied to any conservation development.

F. Framing of Open Space. To the maximum extent practicable, streets and dwellings shall be arranged to frame open space as shown in Figure 122.03.04.

G. Distance from Residential Lots. All required active open space shall be located a minimum of 50 feet from any residential lot within the conservation development, measured along a sidewalk or trail from the nearest property line of the lot to the nearest property line of the open space.

H. Development Landscaping and Buffering Requirements. A Class "D" Buffer yard pursuant to Section 121.04.03, *Buffer Yard Landscaping*, shall be established around the entire perimeter of all conservation development and designated as either undisturbed, conservation easements, or

common open space on a subdivision plat as required in Section 122.02.09, *Perimeter and Internal Buffer Yards*. The following additional provisions shall apply to any buffer yard:

1. The use of existing vegetation to meet the requirements will be judged on field observation by the Administrator.
 2. A Perimeter Buffer yard may be designated as common open space on a subdivision plat and may be used in calculating the required common open space. However, no more than 20% of the total required open space may be within the perimeter buffer yard.
- I. **Shoulders and Drainage Swales.** Shoulders and drainage swales shall be provided rather than curbs where.
1. Shoulders are specified by NCDOT or Cabarrus County highway standard;
 2. Soil or topography makes the use of shoulders and drainage swales preferable; or
 3. It is in the best interest of the County to maintain its rural character by using shoulders and drainage swales instead of curbs.
- J. **Property Owners' Association Required.** Documentation for a property owners' association, with covenants, conditions, and restrictions shall be approved as to form by the Town Attorney.

122.03.05 Planned

- A. **Description.** Planned development may include a mixture of different lot sizes, retail and office uses, and varying housing types clustered around civic spaces, greenways, and resource features. See Figure 122.03.05, *Illustrative Planned Development Type*.

**Figure 122.03.05-1
Illustrative Planned Development Type**



- B. **Housing Type Integration.** Different housing types within a planned development type may be integrated together or may be located within separate pods with the required open space provided a buffer between the housing types.
- C. **Bufferyard.** Where single-family detached or single-family attached dwelling units abut multiple-family dwellings, a Type C buffer yard shall be used on the perimeter of the multi-family development provide for enhanced compatibility between housing types.
- D. **Compatibility.** Where a planned development type abuts, is adjacent to, or is located across a local street from existing housing, the housing types that are nearest or across the street shall be comparable to the existing housing types in terms of the housing type, scale, and method of access.
- E. **Access.** Lots shall take access to an interior street, alley, parking court, or shared driveway. If a perimeter street is also a local street, lots shall front on the perimeter street and may take access from it if the lots across the street also take access from the street.
- F. **Increased Lot Area or Setback.** Where adjacent to existing conventional single-family development, planned development type lots on the perimeter shall be equal to or greater than the lot area and width of the adjacent conventional lots. Alternatively, the dwelling units on the perimeter

planned lots shall be set back from the boundary of the planned subdivision a minimum of the following distances

1. One to four lots: Required rear setback;
2. Five to 20 lots: 75 feet; and
3. 21 or more lots: 100 feet.

§ 122.04 Adequate Public Facilities Standards

122.04.01 General Standards (14.1; Appendix B-11)

A. **Purpose.** The purpose of this Section is:

1. *Level of Service.*
 - a. To ensure that Public Facilities needed to support new development meet or exceed the Level of Service standards established in this Section;
 - b. To ensure that no applications for development approval are approved which would cause a reduction in the levels of service for any Public Facilities below the Adopted Level of Service established in this Section;
2. *Concurrency.* To ensure that adequate Public Facilities needed to support new development are available concurrent with the impacts of such development;
3. *Growth Direction.* To encourage development in areas where public services are available and underutilized.
4. *HALUP Policies.* To facilitate implementation of goals and policies set forth in the HALUP and any applicable Area Plan relating to adequacy of Public Facilities and Level of Service standards; and
5. *Legal Standards.* To ensure that all applicable legal standards and criteria are properly incorporated in these requirements.

B. **Applicability.**

1. *Generally.* The provisions of this section shall apply to any:
 - a. Application for conditional rezoning, the application of this Section, however, does not limit public facilities review for rezonings to those applied in ARTICLE 14;
 - b. Application for Major or Minor Site Plan Approval of any project that generates 2,000 or more trips per day;
 - c. Application for Minor Site Plan Approval of a multi-family or attached single-family residential project; and
 - d. Application for a Preliminary Subdivision Plat.
2. *Conditional Applicability.* The provisions of this Ordinance shall apply to Final Plats or Final Site Plans (Major Site Plans) to the extent that the availability of a Public Facility is made a condition of preliminary plat or preliminary site plan approval.
3. *Sufficient Information.* No application for development review subject to this Section shall be accepted, approved, granted or issued unless it is accompanied by an application which provides sufficient information to determine whether the capacity of Public Facilities is adequate to support the proposed development.

C. **Exemption.** This Section shall not apply to any use, development, project, structure, fence, sign, or activity which does not result in a new equivalent dwelling unit, as established in Table 122.04.02-2, *Equivalent Residential Units*.

122.04.02 Criteria for Determination of Adequacy

A. **Methodology and Criteria for Determining Availability and Adequacy of Public Facilities.** No determination as to compliance with this Section shall be recommended by the Administrator or

rendered by the approving development review body unless Public Facilities within the Impact Areas set forth in Column (C) of Table 122.04.02-1, *APF Level Of Service (LOS) Standards*, are:

1. Adequate, as measured by the adopted level of service (“LOS”), as set forth in this Section and Column (B) of Table 122.04.02-1; and
 2. Available, as set forth in this Section and Column (D) of Table 122.04.02-1.
 3. Public Facilities shall be deemed to be adequate if it is demonstrated that they have Available Capacity to accommodate the demand generated by the proposed development in accordance with the following calculation methodology, unless otherwise indicated herein.
- B. Adopted Level of Service (“LOS”) Standards (Adequacy of Public Facilities).** Compliance with Level of Service (“LOS”) standards shall be measured for each Public Facility set forth in Column (A) of Table 122.04.02-1 in accordance with the corresponding standards set forth in Column (B) of Table 122.04.02-1. The LOS for each application for development approval shall be measured within the impact area set forth in Column (C) of Table 122.04.02-1 for each corresponding facility in Column (A). Column (D) of Table 122.04.02-1 indicates whether Programmed Capital Improvements may be included in determining whether the improvements are available. Rules for interpretation of Table 122.04.02-1 are set forth in this Section.
- C. Water.** Water requirements shall not apply to agricultural uses. The water standard applies to water supply and water treatment needed to accommodate the gallons per capita per day (gpcd) generated by residential and non-residential uses. Usage figures for residential and non-residential usage are taken from Boyle Engineering Corporation, WSACC Wastewater and Water Master Plan, Volume 5 (1995), and Camp Dresser & McKee, Water & Sewer Authority of Cabarrus County Master Plan Update [October (1996)]. These documents identify six pressure zones in the WSACC service area. Flow rates used to estimate the demand produced by the proposed development shall comply with 15A NCAC § 18C.0409, which is hereby incorporated by reference and made a part of this UDO, unless a different standard is identified in any Local Water Supply Plan for the service area adopted pursuant to NCGS § 143- 55(l), in which case the flow rates identified for the particular use in the Water Supply Plan may be used. If the category of development proposed in the application is not identified in the above-referenced regulations, the professional engineer shall use the applicable industry and manufacturer’s standards to calculate average and peak daily flows and demands, in gallons per day. The capacity for elevated storage and distribution systems shall comply with [15A NCAC § 18C.0805 to 18C.0901](#), which regulations are hereby incorporated by reference. Approval through the Adequate Facilities Process outlined in this section shall in no manner imply approval of required distribution systems.
- D. Wastewater.** The wastewater standard applies to wastewater treatment plants (WWTPs), interceptor sewers, and pumping stations. The standard for source facilities applies only to treatment capacity legally reserved for usage by WSACC. The figures for gallons per capita per day (gpcd) are taken from Boyle Engineering Corporation, WSACC Wastewater and Water Master Plan, Volume 1 (1995). Flow rates used to estimate the demand produced by the proposed development shall be consistent with the assumptions set forth in § 14.1.8.1 of this Ordinance and [15A NCAC 18A.1949](#) (Sewage Flow Rates for Design Units), as said section may be revised from time to time. If the category of development proposed in the application is not identified in 15A NCAC 18A.1949, the professional engineer shall use the applicable industry and manufacturer’s standards to calculate average and peak daily flows and demands, in gallons per day. Approval through the Adequate Facilities Process outlined in this section shall in no manner imply approval of required interceptor and collection systems.
- E. Roads / Streets.** For certain developments, specific studies shall be required to determine if there are adequate public facilities in place. The Town Engineer, or his designee, will approve these studies if he concludes that the recommendations from the report will maintain the integrity of the transportation system. If mitigation is part of an approved transportation impact analysis, all approved improvements for the entire site shall be implemented prior to issuance of a Zoning Permit unless otherwise provided for in a phasing plan that is included in the approved report. These include:
1. *Transportation Impact Analysis (TIA).* A TIA shall be required for any development expected to generate traffic volumes that will impact the capacity or safety of the transportation system. Minimum thresholds requiring a TIA and guidelines for the content and methodologies included

in a TIA report are presented in [APPENDIX D, Transportation Impact Analysis Procedures Manual](#). When a full TIA is not required, the requirements below may apply.

2. **Traffic Impact Studies.**

- a. **Preparation.** The applicant shall furnish the full rationale, from an engineer licensed by the State of North Carolina to perform such studies, to support the recommendations of this analysis. The submission shall include all pertinent traffic data and computations affecting the design proposal for the subdivision streets involved.
- b. **Contents.** Traffic Rezoning Analysis or Traffic Impact Report shall contain information addressing the factors listed below.
 - i. **Site Description.** The report shall contain illustrations and narrative that describe the characteristics of the site and adjacent land uses as well as expected development in the vicinity which will influence future traffic conditions. For a Rezoning Traffic Analysis, a description of potential uses to be evaluated shall be provided. For a Traffic Impact Report, a description of the proposed development including a access plans, staging plans and an indication of land use and intensity, shall be provided.
 - ii. **Study Area.** The report shall identify the geographic area under study and identify the roadway segments, critical intersections and access points to be analyzed. The geographic area under study shall extend not less than one-half mile from the site.
 - iii. **Existing Traffic Conditions.** The report shall contain a summary of the data utilized in the study and an analysis of existing traffic conditions, including:
 - a. Traffic count and turning movement information, including the source of and date when traffic count information was collected;
 - b. Correction factors that were used to convert collected traffic data into representative average daily traffic volumes;
 - c. Roadway characteristics, including the design configuration of existing or proposed roadways, existing traffic control measures (speed limits, traffic signals, or traffic calming measures) and existing driveways and turning movement conflicts in the vicinity of the site; and
 - d. Identification of the existing Level of Service for roadways and intersections without project development traffic using methods documented in the Special Report 209: Highway Capacity Manual, published by the Transportation Research Commission, or comparable accepted methods of evaluation. Level of Service should be calculated for the weekday peak hour and, in the case of uses generating high levels of weekend traffic, the Saturday peak hour.
 - iv. **Horizon Year(s) and Background Traffic Growth.** The report shall identify the horizon year(s) that were analyzed in the study, the background traffic growth factors for each horizon year, and the method and assumptions used to develop the background traffic growth. Unless otherwise approved by the Engineer, the impact of development shall be analyzed for the year after the development is completed and 10 years after the development is completed.
 - v. **Trip Generation, Trip Reduction, and Trip Distribution.** The report shall summarize the projected a.m. and p.m. peak hour and average daily trip generation for the proposed development and illustrate the projected trip distribution of trips to and from the site and should identify the basis of the trip generation, trip reduction and trip distribution factors used in the study.
 - vi. **Traffic Assignment.** The report shall identify projected roadway segment, intersection or driveway traffic volumes, with and without the proposed development, for the horizon year(s) of the study;
 - vii. **Impact Analysis.** The report shall address the impact of projected horizon year(s) traffic volumes relative to each of the applicable traffic service factors listed in paragraph 61.526 and shall identify the methodology utilized to evaluate the impact. The weekday peak hour impact shall be evaluated as well as the Saturday peak hour for those uses exhibiting high levels of weekend traffic generation.

- viii. **Mitigation/Alternatives.** The report shall identify alternatives for achieving the traffic service standards listed in this chapter and in addition shall:
 - a. Identify where additional right of way is needed to implement mitigation strategies;
 - b. Identify suggested phasing of improvements where needed to maintain compliance with traffic service standards; and
 - c. Identify the anticipated cost of recommended improvements.
- c. **Procedures.**
 1. The applicant or his designated representative shall contact the Public Works Director or their designee and the Administrator to establish whether a traffic study is needed and to define the parameters for the study. Following preparation of any traffic study, copies of the study report shall be submitted to the Administrator for distribution to staff of the roadway jurisdictions involved in the construction and maintenance of public roadways serving the development. A conference between the staff and applicant shall be held within 10 days to discuss the content and findings of the report and determine the need for any supplemental study or analysis.
 2. When the Public Works Director or their designee and Administrator have determined that the content of the report adequately addresses the applicable Traffic Service Standards of this chapter, a finding shall be made that the traffic impact study is complete and proceedings on any application that was stayed pending completion of a traffic analysis can resume.
- d. **Report Findings.**
 1. When staff and the applicant concur that the technical analysis is complete, the report shall be forwarded to the platting authority at its next regular meeting. Negotiations with the platting authority, if needed, shall be held, and a Subdivision Improvement Agreement detailing the applicant's responsibilities and the Town's responsibilities for implementing any mitigation measures shall be prepared, and what, if any, improvements may be assessed against other benefited properties.
 2. If staff finds that the proposed development will not meet applicable service level standards, staff shall recommend one or more of the following actions on the associated development application, as may be needed:
 - i. Reduce the size, scale, scope or density of the development to reduce traffic generation;
 - ii. Divide the project into phases and authorized only one phase at a time until traffic capacity is adequate for the next phase of development;
 - iii. Dedicate right-of-way for street improvements;
 - iv. Construct new streets;
 - v. Expand the capacity of existing streets;
 - vi. Redesign ingress and egress to the project to reduce traffic conflicts;
 - vii. Alter the use and type of development to reduce peak hour traffic;
 - viii. Reduce background (existing) traffic;
 - ix. Eliminate the potential for additional traffic generation from undeveloped properties in the vicinity of the proposed development;
 - x. Integrate non-vehicular design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation; or
 - xi. Recommend denial of the application for development for which the TIR is submitted.
- F. **Schools.** The subdivider shall provide project impact calculations to the Cabarrus County Schools and to the Administrator who shall take into account the Cabarrus County Schools' recommendations.

- G. **Mitigation Measures.** Applicants may propose mitigation measures to overcome a failure to meet one or more LOS standards including, but not limited to, payment of a pro rata share of facility capacity costs necessary to accommodate the demand generated by the proposed development. Mitigation measures, particularly those proposing pro rata cost sharing, should base such proposals on the Tischler & Associates report, Capital Costs Due to Growth, prepared for the Cabarrus County Board of Commissioners and incorporated herein by reference.
- H. **Availability and adequacy of Public Facilities shall be determined only with respect to Public Facilities located within Cabarrus County, including any incorporated areas of the County.** If part of the applicable service area or traffic Impact Area lies in an adjacent municipality or an unincorporated area of Mecklenburg, Union, or Rowan County, absent an intergovernmental agreement with the County or municipality, availability and adequacy shall be determined only with respect to Public Facilities located within the County, including its incorporated and unincorporated areas.
- I. **Intergovernmental Agreement.** If the Town Council has entered into an intergovernmental agreement with an adjacent county or with a municipality to evaluate Public Facilities in such areas, an Applicant will be subject to the evaluation of the Level of Service standard for the facility as adopted by the adjacent county or municipality. Prior to the determination of adequacy of public facilities, the Administrator shall require that the adjacent county or municipality certify that issuance of a Development Order for the proposed development will not cause a reduction in the Level of Service standards for those facilities lying within the adjacent county or the municipality.
- J. **Level of Service Standards and Other measures of APF.**

Table 122.04.02-1 APF Level Of Service (LOS) Standards			
(A) Public Facility	(B) Adopted LOS Standard Criteria	(C) Impact Area	(D) Availability
Water	215 gpd per ERU* *see Table 14-3	<u>Water Treatment Plants (WTPs)</u> – the service area of each treatment plant as defined by the operators.	Programmed capital improvements may be considered for approval of a rezoning or issuance of a preliminary subdivision plat or preliminary site plan. Only existing capital improvements may be considered for issuance of approval for a final site plan or final subdivision plat.
Sewer	250 gpd per ERU* *see Table 14-3	The service area of each public treatment plant as defined by WSACC, any package treatment plant or other wastewater system serving a proposed development	Programmed capital improvements may be considered for approval of a rezoning or issuance of a preliminary subdivision plat or preliminary site plan. Only existing capital improvements may be considered for issuance of approval for a final site plan or final subdivision plat.
Streets/ Roads	see Table 14-1	The street lying between the proposed development and the first collector/collector or collector/arterial intersections, within which a proposed development generates traffic of more than 10 trips per day. Some roads may be excluded (see §14.3.6).	Any programmed capital improvements may be considered for approval of a rezoning. Programmed capital improvements within the first three (3) years of the Capital Improvements Program and guaranteed by currently available revenue sources may be considered for subdivision plat or site plan approval.

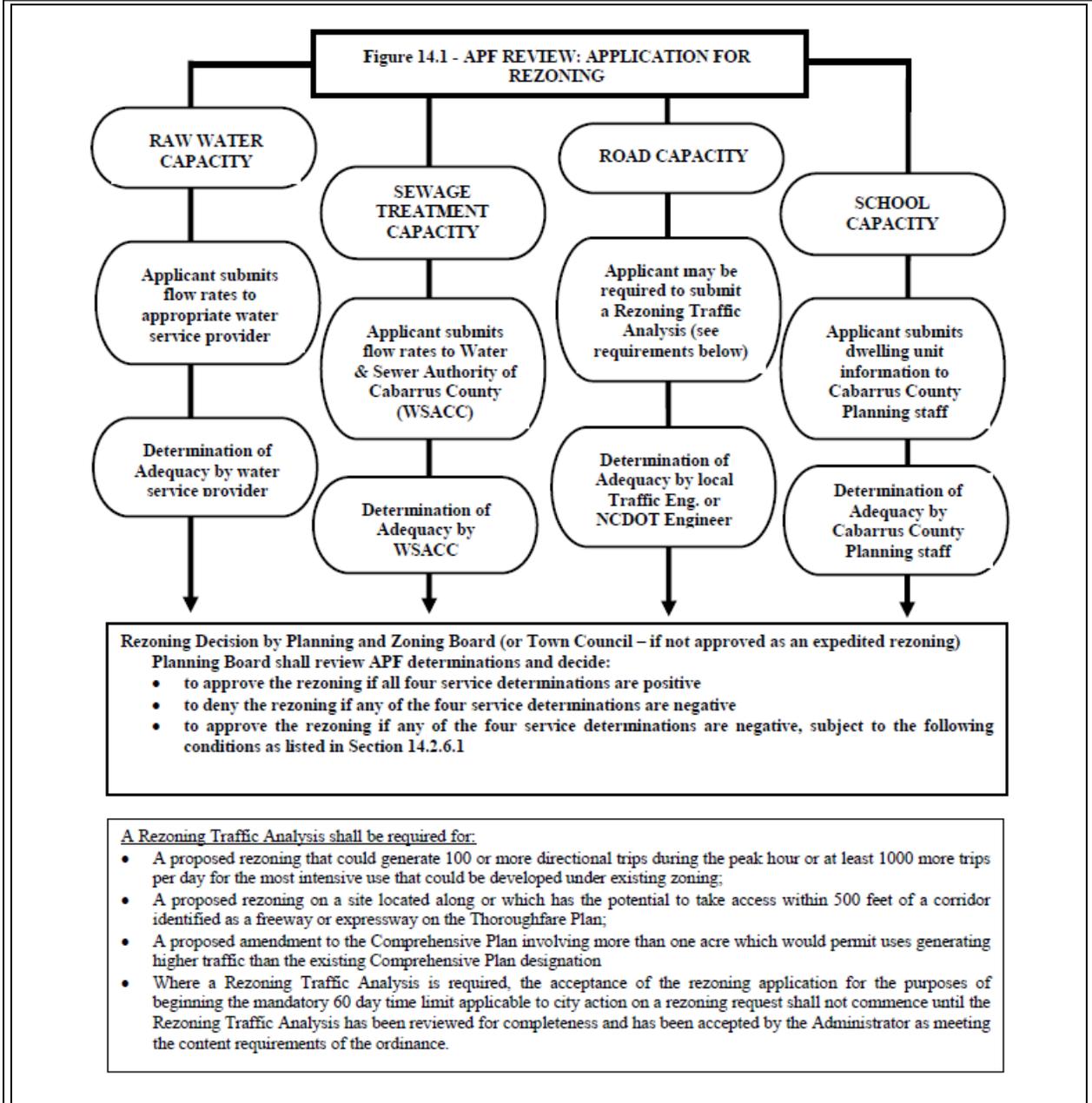
Table 122.04.02-1 APF Level Of Service (LOS) Standards			
(A) Public Facility	(B) Adopted LOS Standard Criteria	(C) Impact Area	(D) Availability
Schools	The capacity of public schools as calculated in accordance with the Public Schools of North Carolina, State Board of Education, <i>North Carolina Public School Facility Guidelines</i> (January 1997), which document is hereby incorporated by this reference, and including any successor documents are amendments thereto which may be published from time to time.	High School Feeder Areas as designated by the Cabarrus County School District, as applicable.	Programmed capacity in the first three (3) years of the Capital Improvements Program may be considered in accordance with the formula set forth in § 14.3.8.

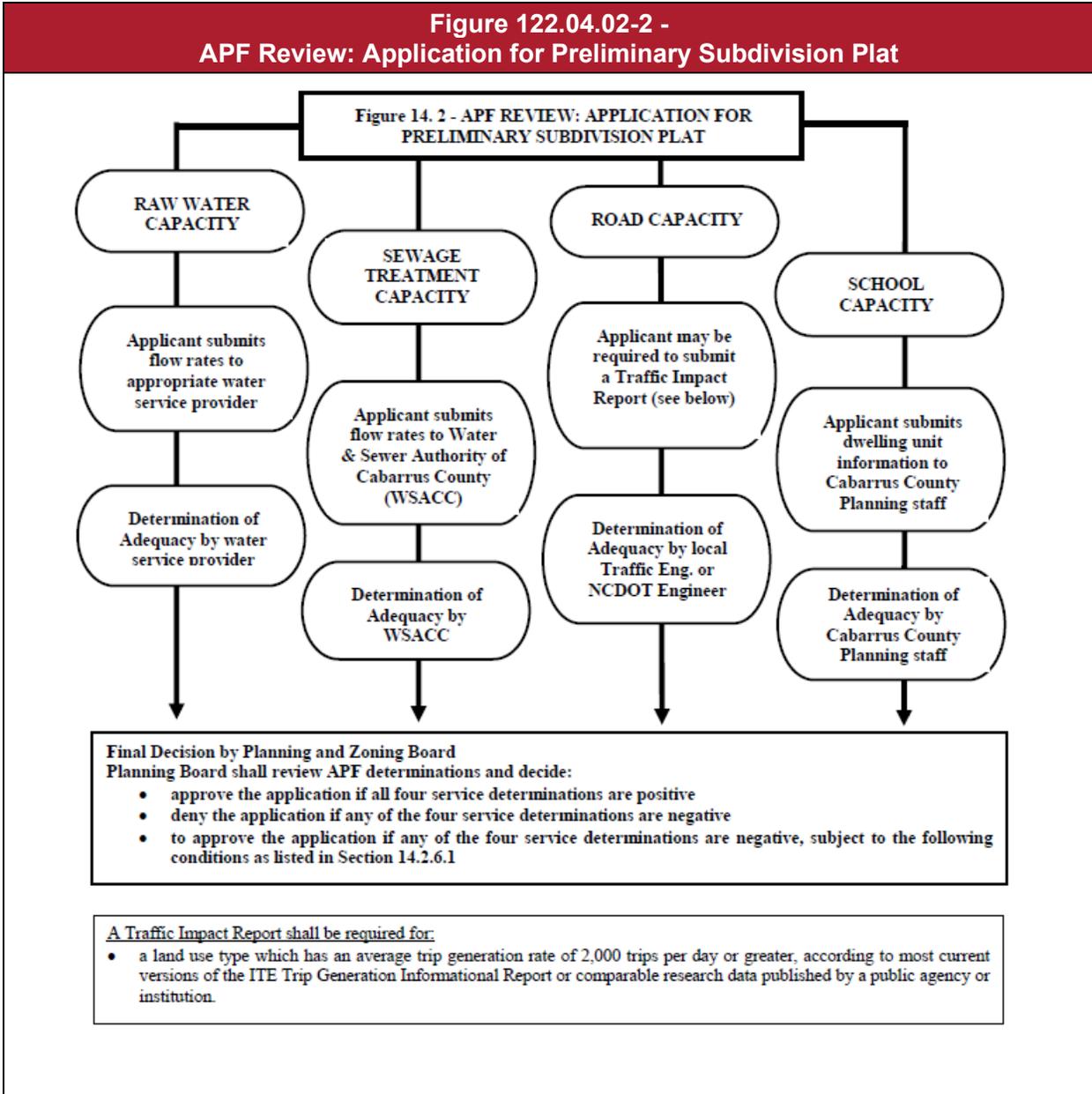
Table 122.04.02-2 Equivalent Residential Units			
Land Use	Variable	Factor	ERU
Residential Single-family	dwelling unit	9.55	1.00
General Light Industrial	1,000 square feet	6.97	0.73
Industrial Park	1,000 square feet	6.97	0.73
Manufacturing	1,000 square feet	3.85	0.40
Warehousing	1,000 square feet	4.88	0.51
Mini-warehouse	1,000 square feet	2.61	0.27
Apartments (post-1973)	dwelling unit	6.28	0.66
Low-rise apartment	dwelling unit	6.59	0.69
High-rise apartment	dwelling unit	4.2	0.44
Condo/Townhouse	dwelling unit	5.86	0.61
High-rise condo	dwelling unit	4.18	0.44
Mobile homes	dwelling unit	4.81	0.50
Hotel	room	8.7	0.91
Elementary school	1,000 square feet	10.72	1.12
High school	1,000 square feet	10.9	1.14
Church	1,000 square feet	9.32	0.98
Day care center	1,000 square feet	79.26	8.30
Hospital	1,000 square feet	16.78	1.76
General office (<10,000 s.f.)	1,000 square feet	24.6	2.58
General office (10-25,000 s.f.)	1,000 square feet	19.72	2.06
General office (25-50,000 s.f.)	1,000 square feet	16.58	1.74
General office (50-100,000 s.f.)	1,000 square feet	14.03	1.47
General office (100-200,000 s.f.)	1,000 square feet	11.85	1.24
General office (200-300,000 s.f.)	1,000 square feet	10.77	1.13
General office (300-400,000 s.f.)	1,000 square feet	9.96	1.04
General office (400-500,000 s.f.)	1,000 square feet	9.45	0.99

Table 122.04.02-2 Equivalent Residential Units			
Land Use	Variable	Factor	ERU
General office (600-700,000 s.f.)	1,000 square feet	9.05	0.95
General office (700-800,000 s.f.)	1,000 square feet	8.75	0.92
General office (>800,000 s.f.)	1,000 square feet	8.46	0.89
Corporate headquarters	1,000 square feet	6.27	0.66
Single tenant office	1,000 square feet	11.5	1.20
Office park	1,000 square feet	11.42	1.20
Research and development center	1,000 square feet	7.7	0.81
Business park	1,000 square feet	14.37	1.50
Building materials store	1,000 square feet	30.56	3.20
Specialty retail	1,000 square feet	40.67	4.26
Discount store	1,000 square feet	70.13	7.34
Hardware store	1,000 square feet	51.29	5.37
Nursery	1,000 square feet	36.08	3.78
Shopping center (<10,000 s.f. GLA)	1,000 square feet	167.59	17.55
Shopping center (10-50,000 sf GLA)	1,000 square feet	91.65	9.60
Shopping center (50-100,000 sf GLA)	1,000 square feet	70.67	7.40
Shopping center (100-200,000 sf GLA)	1,000 square feet	54.5	5.71
Shopping center (200-300,000 sf GLA)	1,000 square feet	46.81	4.90
Shopping center (300-400,000 sf GLA)	1,000 square feet	42.02	4.40
Shopping center (400-500,000 sf GLA)	1,000 square feet	38.65	4.05
Shopping center (500-600,000 sf GLA)	1,000 square feet	36.35	3.81
Shopping center (600-800,000 sf GLA)	1,000 square feet	33.88	3.55
Shopping center (800-1,000,000 sf GLA)	1,000 square feet	32.09	3.36
Shopping center (1M-1,200,000 sf GLA)	1,000 square feet	30.69	3.21
Shopping center (1.2M-1,400,000 sf GLA)	1,000 square feet	29.56	3.10
Shopping center (1.4M-1,600,000 sf GLA)	1,000 square feet	28.61	3.00
Sit-down restaurant	1,000 square feet	205.36	21.50
Fast food without drive-through	1,000 square feet	786.22	82.33
Fast food with drive-through	1,000 square feet	632.12	66.19
New car sales	1,000 square feet	47.91	5.02
Convenience market	1,000 square feet	737.99	77.28
Furniture store	1,000 square feet	4.34	0.45

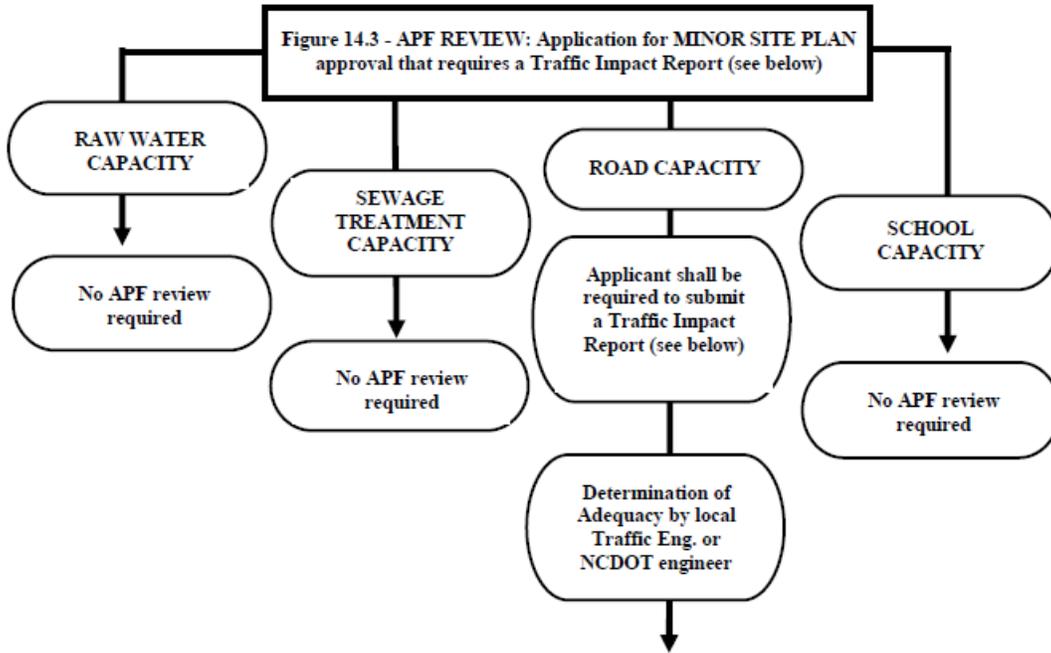
Source: Freilich, Leitner, Carlisle

**Figure 122.04.02-1
APF Review: Application for Rezoning**





**Figure 122.04.02-3
APF Review: Application for Minor Site Plan Approval that Requires Traffic Impact Report**



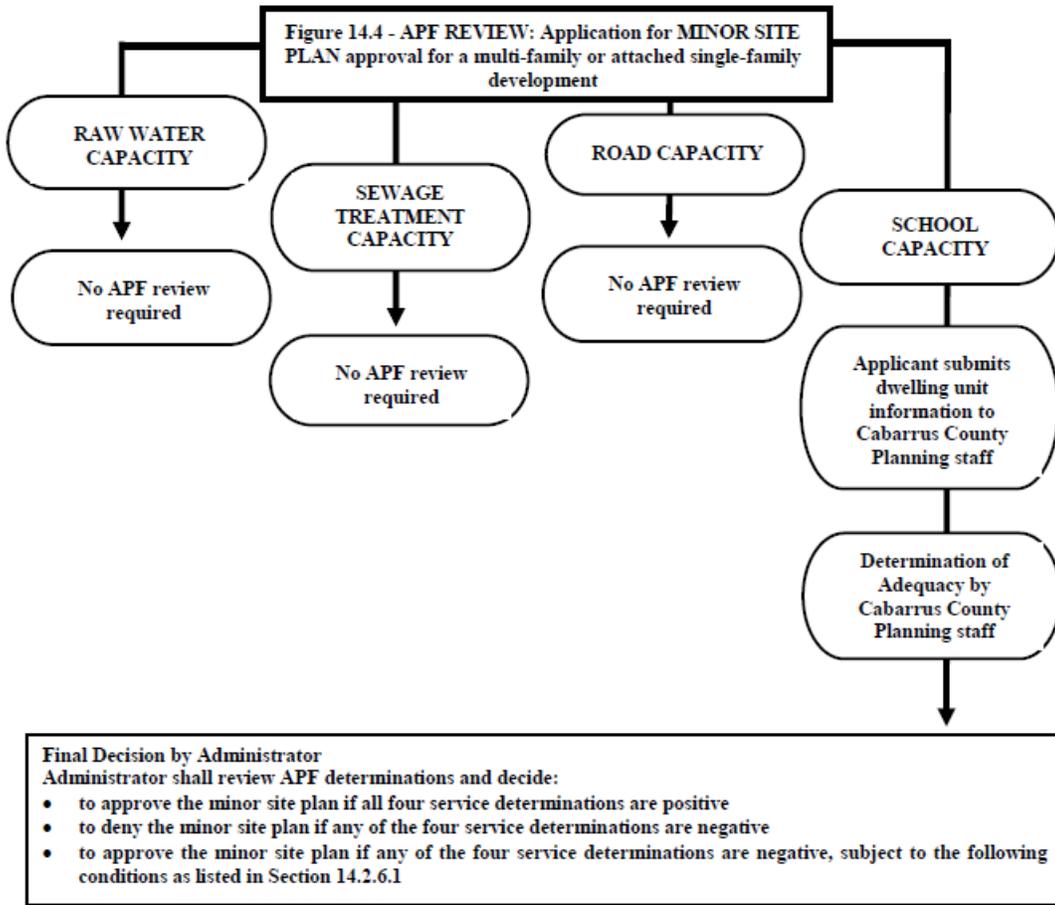
Final Decision by Administrator
Administrator shall review APF determinations and decide:

- to approve the minor site plan if all four service determinations are positive
- to deny the minor site plan if any of the four service determinations are negative
- to approve the minor site plan if any of the four service determinations are negative, subject to the following conditions as listed in Section 14.2.6.1

A Traffic Impact Report shall be required for:

- a land use type which has an average trip generation rate of 2,000 trips per day or greater, according to most current versions of the ITE Trip Generation Informational Report or comparable research data published by a public agency or institution.

**Figure 122.04.02-4
APF Review: Application for Minor Site Plan Approval for a Multi-Family or Attached Single-Family Development**



**Figure 122.04.02-5
Final Determination for an APF review: Options for approving body**

Figure 14-5 - Final Determination for an APF review: Options for approving body (as taken from Sect. 14.2.6.1 of the UDO)

Upon receipt of the staff report, and subject to compliance with all other applicable standards of approval for a Development Approval, the decision-making body may determine:

- that the application for development approval shall be approved because public facilities and services are available at the adopted level of service; or
- that the application for development approval shall be denied because public facilities and services are not available at the adopted level of service; or
- that the application for development approval shall be approved subject to one or more of the following conditions as agreed to between the applicant and the Town Council:
 - deferral of further Development Orders (as defined in Appendix A) until all Public Facilities are available and adequate if Public Facilities in the Impact Area are not adequate to meet the Adopted Level of Service for the entire development proposal, consistent with the requirements of this article;
 - reduction of the density or intensity of the proposed development to a level consistent with the Available Capacity of Public Facilities;
 - provision by the Applicant of the Public Facilities necessary to provide Capacity to accommodate the proposed development at the Adopted Level of Service and at the time that the impact of the development will occur; or
 - conditions agreed upon by the applicant to advance, or partially advance the Public Facilities necessary to provide capacity to accommodate the proposed development at the Adopted Level of Service and at the time that the impact of the development will occur. Provisions for advancement of capacity are included in Subsection 14.2.9.

§ 122.05 Public Improvements Dedication and Acceptance

122.05.01 Dedication of Improvements and Performance Security (6.4.15)

- A. **General.** All dedications shall be indicated on the face of the plat. Verbose dedications may be accomplished by a separate recorded instrument which is referenced on the face of the plat.
- B. **Subdivision Improvement Agreements.**
 1. *Authority.* The Director of Public Works shall have the authority to review and approve all subdivision improvement agreements.
 2. *Delay of Completion.* The Director of Public Works may delay the requirement for the completion of required improvements prior to recordation of the Final Plat if the applicant enters into a Subdivision Improvement Agreement by which the applicant covenants and agrees to complete all required on-site and off-site public improvements no later than one year following the date upon which the final plat is recorded. Such period may be extended for up to an additional six months upon its expiration at the discretion of the Director of Public Works. The Applicant shall bear the responsibility to prepare a Subdivision Improvement Agreement. The Town Attorney shall approve any Subdivision Improvement Agreement as to form.
 3. *Emergency Access.* In order to provide for emergency access, no Subdivision Improvement Agreement shall be approved, and no performance guarantee shall be accepted, until the base course for the streets within the applicable phase for which a final plat is proposed has been installed.
 4. *Timing and Sequence of Improvements.* The Director of Public Works may enter into a Subdivision Improvement Agreement with the applicant for a development containing multiple

final plats concerning the timing and sequence of roadway, water, wastewater, drainage, public school, and park or open space dedication and improvements. Notwithstanding any provision in this UDO to the contrary, the Subdivision Improvement Agreement shall determine the time when the required improvement or dedication for multiple final plat developments shall occur.

C. Performance Security.

1. *Form of Security.* Whenever the Director of Public Works permits an applicant to enter into a Subdivision Improvement Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements, including, but not limited to, stormwater facilities. The security shall be in the form of an irrevocable letter of credit, cash escrow, or a surety bond.
2. *Amount of Security.* The letter of credit, cash escrow or surety bond shall be in an amount approved by the Director of Public Works or their designee as reflecting 125 percent of the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the Subdivision Improvement Agreement.
3. *Town Participation.* In addition to all other security, when the Town participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the Town as a co-obligee.
4. *Security Approval.* The issuer of any surety bond shall be subject to the approval of the Town Attorney as to form and the Director of Public Works or their designee.
5. *Cash Escrow.* If security is provided in the form of a cash escrow, the applicant shall deposit with the Town Finance Director a cashier's or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the Director of Public Works.
6. *Duties of Town.* The surety bond or cash escrow account shall accrue to the Town for administering the construction, operation, and maintenance of the improvements.
7. *Oversized Facilities.* Where oversized facilities are required, the Director of Public Works or their designee and applicant shall specify a reimbursement procedure in the Subdivision Improvement Agreement.

D. Release of Performance Security. Upon completion of all improvements as covered by the Subdivision Improvement Agreement, the Director of Public Works shall inspect the work. If the Director determines that the work is satisfactory and complete, the letter of credit, cash escrow, or surety bond shall be released. The Director shall also require evidence from the subdivider that all contractors have been paid in full prior to the release of the performance security.

E. Failure to Complete Improvements. If a Subdivision Improvement Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the Director of Public Works or their designee may:

1. *Declaration of Default.* Declare the Agreement to be in default thirty days prior to the expiration of the guarantee instrument, and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
2. *City-Completed Improvements.* Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;
3. *Third Party Improvements.* Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or
4. *Other.* Exercise any other rights available under the law.

122.05.02 Installation and Maintenance Guarantee (6.4.14, 6.4.16)

A. Installation or Guarantee of Improvements. The Planning Commission shall not review a final plat until one of the following has occurred:

1. *Installation.* The subdivider has installed all improvements required in this Chapter and the improvements have been accepted for maintenance by the Director of Public Works in accordance with Section 122.05.03, *Acceptance*. Such improvements shall be in accordance with the approved construction plans.
 2. *Guarantee.* The Director of Public Works has accepted a performance security in accordance with Section 122.05.02, *Dedication of Improvements and Performance Security*.
- B. Clean Up.** The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the Town is prohibited.
- C. Maintenance Guarantee.**
1. *Bond Review and Approvals.* The Director of Public Works shall have the authority to review and approve all maintenance bonds.
 2. *Guarantee Against Defects.* The applicant shall guarantee the improvements against defects in workmanship and materials for a period of one year after the final lift of asphalt has been installed. In exceptional situations, where undue hardship would otherwise result and the shorter term would not be inconsistent with the purposes of this UDO, the Director of Public Works or their designee may approve a shorter-term maintenance guarantee. The maintenance guarantee shall be secured by a surety bond or cash escrow in an amount reflecting five percent of the cost of the completed improvements.
 3. *Temporary Improvement Costs.* The applicant shall construct and pay for all costs of temporary improvements required by the Director of Public Works or their designee and shall maintain said temporary improvements for the period specified by the Director of Public Works or their designee.
 4. *Expiration of Maintenance Guarantee.* 30 days prior to the expiration of the maintenance guarantee instrument, if any defects in workmanship and/or materials are not repaired to the satisfaction of the Director of Public Works or their designee, the subdivider shall be required to make all necessary repairs immediately.

122.05.03 Acceptance

- A. Construction Plans**
1. *Submittal.* Prior to the construction of any public improvement, the subdivider or applicant's engineer shall submit to the Director of Public Works the Subdivision Improvement Agreement and maintenance guarantee.
 2. *Standards and Specifications.* All improvements must be constructed and installed in accordance with this UDO and other specifications of the Town.
- B. Construction Inspections.**
1. *Timing of Inspections.*
 - a. During the preparation of land and the installation of general improvements, periodic inspections shall be made to ensure conformity with the approved plans, specifications, and standards. Appropriate agencies of the Town and state may make inspections at any time during the progress of work.
 - b. All improvements required by these regulations shall be inspected prior to acceptance by the Town. Where inspections are made by individuals or agencies, other than the Director of Public Works or their designee, the applicant shall provide the Director of Public Works or their designee with written reports of each final inspection.
 - c. Prior to beginning construction, the applicant shall arrange with the Director of Public Works or their designee a pre- construction meeting for the purpose of coordinating construction activities.
 2. *Notification of Public Works.* It shall be the responsibility of the applicant to notify the Director of Public Works of the commencement of construction of improvements one full working day prior work beginning. Inspections shall be required at each of the following stages of

construction or as otherwise determined through and owner contract or Subdivision Improvement Agreement:

- a. Site grading/erosion control completion;
 - b. Underground utility installation;
 - c. Subgrade preparation prior to aggregate base installation;
 - d. Aggregate base compaction;
 - e. Concrete curb and gutter installation;
 - f. Bituminous binder placing; and
 - g. Final surfacing prior to seal coat
3. *Responsibility.* The applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.

C. Construction Approval.

1. *Installation and Acceptance.* Approval of the installation of improvements by the Director of Public Works shall not constitute acceptance by the Town of the improvement for dedication purposes. The installation of improvements in any subdivision shall, in no case, serve to bind the Town to accept such improvements for maintenance, repair, or operation. Such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.
2. *Easement Standards.* All easements shall be in full compliance with this UDO and any adopted policy or manual of the Town prior to acceptance.
3. *Responsibility Prior to Acceptance.* The Town shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the street or other improvements have been accepted.
4. *Conditions of Acceptance.* Only when improvements have been constructed as required in this UDO and adopted policies or manuals of the Town, a minimum of 80% build-out along the public street has been achieved, and the applicant has submitted as-built drawings to the Director of Public Works, shall the Town Council accept the improvements for maintenance by the Town, except that this shall not apply to improvements maintained by another entity.
5. *Town Notification.* These provisions shall not be construed to relieve the subdivider or the subdivider's agent or contractor of any responsibility in notifying any agency for the Town of completed work and formal request for inspection of same. The agency having jurisdiction shall inspect and approve all completed work prior to the release of any applied performance sureties.

CHAPTER 123: ENVIRONMENTAL MANAGEMENT

§ 123.01 Flood Damage Prevention

123.01.01 Statutory Authorization

This Section is adopted under the authorization of the Legislative North Carolina has in [NCGS § 160D-923](#), which has delegated the responsibility of local governmental units to enact and enforce floodplain regulation or flood damage prevention regulations.

123.01.02 Findings of Fact

- A. **Flood-prone Areas.** The flood-prone areas within the jurisdiction of the Town of Harrisburg are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. **Creation of Losses.** These flood losses are created by the cumulative effect of obstructions in floodplains, which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

123.01.03 Statement of Purpose and Disclaimer

- A. **Purpose.** It is the purpose of this Section is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - 1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
 - 2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
 - 3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
 - 4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
 - 5. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- B. **Objectives.** The objectives of this Section are to:
 - 1. Protect human life, safety, and health;
 - 2. Minimize expenditure of public money for costly flood control projects;
 - 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at expense of the general public;
 - 4. Minimize prolonged business losses and interruptions;
 - 5. Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
 - 6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
 - 7. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.
- C. **Warning and Disclaimer or Liability.** The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur.. Actual flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Article shall

not create liability on the part of the Town of Harrisburg or by any officer or employee thereof for any flood.

123.01.04 Applicability

This Section shall apply to all areas of special flood hazard within the jurisdiction of this UDO.

123.01.05 Methods of Reducing Flood Losses

In order to accomplish its purposes, this Section uses the following methods:

- A. **Danger Uses.** Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. **Vulnerable Uses.** Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. **Alteration of Floodplains.** Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. **Development Activities.** Control filling, grading, dredging and other development which may increase flood damage;
- E. **Flood Barriers.** Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

123.01.06 General Standards

- A. **Basis for Establishing the Areas of Special Flood Hazard.** The Special Flood Hazard Areas are those identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Cabarrus County, North Carolina dated November 16, 2018 with accompanying Flood Insurance Rate Maps (FIRM) and any revisions to such report or map are hereby adopted by reference and declared to be a part of this Article.
- B. **Compliance.** No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Article and other applicable regulations.

§ 123.02 Flood Hazard Reduction

123.02.01 Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in accordance with Sec. [125.02.07](#), *Floodplain Development Permit*, to ensure conformance with the provisions of this Article.

123.02.02 General Standards

In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

- A. **Anchoring.** All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. **Flood Damage Minimization.** All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- C. **Materials.** All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- D. **Electrical, Mechanical, and Plumbing Systems.** All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- E. **Water Supply.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- F. **Wastewater.** New and replacement wastewater systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
- G. **On-Site Systems.** On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- H. **Necessary Permits.** All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

123.02.03 Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Subsection 123.01.06.A, *Basis for Establishing the Areas of Special Flood Hazard*, or Section 123.02.06, *Floodplains Without Established Base Flood Elevations*, the following provisions, in addition to the provisions of Section 123.02.02, are required:

- A. **Residential Construction.** New construction and substantial improvement of any residential structure, including a manufactured home, shall have the lowest floor (including basement), elevated to or above the BFE. A licensed professional engineer, architect, or registered professional land surveyor shall submit a certification to the Floodplain Administrator verifying that the standard of this Subsection is satisfied.
- B. **Manufactured Homes.**
 - 1. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the BFE.
 - 2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - 3. All enclosures or skirting below the lowest floor shall meet the requirements of subsection D., Manufactured Homes, of this Section.
 - 4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.
- C. **Mixed Use or Nonresidential Construction.** New construction and substantial improvements of any mixed-use or nonresidential structure shall either have the lowest floor (including basement) elevated to or above the BFE. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 123.02.05, *Standards for Areas of Shallow Flooding Zones*. A registered shall be provided to the Floodplain Administrator as set forth in Section 125.02.07, *Floodplain Development Permit*, along with the operational and maintenance plans.

- D. **Enclosures.** For new construction and substantial improvements, fully enclosed areas below the lowest floor may be used solely for parking of vehicles, building access, or storage. These areas shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
1. *No Habitable Space.* The interior portion of the enclosed areas may not be partitioned, temperature-controlled, or finished into separate rooms.
 2. *Materials.* Enclosed areas shall be constructed entirely of flood-resistant materials at least to the regulatory flood protection elevation.
 3. *Bottom of Openings.* The bottom of all openings shall be no higher than one foot above grade.
 4. *Openings on Walls.* A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 5. *Coverings or Devices.* Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 6. *Access.* Access to the enclosed area must be the minimum necessary to allow for parking of vehicles (garage door), storage (standard exterior door), or entry to the living area (stairway or elevator).
- E. **Recreational Vehicles.** Recreational vehicles shall either:
1. *Standards.* Recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM shall either:
 - a. Be on the site for fewer than 180 consecutive days;
 - b. Be fully licensed and ready for highway use; or
 - c. Meet all requirements for new construction.
- F. **Temporary Non-Residential Structures.** Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
1. *Time Period.* A specified time period for which the temporary use will be permitted shall be submitted. The time specified may not exceed three (3) months, renewable up to one year.
 2. *Individual Responsible.* The name, address, and phone number of the individual responsible for the removal of the temporary structure shall be provided.
 3. *Time Frame for Removal.* A time frame prior to the event at which a structure will be removed shall be given (i.e., a minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification).
 4. *Designation.* The applicant shall submit the designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- G. **Accessory Structures.** When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
1. *No Habitable Space.* Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas).
 2. *Temperature.* Accessory structures shall not be temperature-controlled.
 3. *Low Flood Potential.* Accessory structures shall be designed to have low flood damage potential.
 4. *Minimum Resistance.* Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

5. **Anchored.** Accessory structures shall be firmly anchored in accordance with the provisions of Section 123.02.02, *General Standards*.
6. **Facilities.** All service facilities such as electrical shall be installed in accordance with the provisions of Section 123.02.02, *General Standards*.
7. **Flood Openings.** Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of Section 123.02.02, *General Standards*.
8. **Accessory Structures Less Than 150 Square Feet.** An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 123.02.05, *Standards for Areas of Shallow Flooding Zones*.

123.02.04 Standards for Subdivision Proposals

- A. **Applicable Provisions.** All subdivision proposals which, for the purposes of this Section, include the placement of manufactured home parks shall be consistent with all applicable provisions of this Article.
- B. **Permit.** All subdivision proposals shall meet the Floodplain Development Permit requirements of Section 125.02.07, *Floodplain Development Permit*
- C. **Base Flood Elevation Data.** The applicant shall generate base flood elevation data for subdivision proposals and other proposed development that is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to Section 123.01.06, *General Standards*, and Section 124.04.05, *Floodplain Administrator*.
- D. **Adequate Drainage.** All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- E. **Public Facilities.** All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

123.02.05 Standards for Areas of Shallow Flooding (AO zones)

Located within the Special Flood Hazard Areas, established in Section 123.01.06, *General Standards*, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- A. **Residential Structures.** All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the BFE or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- B. **Mixed-Use and Nonresidential.** All new construction and substantial improvements of mixed-use and nonresidential structures shall:
 1. **Elevation.** Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or
 2. **Watertight.** Together with attendant utility and sanitary facilities, be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- C. **Certification.** A licensed professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section are satisfied.
- D. **Drainage Paths.** Within zones AH or AO adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

123.02.06 Floodplains Without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 123.01.06, *General Standards*, in addition to the provisions of Section 123.02.02, *General Standards*, shall apply:

- A. **Encroachments.** No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. **Determining The Regulatory Flood Protection Elevation.** The Base Flood Elevation (BFE) used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 123.02.02, *General Standards*, and 123.02.03, *Specific Standards*.
 2. When floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Section 123.02.03, *Specific Standards*, and Section 123.02.08, *Floodways*.
 3. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five acres or has more than fifty lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 123.01.06, *General Standards*, and utilized in implementing this UDO.
 4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in § 128.03, *Definitions*. All other applicable provisions of Section 123.02.03, *Specific Standards*, shall also apply.

123.02.07 Riverine Floodplains with BFE But Without Established Floodways Or Non-Encroachment Areas

- A. **Generally.** Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:
- B. **General and Specific.** Standards set out in Section 123.02.02, *General Standards*, and Section 123.02.03, *Specific Standards*.
- C. **Encroachments.** Until a regulatory floodway or non-encroachment area is designated, any encroachments, including fill, new construction, substantial improvements, or other development, are prohibited unless certification with supporting technical data by a registered professional engineer is provided. This data shall demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

123.02.08 Floodways

- A. **Generally.** Located within areas of special flood hazard established in Section 123.01.06, *General Standards*, are areas designated as floodways. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions shall apply:
- B. **Encroachments Generally.** Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with

standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

- C. **Permitted Encroachments.** If subsection A, Encroachments Generally, above is satisfied, all new construction and substantial improvements shall comply with all applicable provisions of this Section.
- D. **Increase in BFE.** Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

CHAPTER 124: ADMINISTRATION (Module 2)

CHAPTER 125: DEVELOPMENT REVIEW PROCEDURES (Module 2)

CHAPTER 126: NONCONFORMITIES (Module 2)

CHAPTER 127: ENFORCEMENT AND REMEDIES (Module 2)

CHAPTER 128: WORD USAGE (Module 1 and 2)

§ 128.01 Rules of Construction, Acronyms, and Abbreviations (Module 2)

128.01.01 Rules of Construction

128.01.02 Acronyms and Abbreviations

§ 128.03 Definitions (Module 1 and 2 – Work in Progress)

A

Abandonment means the relinquishment of property, or cessation of the use of property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abattoir means see Slaughterhouse.

Abut means having property or District lines in common.

Abutting Parcels means parcels which are directly touching and have common parcel boundaries. (Parcels across a public right-of-way shall not be considered abutting.)

Accent Color means a contrasting color used to emphasize architectural elements. - E.4.1

Access means ingress and egress to property bordering on public roadways. - D-3. DEFINITIONS

Access Point means a point of ingress and/or egress which may be either public or private.

Accessible means having access to, but which first may require the removal of a panel, door or similar covering of the item described. See Accessible, Readily. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

Accessible, Readily means having direct access without the need of removing any panel, door or similar covering of the item described, and without requiring the use of portable ladders, chairs, etc. See Accessible. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202). ACCESSORY – see Accessory Use. ACCESSORY APARTMENT – see Accessory Dwelling.

Accessory Dwelling means a Dwelling Unit that is accessory, supplementary, and secondary to the principal Dwelling Unit that may be constructed as an addition to the principal structure or as an accessory to the principal structure. An Accessory Dwelling is detached from the principal Dwelling Unit. See § 5.3 of this Ordinance.

Accessory Equipment Structure means a building or cabinet-like structure located adjacent to, or in the immediate vicinity of, a wireless telecommunication tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging and paging services.

Accessory Structure (Appurtenant Structure) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building. - 4.14.4

Accessory Structure means a building or other structure, the use of which is incidental to that of the main building and which is located on the same lot and is customarily used in connection with the main building or other structure.

Accessory Use means a subordinate Use of a Building or other Structure, or Use of land which is:

- A. Conducted on the same Lot as the principal Use to which it is related, and
- B. Clearly incidental to, and customarily found in connection with, such principal Use. (See § 5.2 of this Ordinance.)

Addition (To an Existing Building) means an extension or increase in the floor area or height of a building or structure. - 4.14.4

Addition means an extension or increase in Floor Area or height of a Building or Structure. (Source: North Carolina State Building Code, Vol. 1, § 202)

Adequate Erosion Control Measure, Structure, Or Device means see Sedimentation Control Standards in ARTICLE 9.

Adjacent means all properties immediately contiguous to a development site, including those which are separated from the site only by a road or other right-of-way or easement.

Adjoin means touching at some point.

Administrative Decision means a decision made in the implementation, administration, or enforcement of this UDO that involve the determination of facts and the application of objective standards set forth in this UDO.

Administrator means the officer charged with the authority and duty to administer this Ordinance pursuant to § 2.1 herein.

Adopted Level of Service means a measurement quantifying a specific amount, frequency, capacity, or response time of a service which has been established by the governing board. For purposes of determining adequacy, this shall not exceed the actual level of service. - 14.1.2. DEFINITIONS

ADT means Average Daily Traffic

ADU means accessory dwelling unit.

Adult Bookstore means a bookstore (1) that receives a majority of its gross income during any calendar month from the sale of printed and/or video materials/publications (including but not limited to videocassettes, books, and magazines) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section; or (2) having as a preponderance of its of printed and/or video materials/publications that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section. - 5.20.2. DEFINITIONS

Adult Care Home means an assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. As distinguished from a nursing home, an "adult care home" means a facility operated as a part of a nursing home and which provides residential care for aged or disabled persons whose principal need is a home with the shelter or personal care their age or disability requires. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. Continuing planned medical and nursing care to meet the resident's needs may be provided under the direct supervision of a physician, nurse, or home health agency. Adult care homes are to be distinguished from nursing homes. Adult care homes and family care homes are subject to licensure by the Division of Facility Services. Includes any "Adult Care Home" as defined by NCGS § 131D-2, NCGS § 131D-20, NCGS § 131E- 76, § 131E- 101 (including any "combination home").

Adult Establishment means an adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult live entertainment business, or massage business as defined in this section. - 5.20.2. DEFINITIONS

Adult Live Entertainment Business means any establishment or business wherein adult live entertainment is shown for observation by patrons; or any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in this section. - 5.20.2. DEFINITIONS

Adult Mini-Motion Picture Theater - An enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein. - 5.20.2. DEFINITIONS

Adult Motion Picture Theater means an enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or described anatomical areas, as defined in this section, for observation by patrons therein. Adult motion Picture theater does not include any adult mini-motion picture theater as defined in this section. - 5.20.2. DEFINITIONS

Advancement of Capacity means the provision, by an Applicant for development approval or any other entity or person, of a Public Facility, or funding sufficient to ensure the acquisition of any necessary right-of-way and construction of a Public Facility, prior to the scheduled date of construction of the Public Facility in the Capital Improvements Program.

Adversely Impacted means that 25 percent or more of the critical root zone of the heritage tree will be, or has been within the three years prior to the date of application, impacted by the construction or installation of the listed improvement.

Affiliate means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of, another person.

A-Frame Sign means a portable sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands. - 121.05

AG means the Agricultural zoning district.

Aggrieved Person means the Town Board, the Planning Board, or the Administrator; a county or municipality within an area designated as a joint planning area; applicants, and persons, businesses, corporations, institutions, governments or other entities owning property or residing within one thousand (1,000) feet from the exterior boundaries of a proposed development; and any other person having standing to challenge a development order pursuant to North Carolina law.

Agricultural and Animal-Related means a use category the contains uses related to the commercial production, storage, processing, marketing, distribution or export of any agronomic, floricultural, horticultural, viticultural, silvicultural or aquacultural crop including, but not limited to, farm products, livestock and livestock products, poultry and poultry products, milk and dairy products, fruit and other horticultural products, and seafood and aquacultural products. (Source: the "North Carolina Agricultural Finance Act, NCGS § 122D-3)

Uses in this use category include: Animal Production & Support (excl. Swine & Feed Lots); Animal Boarding or Shelter; Auction Sales - Livestock Only; Crop Production Support Activities; Crop Production; Equestrian Boarding & Riding Arenas; Commercial, Farmer's Market; Fruit & Vegetable Stand; Feed Lots; Forestry and Logging; Hunting, Fishing and Game Preserves (commercial); Pet Care Services - Kennels only; Pet Care Services (excluding Kennels & Veterinary Serv.); Swine Farm; Veterinarian Offices/Animal Hospitals; and other uses meeting the definition of Agricultural; and Animal-Related according to the Administrator.

Agricultural Animals means the following animals are considered accessory agricultural animals to an agricultural use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu or rhea.

Agricultural Conservation Easement means a negative easement in gross restricting residential, commercial, and industrial development of land for the purpose of maintaining its agricultural production capability. Such easement:

- A. May permit the creation of not more than three lots that meet applicable county zoning and subdivision regulations; and
- B. Shall be perpetual in duration, provided that, at least 20 years after the purchase of an easement, a county may agree to reconvey the easement to the owner of the land for consideration, if the landowner can demonstrate to the satisfaction of the county that commercial agriculture is no longer practicable on the land in question. (Source: NCGS § 106- 744, The Farmland Preservation Enabling Act)

Agricultural Land means land that is a part of a farm unit that is actively engaged in the commercial production or growing of crops, plants, or animals under a sound management program. Agricultural land includes woodland and wasteland that is a part of the farm unit, but the woodland and wasteland included in the unit shall be appraised under the use-value schedules as woodland or wasteland. A farm unit may consist of more than one tract of agricultural land, but at least one of the tracts must meet the requirements in NCGS 105- 277.3(a)(1), and each tract must be under a sound management program. Sound management program. -- A program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement. (Source: NCGS § 105-277.2).

Agricultural Produce means fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Ordinance.

Airport and Related Uses means any public or private airport including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

Alley means any public space or thoroughfare 20 feet (6096 mm) or less wide which has been dedicated or deeded for public use. (Source: North Carolina State Building Code, Vol. 1, § 202)

Alter or Alteration means any change or modification in construction or occupancy. (Source: North Carolina State Building Code, Vol. 1, § 202)

Alternative Tower Structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. - 5.21.2

Ambulatory Surgical Facility means a facility designed for the provision of an ambulatory surgical program. An ambulatory surgical facility serves patients who require local, regional or general anesthesia and a period of post-operative observation. An ambulatory surgical facility may only admit patients for a period of less than 24 hours and must provide at least one designated operating room and at least one designated recovery room, have available the necessary equipment and trained personnel to handle emergencies, provide adequate quality assurance and assessment by an evaluation and review committee, and maintain adequate medical records for each patient. An ambulatory surgical facility may be operated as a part of a physician or dentist's office, provided the facility is licensed under NCGS Chapter 131E, Article 6, Part D, but the performance of incidental, limited ambulatory surgical procedures which do not constitute an ambulatory surgical program and which are performed in a physician or dentist's office does not make that office an ambulatory surgical facility. Includes any "ambulatory surgical facility" as defined in NCGS § 131E-146 or NCGS § 131E-176.

Amendment means an amendment to the Unified Development Ordinance or a new Unified Development Ordinance.

American Standard For Nursery Stock means the publication entitled "American Standard for Nursery Stock" (ANSI Z60.1-1996), approved November 6, 1996, published by the American Nursery and Landscape Association ("ANLA")(formerly the American Association of Nurserymen), which document is hereby incorporated by reference as if set forth in its entirety herein. Said document may be obtained by contacting ANLA at 1250 I Street NW, Suite 500, Washington, D.C. 20005 (202/789-2900).

Amplitude means the maximum displacement of the surface of the earth from its normal resting position. Amplitude is generally measured in inches or mils.

Amusement Arcade means a primarily indoor structure, open to the public, that contains coin-operated games, rides, shows, and similar entertainment facilities and devices **that do not contain the devices listed in the definition for electronic gaming establishments**.

Amusement Park means a primarily outdoor or open facility, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

Animal Clinic means facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with no outdoor accommodations for the temporary boarding of animals. ANIMAL HOSPITAL – see Animal Clinic.

Animal Operation means any agricultural farming activity involving 250 or more swine, 100 or more confined cattle, 75 or more horses, 1,000 or more sheep, or 30,000 or more confined poultry with a liquid animal waste management system. Public livestock markets or sales regulated under Articles 35 and 35A of Chapter 106 of the NCGS shall not be considered animal operations for purposes of this Ordinance. (Source: NCGS § 143- 215.10B)

Animal Regulations means see § 5.4 of this Ordinance.

Animal Shelter means a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals. (Source: NCGS § 19A-23)

Animal Unit ("AU") means a unit of measurement to compare various animal types based upon equivalent waste generation. One animal unit equals the following: 1.0 beef feeder or slaughter animal; 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over 55 pounds; 15 swine under 55 pounds; 10 sheep; 30 laying hens; 55 turkeys; 100 broiler chickens or an equivalent animal unit. The total animal units located on a given parcel or Animal Operation shall be determined by adding the Animal Units for each animal type. (Sources: 40 C.F.R. 122.23; 15A NCAC 2H.0217(a)(1)(A))

Animal Waste Management System means a combination of structures and nonstructural practices serving a feedlot that provide for the collection, treatment, storage, or land application of animal waste. (Source: NCGS § 143-215.10B)

Animal Waste means livestock or poultry excreta or a mixture of excreta with feed, bedding, litter, or other materials from an animal operation. (Source: NCGS § 143-215.10B) includes Liquid residuals resulting from an animal operation that are collected, treated, stored, or applied to the land through an animal waste management system. (Source: NCGS § 90A-47.1)

Animation means the movement, or the optical illusion of movement of any part of the sign structure, design, or pictorial segment including the movement of any illumination or the flashing, scintillating, or varying of light intensity. The automatic changing of all or any part of the facing of a sign is considered animation. Animation includes signs having "chasing action," or the action of a row of lights commonly used to create the appearance of motion. - 121.05

Antenna means equipment used for transmitting or receiving radio frequency signals, which is attached to a tower, building or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, or omnidirectional "whip" antenna. - 5.21.2

Antenna, Stealth means wireless telecommunication antenna and related equipment designed to blend into the surrounding environment or integrated into the physical structure to which it is attached. - 5.21.2

Apartment House means any Building or portion thereof used as a Multiple Dwelling for the purpose of providing three or more separate Dwelling Units which may share means of egress and other essential facilities. (Source: North Carolina State Building Code, Vol. 1, § 202)

Apiary means bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found. (Source: NCGS § 106-635)

Appeal means a request for a review of the Administrator's interpretation of any provisions of this Ordinance or a request for a determination that there is error in an order, requirement or decision made by the Administrator pursuant to this Ordinance.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance. - 4.14.4

Applicant means any person, firm, partnership, joint venture, association, corporation, group or organization applying for an Application for Development Approval.

Application for Development Approval Or "Application" means a written request for any approval, permit, or action required by this Ordinance, including any written request for approval or issuance of a development order or development permit. This includes such terms as "proposals" and "requests."

Apron means the paved area between the gutter flow line of the roadway and the sidewalk section. - D-3. DEFINITIONS

Arborist means a qualified professional who has studied the science or art of cultivating trees especially for ornamental use.

Architect means a person who is duly licensed to practice architecture by the North Carolina Board of Architecture. (Source: NCGS § 83A-1)

Architectural Trim means the ornamental or protective framing or edging around openings or at corners or eaves and other architectural elements attached to the exterior walls of buildings, usually of a color and material different from that of the adjacent wall surface, and serving no structural purpose. (Source: North Carolina State Building Code, Vol. 1, § 202)

Area of Shallow Flooding means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. - 4.14.4

Area of Special Flood Hazard See "Special Flood Hazard Area (SFHA)".

Area, Building means the area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts. The area of a building or portion of a building without surrounding walls shall be the usable area under the horizontal projection of the roof or floor above. (Source: North Carolina State Building Code, Vol. 1, § 202)

Area, Gross Floor means the area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky. (Source: North Carolina State Building Code, Vol. 1, § 202)

Area, Net Floor means the area actually occupied or intended to be occupied even though at any given time a portion of such floor area may be unoccupied, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other features. (See: North Carolina State Building Code, Vol. 1, § 202)

Articulation means the detailing of a structure or building, i.e. brick patterning or ornamental work. - E.4.1

Artisan means see "Custom Manufacturing."

Assisted Living Residence means any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. "Assisted Living Residence" includes any nursing service exceptions authorized by the North Carolina Department of Human Resources on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS 131E-102. There are three types of assisted living residences: Adult Care Homes, Group Homes (for developmentally disabled adults), and Multi-Unit Assisted Housing with services. (Source: NCGS § 131D-2). Includes any "Assisted Living Residence" as defined by NCGS § 131D-2 or NCGS § 131D-20.

Atrium means a space, intended to occupancy within a building, extending vertically through the building and enclosed at the top. (Source: North Carolina State Building Code, Vol. 1, § 202)

Attached Sign means a sign attached to a building. ~~—121.05~~

Auction Sales Establishment means any place where items are sold at auction to the highest bidder.

Auditorium means a room, hall, or building, that is a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations. See also "Places of Public Assembly."

Authorized Agent means any person with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development order or development permit approval.

Automobile Graveyard means see "Junkyard."

Automobile Repair, Major means an establishment engaged in engine rebuilding or reconditioning of automobiles, the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan, worn or damaged motor vehicles or trailers, including body, frame or fender straightening or repair, and/or the painting of vehicles.

Automobile Repair, Minor means an establishment engaged in the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, including oil change, tire sales, and alignment, but not including any operation specified under "Automobile Repair, Major."

Automobile Sales Establishment means an open area used for the display, sale or rental of new and/or used motor vehicles.

Available Capacity means existing Capacity and Planned Capacity less Existing Demand and demand that will be generated by Committed Development. - 14.1.2. DEFINITIONS

Avigation Easements means a document acknowledging airport proximity, limiting the height of structures and granting permission for the conditions arising from the overflight of aircraft in connection with the operation of an airport.

Awning means an architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton structure over which an approved cover is attached. (Source: North Carolina State Building Code, Vol. 1, § 202)

B

Balcony (Exterior) means an exterior floor system projecting from a structure and supported by that structure, with no additional independent supports. (Source: North Carolina State Building Code, Vol. VII, § 202).

Balcony, Assembly Room means that portion of the seating space of an assembly room, the lowest part of which is raised 4 ft (1219 mm) or more above the level of the main floor. (Source: North Carolina State Building Code, Vol. 1, § 202)

Balloon means a nonporous bag of material filled with heated or non-heated air or gas so as to rise or float in the atmosphere. - 121.05

Banner means a sign having the character, letters, illustrations, ornamentations, symbol, color, or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without a frame. - 121.05

Bar means premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use.

Base Course means the layer of material that lies immediately below the wearing surface of a street pavement.

Base Flood Elevation (BFE) means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation". - 4.14.4

Base Flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year. - 4.14.4

Base means ground level, where the building makes contact with the earth. - E.4.1

Base Transceiver Station means equipment that provides the link between wireless communications and land-based public telephone switching networks, including radio frequency transceivers, back-up power sources, power amplifiers, and signal processing hardware, typically contained in a small building or cabinet. - 5.21.2

Basement means any area of the building having its floor subgrade (below ground level) on all sides. - 4.14.4

Basement means that portion of a building which is partly or completely, or having a floor, below grade (see "Story above grade"). (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Bed and Breakfast Inn means a business of not more than 5 guest rooms that offers bed and breakfast accommodations to at least one but not more than ten persons per night for a period of less than one week, and that:

- A. Does not serve food or drink to the general public for pay;
- B. Serves only the breakfast meal, and that meal is served only to overnight guests of the business;
- C. Includes the price of breakfast in the room rate; and is the permanent residence of the owner or the manager of the business. (Source: NCGS § 130A-247). See § 5.7 of this Ordinance.

Berm means a mound of earth designed so that slope drainage is directed away from a paved area and sidewalks which serves as a screen or bufferyard with landscaping.

Best Management Practices (BMPs) means methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. With regard to construction these may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water. Economic, institutional and technical factors shall be considered in developing best management practices.

Bicycle Facilities means a general term denoting improvements and provisions made or approved by public agencies to accommodate or encourage bicycling, including parking facilities, mapping, and bikeways, and shared roadways not specifically designated for bicycle use.

Bicycle Lane (Bike Lane) means a portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle means a device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 16 inches in diameter or having three wheels in contact with the ground any of which is more than 16 inches in diameter.

Bicycle Path means a hard surfaced path for bicycles. This bikeway is physically separated from motorized vehicular traffic by an open space barrier and either within the highway right-of-way or within an independent right-of-way. BIG BOX RETAIL – see “Superstore”.

Billboard: see "Outdoor Advertising (Billboard) Signs."

Block Frontage means all property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, water way (wider than thirty feet, 30'), or end of a dead-end street. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

Block means that property abutting one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, un-subdivided acreage, waterways, but not an alley, of such size as to interrupt the continuity of development on both sides thereof.

Board means unless otherwise indicated in the text, Board shall refer to the Town of Harrisburg Board of Adjustment.

Boarding House or Rooming House means a building containing a single dwelling unit and three or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services or other things of value.

Boarding Kennel means a facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats. (Source: NCGS § 19A-23)

Body means the upper architecture, forming the majority of the structure. - E.4.1

Body Piercing means the intentional act of any person or persons of piercing any part of the body for another person or persons, other than the ears, for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body.

Borrow Pit means an area from which soil or other unconsolidated materials are removed to be used, without further processing, for highway construction and maintenance. (Source: The Mining Act of 1971, NCGS § 74-49)

Brewery- Large means an establishment where beer and malt beverages are made on the premises at an annual beer production rate of over 15,000 barrels of beer per year. The establishment may include uses permitted in the district, in accordance with state and local laws.

Brewery Tap Room means a room that is ancillary to the production of beer at a microbrewery, brewpub, or large brewery where the public can purchase and/or consume beer on site. The establishment may include uses permitted in the district, in accordance with state and local laws.

Brewery-Micro means an establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (a barrel is approximately 31 gallons) of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer. The establishment may include uses permitted in the district, in accordance with state and local laws.

Brewpub means an establishment where beer and malt beverages are made on the premises in conjunction with a restaurant. Where allowed by law, brewpubs may sell beer "to go" and/or distribute to offsite accounts. The establishment may include uses permitted in the district, in accordance with state and local laws.

Buffer, External means a Bufferyard along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

Bufferyard means a strip of land established to protect one type of land use from another land use or to provide screening. Normally, a bufferyard is landscaped and developed in open space areas. See ARTICLE 7 of this Ordinance.

Buffer Yard means a planting yard comprised of a strip of land containing landscaping and/or screening materials, having a varying minimum width, located along side and rear property lines between zoning districts and/or between certain individual uses, as specified in this Article.

Building Yard means a planting yard comprised of a strip of land containing landscaping materials located along the front and/or sides of a building and having a varying minimum width, as specified in this Article.

Buildable Area means the portion of a lot which is within the envelope formed by the required yards. See "Yard, Required."

Building Area means the total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhangs, and balconies.

Building Envelope means the three dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet in height.

Building Façade means that exterior side of a building which faces, and is most nearly parallel to, a public or private street. The Façade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

Building Front means the linear length of building facing a street right-of-way or in the case of a planned unit development, a legal private access road. - 121.05

Building Height means a vertical distance from the highest point of a building to grade, measured in accordance with § 4.7 of this Ordinance.

Building Line means a line as determined by meeting the respective front, side and rear yard setbacks or in the case of irregular shaped lots with less than the minimum lot frontage (such as cul-de-sac lots), the building line shall be established at the point of minimum lot width. The Building Line shall be measured with a line perpendicular to the street or property line in front of which no structure may be erected.

Building means any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered as a separate building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Building Permit means an authorization to construct a structure as issued by the Cabarrus County Building Inspections Department.

Building. See “Structure”.

Building, Main or Principal means a building, or buildings, in which the dominant use of the lot on which it is situated is conducted. In any Residential Zoning District, any dwelling other than an Accessory Building shall be deemed to be the main building of the lot on which it is situated.

Building, Mixed Use means a Building which contains Dwellings located above the ground floor of an institutional, civic, office, commercial or retail use. Mixed Use Buildings are a common feature of traditional town centers where shop owners lived above ground-floor businesses, and are sometimes referred to as "Live- Work Units." Where a Mixed Use Dwelling is permitted by this Ordinance within a particular district, the ground-floor retail uses are also permitted. See § 4.10 (Traditional Neighborhood Development - TND Infill Uses).

Building, Temporary means a structure designed, built, created or occupied for short and/or intermittent periods of time, including tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for residential business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

Built-Upon Area means that portion of a development that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads and parking areas, recreation facilities, etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.) (Source: 15A NCAC 2H.1002).

Bulk means the size and shape of buildings, structures, and non-building uses; and the physical relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure; and all open spaces required in connection with a building or structure. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, building height, required yards, courts, usable open space, the ratio of aggregate gross floor area to the area of the lot, spacing between buildings on a single lot, and the length of buildings in a row.

C

Caliper means a standard trunk diameter measurement for trees taken six inches above ground for up to and including four-inch caliper size and twelve inches above ground for larger sizes.

Camp, Therapeutic means a residential treatment facility provided in a camping environment which is designed to assist individuals to develop behavioral control, coping skills, self-esteem, and interpersonal skills. (Source: 10 NCAC 14V.5201, 10 NCAC 44E.0002).

Campground means a plot, parcel, or tract of land upon which two or more Campsites are located, established, or maintained for occupancy by Camping Units as temporary living quarters for recreation, education, or vacation purposes. A Campground includes any Summer Camp or any other land area which is consistent with this definition. A Therapeutic Camp is not considered a "Campground." See § 5.8 of this Ordinance.

Camping Unit means any tent, trailer, cabin, lean-to, Recreational Vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

Campsite means any plot, parcel, or tract, or portion thereof, intended for exclusive occupancy by a Camping Unit.

Canopy means a protective cover over a door, entrance, window, or outdoor service area which is attached to or cantilevered from a building. Also known as awning. Permanent marquees and porticoes which are designed as a continuous or integral part of the structure shall not be considered canopies. (See Sign Regulations.)

Canopy means a protective cover over a door, entrance, window, or outdoor service area which is attached to or cantilevered from a building. Also known as an awning. Permanent marquees and porticoes which are designed as a continuous or integral part of the structure are not considered canopies. - 121.05

Canopy Sign means a sign that is suspended from, attached to, supported from, applied to, or constructed as part of a canopy or awning. - 121.05

Cap means parapet, entablature, or roofline, where the building meets the sky. - E.4.1

Capacity means the maximum demand that can be accommodated by a Public Facility without exceeding the Adopted Level of Service.

Capacity means the maximum demand that can be accommodated by a Public Facility without exceeding the Adopted Level of Service. - 14.1.2. DEFINITIONS

Capital Improvement means a public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the Town, County, special district, or a private service provider. - 14.1.2. DEFINITIONS

Capital Improvement means a public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the Town, a special district, or a private service provider.

Capital Improvement, Planned means a Capital Improvement designed for construction within a period not to exceed six years in a Capital Improvements Program.

Capital Improvement, Planned means a Capital Improvement designed for construction within a period not to exceed six years in a Capital Improvements Program. - 14.1.2. DEFINITIONS

Capital Improvements Program means a plan setting forth, by category of public facilities, those capital improvements and that portion of their costs which are attributable to serving new development within designated service areas for such public facilities over a period of specified years. "Capital improvements program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.

Capital Improvements Program means a plan setting forth, by category of public facilities, those capital improvements that will be provided over a period of specified years. "Capital Improvements Program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities. - 14.1.2. DEFINITIONS

Car Dealership means see "Automobile Sales Establishment."

Car Wash means an establishment that provides washing and cleaning of passenger or recreational vehicles by hand, by use of automated equipment operated by one or more attendants, or by self-service facilities.

Carnival means see "Outdoor Event, Temporary."

Carport means a roofed structure which may be attached or unattached to the principal structure providing space for the storage of one or more motor vehicles and enclosed on not more than three sides by walls.

Carriage House means see "Accessory Dwelling."

Carry-Out Food Service means a business whose principal purpose is the preparation and sale of food or beverages for consumption off-site, such as delicatessens, ice cream stores and hot dog stands, but shall not include liquor stores, restaurants, and drive-through commercial establishments.

CC means the City Center zoning district.

CD means the Campus Development zoning district.

Cellar means that portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is greater than the vertical distance from grade to ceiling.

Cemetery means any one or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes:

- A. A burial park, for earth interment.
- B. A mausoleum.
- C. C.A columbarium. (Source: NCGS § 65-48. See § 5.9)

Cemetery, Licensed means land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under State law. Such a facility includes any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the State. See § 5.9 of this Ordinance.

Cemetery, Unlicensed means land and facilities used for the burial of the dead, including municipal, private family, farm, church or animal cemeteries, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law. See § 5.9 of this Ordinance.

Centerline means the true centerline of a street right-of-way that has been fully dedicated to the required width.

Centerline Offset of Adjacent Intersections means the gap between the centerline of streets adjoining a common road from opposite or same sides.

Central Water System means see public Water System.

Certificate Of Compliance means the certificate issued by the Administrator, indicating that the use or occupancy of, or the connection or provision of utilities to any building or land hereafter created, erected, changed, converted, altered or enlarged in its use or structure is in compliance with all regulation of this Unified Development Ordinance.

Certificate Of Occupancy means the certificate issued by the North Carolina Department of Buildings indicating that all required building and service systems shall have been inspected for compliance with the Building Code and other applicable laws and ordinances and that the Building, or portion of the Building, may be occupied or used.

Certificate Of Stormwater Compliance means the approval for activities that meet the requirements for coverage under a stormwater general permit for development activities regulated by the Stormwater Management provisions of the North Carolina Administrative Code. (Source: 15A NCAC 2H.1002).

Certify means a certification by an agency or official, pursuant to this Ordinance, of the existence of some fact or circumstance, whether made in oral or written form, which provides reasonable assurance of the accuracy of the certification.

Change in Use means a change from one principal use of a building or land to another principal use of the building or land whether or not there is an increase in the size of the existing building or extent of the use of the land.

Changeable Copy Sign means a sign on which message copy is changed manually in the field through the attachment of letters, numbers, symbols, and similar characters of changeable pictorial panels. Also known as a reader-board sign. - 121.05

Channel means a natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

Chemical Storage Facility means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products. - 4.14.4

Child Care Center means an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving Child Care. Includes family child care homes and any other child care arrangement not excluded by NCGS § 110-86(2), that provides Child Care, regardless of the time of day, wherever operated, and whether or not operated for profit. (Source: NCGS § 110-86. See § 5.16).

Child Care Home, Family means a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care. (Source: NCGS § 110-86).

Child Care means a program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

- A. Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
- B. Recreational programs operated for less than four consecutive months in a year;
- C. Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls' clubs;
- D. Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
- E. Public schools;
- F. Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined in subdivision of this section for less than six and one-half hours per day either on or off the school site; F. Bible schools conducted during vacation periods;
- G. Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;

1. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
2. Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component. (Source: NCGS § 110-86).

Children's Camp means a residential child-care facility which provides foster care at either a permanent camp site or in a wilderness setting. (Source: NCGS § 131D-10.2)

Church means see "Religious Institutions."

City Council means city Council of Concord, North Carolina.

Clapboard means a long, narrow board that overlapped to cover the outer walls of frame buildings. - E.4.1

Cleaning or Processing Establishment means a business that primarily involves the on-site cleaning, treatment, or chemical processing of goods or materials, or the storage of chemicals, used in off-site cleaning, treatment, or processing. This includes, but is not limited to, carpet cleaners, dry-cleaning plants, exterminating services, and taxidermists. This term does not include Dry Cleaning, and Laundry establishments.

Clear Cutting means the removal of more than 40 percent of unprotected trees on a site, or more than 60 percent within the limits of construction.

Clinic or Health Care Facility means a building containing an association or group of physicians, dentists, clinical psychologists, and similar professional health care practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The health care facility may include apothecary, dental and medical laboratories, tissue labs, and/or X-ray facilities, but shall not include inpatient care or operating rooms for major surgery.

Cluster Box Unit (CBU) means a free-standing, pedestal-mounted mailbox containing individually locked mailboxes and parcel compartments.

Cluster Development Or Cluster Option Development means a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of sensitive and open space areas. See § 4.8 of this Ordinance.

Collector Street means streets accessing neighborhoods and routes serving intra-city rather than intra-state travel. A minor amount of through traffic may be carried by a collector street, but the system primarily carries local traffic. Average trip lengths and travel speeds are less than for arterial routes. A collector street includes any street classified as a Major Collector or Minor Collector pursuant to ARTICLE 10 and APPENDIX C of this ordinance.

College or University means an institution providing full-time or part-time education beyond the high school level, including any lodging rooms or housing for students or faculty.

Colonnaded (Porch) means a series of columns situated at regular intervals to uphold a roof structure and create a breezeway or porch. - E.4.1

Color Palette means a color scheme that incorporates related colors of complimentary hues and shades. - E.4.1

Combined Development means two or more establishments or businesses occupying a common building or adjoining buildings which are designed and developed in a coordinated manner and which share parking, driveways and other common facilities. -121.05

Commercial Amusement, Indoor means an establishment offering sports, game playing or similar amusements to the public, including, but not limited to: skating rinks, bowling alleys, billiards, ping pong, mechanical or electronic games, but not gambling or card playing, within a fully enclosed structure. Indoor commercial amusement does not include non-commercial or charitable events.

Commercial Amusement, Outdoor means an establishment that offers games, rides, or other similar activities on a commercial basis in a fixed location, including but not limited to: miniature golf, amusement parks, water slides, amphitheaters, stadia, tracks, and drive-in theaters.

Commercial Driveway means a driveway providing vehicular access to property used for purposes other than residential. - D-3. DEFINITIONS

Commercial Parking Lot means see "Parking Lot."

Commercial Parking Structure means see "Parking Structure."

Commercial Stable means see "Stable, Commercial."

Commercial Vehicle means see "Vehicle, Commercial."

Commission means unless otherwise indicated in the text, Commission shall refer to the **Concord Planning and Zoning-Harrisburg Historic Preservation** Commission.

Committed Development means committed Development includes: development with an approved determination of concurrency; or developments which are approved, but which are unbuilt such as unbuilt preliminary subdivision plans, or minor development final plats; or final plats or building permits approved without a determination of concurrency. - 14.1.2. DEFINITIONS

Common Ownership means ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stock owner, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association, but excluding ownership of less than 1% of any stock traded on the New York, American or Pacific Stock Exchanges or traded over-the-counter where the price is listed at least weekly in the Wall Street Journal.

Common Ownership means ownership by the same person, corporation, firm, entity, partnerships, entities, or unincorporated associations, in which a stock owner, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association, but excluding ownership of less than 1% of any stock traded on the New York, American or Pacific Stock Exchanges or traded over-the-counter where the price is listed at least weekly in the Wall Street Journal. - 14.1.2. DEFINITIONS

Communications Tower means a tower, which supports communication (broadcast, receiving, or relay) equipment, utilized by commercial, government or other public and quasi-public users. This does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission (FCC). - 5.21.2

Community Amenities means a use category containing uses of a public, nonprofit, or charitable nature providing ongoing education, training or counseling to the general public on a regular basis, without a residential component.

Uses in this use category include: Art Gallery; Library; Museum; Performing Arts Company & Artists; Senior or Youth Center; and other uses meeting the definition of Community Amenities according to the Administrator.

Community Park means a community park as defined in the Cabarrus County Parks and Recreation Master Plan, at 4-2 and 4-5.

Community Water System means see definition of "Public Water System."

Comprehensive Plan means a comprehensive plan for development of the Town, or any County-wide Comprehensive Plan adopted by the Town, pursuant to NCGS §§ 160A-383 and 153A- 341, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. Unless and until a formal Comprehensive Plan is adopted for the Town, any applicable Area Plan and/or the Official Zoning Map and the text of this Ordinance shall be considered the Comprehensive Plan.

Concept Plan means a generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.

Conditional Use means a "conditional use" means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. A use is considered a conditional use if designated as such by the Use Matrix of Table 4.6-1.

Condominium means the ownership of single units in a multi-unit structure with common areas and facilities. (Source: Unit Ownership Act, NCGS § 47A-3), real estate portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. (Source: North Carolina Condominium Act, NCGS § 47C-1-103)

Conference and Banquet Facilities means see "Places of Public Assembly, Indoors."

Conformance Prerequisite to Site Plan Approval means driveway approaches hereinafter constructed in the Town on public streets and roadways shall be designed and constructed in conformance with this article. It shall be unlawful for any person to construct, cut, break out, or remove any curb along a street or alley except as authorized by the provisions of this article. Failure to construct any driveway approach(es) in conformance with the provisions of this article or failure to correct or remove any existing driveway approach(es) found to be nonconforming may result in the removal of the driveway approach(es) by the Town, at the property owner's expense. - D-3. DEFINITIONS

Conforming Use means a use that is permitted within the applicable zoning district (see Use Matrix in Table 4.6-1).

Connectivity Index means ~~the index of the connectivity of a street system prescribed by the Street Improvement Standards of ARTICLE 10.~~ the number of street links divided by the number of nodes or link ends, including cul-de-sac heads

Consent Agreement means a regulatory document containing specific conditions of development approval designed to implement the policies and criteria contained in the Unified Development Ordinance and, where the denial or deferral of development approval is disputed by the applicant, to effectuate the public policy favoring the settlement of disputes, which document contains an integrated development scheme for a particular phase or phases of development approval, and contains maps, diagrams and other appropriate materials showing future conditions consistent with the provisions of this Ordinance.

Consent Agreement means the executed contract between the local jurisdiction and developer that formally sets forth development approval and requirements to achieve adequacy. - 14.1.2. DEFINITIONS

Conservation Easement means a non-possessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological or cultural aspects of real property.

Conserve and Conservation means to use, and the use of, all methods and procedures for the purposes of increasing the number of individuals of resident species of plants up to adequate levels to assure their continuity in their ecosystems. These methods and procedures include all activities associated with scientific resource conservation such as research, census, law enforcement, habitat protection, acquisition and maintenance, propagation, and transplantation into unoccupied parts of historic range. With respect to endangered and threatened species, the terms mean to use, and the use of, methods and procedures to bring any endangered or threatened species to the point at which the measures provided for the species are no longer necessary. (Source: NCGS § 106-202.12)

Construction Plan means the maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed in the subdivision as a condition of the approval of the plat.

Contiguous means bordering or adjoining, meeting or joining at the border or surface.

Controlled-Access Facility means a State highway, or section of State highway, especially designed for through traffic, and over, from or to which highway owners or occupants of abutting property, or others, shall have only a controlled right or easement of access. (Source: NCGS § 136- 89.49)

Convenience Store means a store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast food items, and whose business is mostly dependent on quick stops by its customers. A convenience store operation may also include self- service gasoline sales. See § 5.10 of this Ordinance.

Conventional Option Development means any application requesting approval of a development or use within a zoning district other than a PUD, TND or TOD district, and a Cluster development.

Convey means to transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

Conveyance Plat means a plat that may be used for the transfer of land qualifying as a minor subdivision. See ARTICLE 6.

Copy: means any words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.

Corner Clearance means the distance measured along the right-of-way line from the intersection of the projected right-of way lines to the nearest edge of the driveway approach. - D-3. DEFINITIONS

Corner Lot means see "Lot, Corner."

Cornice means a horizontal molded projection that crowns and complete the wall structure and visually connects the wall to the roof structure. - E.4.1

Corral means a pen or enclosure for confining animals.

Corridor (Building) means a passageway into which compartments or rooms open and which is enclosed by partitions, other than partial partitions, and/or walls and a ceiling or a floor/roof deck above. (Source: North Carolina State Building Code, Vol. 1, § 202)

Corridor (Road) means a street or roadway identified as a principal link or gateway within the community.

Country Club means a private club, including country clubs, that provides one or more of the following: indoor and/or outdoor golf, tennis, or swimming facilities, indoor exercise or recreational rooms and equipment; and which may include a clubhouse with dining and banquet facilities; operated on a private membership basis and restricted to use by members and their guests.

County means the County of Cabarrus, North Carolina. Where this Ordinance refers to any territory, land area or property within the "County", the term "County" shall include all incorporated and unincorporated areas within Cabarrus County, North Carolina. Where appropriate, the term shall also include any personnel or agent of Cabarrus County.

Courtyard means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building. (Source: North Carolina State Building Code, Vol. VII, § 202).

Critical Areas means any lot, parcel or property, or portion thereof, located within the the Floodplain Overlay District, the River/Stream Overlay District, or any Watershed Protection Overlay District.

Critical Root Zone (CRZ) means a circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH with a minimum of eight feet.

Crosswalk means a public right-of-way used primarily for pedestrians' travel through or across any portion of a block.

Cul-De-Sac means a short, dead-end street terminating in a vehicular turn-around area.

Crown means the upper mass or head of a tree, shrub, or vine, including branches with foliage. (Source: G. Hightshoe, Native Trees, Shrubs, and Vines for Urban and Rural America (New York: Van Nostrand Reinhold & Co., 1988), at 790).

Curb Face means the vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters.

Curb means a stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

Curb Outlet System means curb and gutter installed in connection with Stormwater Management, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Curb Return means that section of radius or flare on a driveway between the gutter flow line and the abutting property. - D-3. DEFINITIONS

Curbline means the inside face of curb and gutter. - D-3. DEFINITIONS

Currently Available Revenue Sources means an existing source or amount of revenue presently available to the Town or the entity providing a Public Facility and that may be allocated towards capital expenses and which has been budgeted for the capital disbursements or debt service account applicable to a planned capital improvement; provided, however, that this term shall not refer to a mere intent to increase the future level or amount of a revenue source, nor to a revenue source which is contingent on ratification by a public referendum.

Currently Available Revenue Sources means an existing source or amount of revenue presently available to the Town or the entity providing a Public Facility and that may be allocated towards capital expenses and which has been budgeted for the capital disbursements or debt service account applicable to a planned capital improvement; provided, however, that this term shall not refer to a mere intent to increase the future level or amount of a revenue source, nor to a revenue source which is contingent on ratification by a public referendum. - 14.1.2. DEFINITIONS

Custom Manufacturing means an establishment primarily engaged in the on-site production of goods by hand manufacturing that involves only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts, and the incidental direct sale to customers of goods produced on the site. Typical custom manufacturing uses include ceramic studios and custom jewelry manufacturing.

Cut, Land means land surface which is shaped through the removal of soil, rock or other materials.

D

Day Care means ~~See "Child Care."~~ a use category containing uses that provide care, protection, and supervision for at least XX children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than XX hours each day, although the facility may be open 24 hours each day.

Uses in this use category include: Adult Care Center; Child Care Center; and other uses meeting the definition of Day Care according to the Administrator.

Days means when used to establish time limits on various processes in this Ordinance, days shall mean business days.

DBH means diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above ground level.

Deciduous means plants that lose their leaves annually.

Deciduous Tree means a tree which sheds or loses foliage at the end of the growing season. (Source

Decisionmaker means the agency, official or entity authorized to render a final decision which approves, approves with conditions or denies an application for development approval.

Declaration means an instrument, duly recorded, by which the property is submitted to Chapter 47A of the North Carolina General Statutes, and such declaration as from time to time may be lawfully amended. (Source: Unit Ownership Act, NCGS § 47A-3); and any instruments, however denominated, which create a condominium, and any amendments to those instruments. (Source: North Carolina Condominium Act, NCGS § 47C-1-103)

Dedication means a gift, by the owner, of his property to another party without any consideration being given for the transfer. The dedication is made by written instrument and is completed with an acceptance.

Demolition Landfill means a landfill for the disposal of demolition debris generated on the same ~~parcel or tract of land property~~ on which the landfill is located.

De Novo Hearing means a new hearing. In a de novo hearing, the reviewing agency considers the application as if it originated before it, but may consider the findings of fact, conclusions of law, or recommendations of the agency which previously considered the case.

Density Bonus means dwelling units or non-residential square footage permitted in addition to the permitted density or intensity within a zoning district, computed in accordance with § 4.8 of this Ordinance.

Density means the total number of dwelling units per acre, computed in accordance with § 4.7 of this Ordinance.

Density, Net means the number of dwelling units divided by the net acreage remaining after subtracting all critical areas and streets, computed in accordance with § 4.7 of this Ordinance. DEPARTMENT Unless otherwise noted in the text, Department shall refer to the Cabarrus County Planning Services Department.

Developer means a person, firm, partnership, joint venture, association, corporation, groups or organization who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development. The owner of land proposed to be subdivided or developed or its authorized agent who is responsible for any undertaking that requires review and/or approval under this Ordinance.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. - 4.14.4

Development means the division of a parcel of land into two or more parcels; the construction, reconstruction conversion, structural alteration, relocation or enlargement of any structure; any mining, drilling, excavation, clearing of roadways or building sites, landfill or land disturbance and any use or extension of the use of land. This definition excludes normal earth working associated with crop farming or landscaping of an individual single family residential lot. The term "development" includes all of the activities listed in the definition of "development" in 15A NCAC 2H.1002, which definition is hereby incorporated by this reference, and any of the following activities:

- A. Change in use.
- B. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
- C. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or central water system and including the long-term storage of materials.
- D. Erection of a permanent sign.
- E. Any activity increasing the need for parking.
- F. Construction, elimination or alteration of a driveway onto a public street.

Development Order means any action granting, denying or granting with conditions, an application for a development permit.

Development Parcel means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Development Permit means any zoning clearance; building permit; home occupation permit; sign permit; temporary use permit; certificate of occupancy; conditional use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning (change of zone); Comprehensive Plan amendment; specific plan; or any other official action of the Town or any other state or local government commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of this Ordinance.

Development Right means the potential for the improvement of a parcel of real property, measured in dwelling units for residential uses or equivalent dwelling units for non-residential uses, which exists because of the zoning classification of the parcel.

Development Services Department means the Cabarrus County Development Services Department.

Diagnostic Center means a freestanding facility, program, or provider, including but not limited to, physicians' offices, clinical laboratories, radiology centers, and mobile diagnostic programs.

Dimensional Regulations means see § 4.7 of this Ordinance.

Disposal means as defined in NCGS 130A- 290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters. - 4.14.4

Disposition means a transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

Distillery means an establishment engaged in the production and distribution of spirituous beverages. The establishment may include uses permitted in the district, in accordance with state and local laws.

Dormitory means a space in a building where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks and ski lodges. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

Drainage Area or Watershed means the entire area contributing surface runoff to a single point. (Source: 15A NCAC 2H.1002).

Drip Line means a vertical line from a tree canopy or shrub branch extending from the outermost edge to the ground.

Drive-Through Commercial Establishment – means a commercial retail or personal service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person outside the motor vehicle. Such establishments include, but are not necessarily limited to branch banks and fast-food restaurants.

Drive-Through Sign: A sign oriented to and within 15 feet of the edge of a driveway or drive-through lane.

Driveway Angle means the acute angle between the driveway centerline and the curbline. - D-3. DEFINITIONS

Driveway Approach means the improved area between the roadway of a public street and private property intended to provide access for motor vehicles to a well-defined area on private property. - D-3. DEFINITIONS

Driveway means a private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street. A driveway is not a road, street, boulevard, highway, or parkway.

Driveway means an area on private property providing access for motor vehicles to a public right-of-way. - D-3. DEFINITIONS

Driveway Width means the width of the driveway measured at the right-of-way parallel with the roadway centerline. - D-3. DEFINITIONS

Duplex means a building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. A duplex may include:

- A. a semidetached dwelling, which is a building containing two dwelling units attached horizontally (see illustration), or
- B. A building with two units attached vertically, with one dwelling unit located on top of the other.

Dust-Free means a land surface that is paved in one of the following methods:

- A. asphaltic concrete,
- B. cement concrete,
- C. penetration treatment of bituminous material and a seal coat of bituminous binder and a mineral aggregate or
- D. the equivalent of the above.

Dwelling means any building which contains one or more "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

Dwelling Unit means a dwelling unit is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

Dwelling, Attached means a building containing two or more residential units, attached along and sharing one or more common walls between any two units, or stacked one above the other, or attached to a non-residential use. An Attached Dwelling includes any Duplex, Triplex, Quadruplex, Townhouse or Rowhouse.

Dwelling, Mixed Use means see "Building, Mixed Use."

Dwelling, Multiple means a building or portion thereof designed for or occupied as three or more dwelling units.

Dwelling, Single-Family means a building designed for occupancy by one family.

Dwelling, Single-Family Detached means a Single-Family Dwelling Unit that is not attached to any other Dwelling Unit by any means and is surrounded by yards.

E

Easement means a grant by the property owner for use by the public, a corporation or person(s) of a strip of land for a specific purpose.

Easement, Non-Access means an easement prohibiting vehicular access from a public street.

EC means the Employment Center zoning district.

Educational Facilities means a use category containing public and private schools at the elementary, middle, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.

Uses in this use category include: Boarding School; Business, Computer and Management School; Charter School; Fine Arts School, Public or Private Elementary or Secondary School, Technical and Trade School; University or College; and other uses meeting the definition of Educational Facilities according to the Administrator.

Effective Date of This UDO means the effective date of this UDO determined in accordance with ARTICLE 1 of this UDO.

Electric Generating Facility means any plant facilities and equipment for the purposes of producing, generating, transmitting, delivering or furnishing electricity for the production of power. (Source NCGS § 75A-2) **ELECTRONIC GAMING ESTABLISHMENTS** – Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

Electronic Gaming Establishment means any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

Electronic Message Board means a sign which displays ~~messages~~ copies in alternating light cycles. - 121.05

Elementary School means a school which embraces a part or all of the eight elementary grades and which may have a kindergarten or other early childhood program. (Source: NCGS § 115C-75)

Elevated Building means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. - 4.14.4

Enclosure Ratio means (note: this definition is used in § 4.10 TND District only) - The ratio of building height to spaces in front of the building. Buildings serve to spatially define streets. Proper spatial definition is achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width. The condition of alignment occurs when the facades of buildings cooperate to delineate the public space, as walls form a room. Building articulation must take place primarily in the vertical plane or facade. Appendages such as porches, balconies, and bay windows are encouraged to promote the visual transition. The condition of enclosure generated by the height-width ratio of the space is related to the physiology of the human eye. If the width of a public space is such that the cone of vision encompasses less street walls than the opening to the sky, then the degree of spatial enclosure is slight. Ratios not exceeding 1:4 are considered optimal, while a 1:6 height-to-width ratio is the absolute minimum required for appropriate urban spatial definition. See P. Craighead, ed., *The Hidden Design in Land Use Ordinances* (University of Southern Maine, 1991), at 45; R. Arendt, *Rural by Design* (American Planning Association, 1994), at 10-11. An appropriate average ratio is 1:3. As a general rule, the tighter the ratio, the stronger the sense of place. Spatial enclosure is particularly important for shopping streets, which must compete with malls which provide very effective spatial definition. In the absence of spatial definition by facades, disciplined tree planting is an alternative. Trees aligned for spatial enclosure are necessary along thoroughfares with substantial front yards. If Streetscape Landscaping is provided in accordance with the Landscaping Standards of this Ordinance, the Enclosure Ratio shall be measured from the height of the trees at maturity rather than the height of the buildings. For the internal streets or circulation systems of subdivision plats or site plans, the Enclosure Ratio shall be computed by dividing the height of the shortest facing structure by the spaces between the buildings. For development on individual tracts adjoining a public right-of-way and not under Common Ownership with tracts or parcels facing across the right-of-way, the Enclosure Ratio shall apply only to the tract or parcel subject to the Application for Development Approval. Example: A building (Building A) is 15 feet in height and faces a building (Building B) 24 feet in height across a street with a 40-foot right-of-way. Building A is located 15 feet and Building B is located 20 feet from the edge of the right-of-way, producing a building-to-building space of 75 feet. The enclosure ratio is 1:5 ($15 \div 75 = 1:5$). See first "Village Scale" example (illustration). Source: P. Craighead, ed., *The Hidden Design in Land Use Ordinances*. (University of Southern Maine, 1991).

Encroachment means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain. - 4.14.4

Engineer means an Engineer licensed by the State of North Carolina. ENGINEER, TOWN – The Town of Harrisburg Engineer.

Enhancement means improvement of the functions or an existing wetland system. Enhancement may include improved flood control capacity, increased groundwater recharge capability, increased density and diversity of native wildlife and vegetation, and improved aesthetic values (e.g., by removing non-native impediments, structures, impervious surfaces).

Enlargement Or "To Enlarge" means an increase in size or addition to the Floor Area of a Building or Structure, or an increase in the portion of a Building, Structure, or land area occupied by an existing Use.

Entertainment, Indoor means a use category containing uses varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

Uses in this use category include: Amusement Arcade; Bowling Center; Brewpub / Microbrewery, Microwinery, Microdistillery, or Microcidery; Electronic Gaming Establishments; Health Clubs & Fitness Centers; Indoor Recreational Facilities, Theaters (excluding drive-in); Reception Facility, Shooting Range/Archery Range; Tattoo Parlor or Body Piercing Establishment; Weight Reducing Center, Non-Medical; and other uses meeting the definition of Indoor Entertainment according to the Administrator.

Entertainment, Outdoor means a use category containing uses providing daily or regularly scheduled recreation-oriented activities in an outdoor setting.

Uses in this use category include: Amusement Park; Motion Picture Theater, drive-in; Racetracks/Spectator Sports Arena (includes racing test tracks); and other uses meeting the definition of Outdoor Entertainment according to the Administrator.

Entrance Road means a Street which:

- A. leads into a Subdivision, Planned Unit Development, or a Traditional Neighborhood Development, and
- B. intersects with a higher order Street.

Equipment means rolling stock or movable personal property except that, for the purpose of this Ordinance, it shall not include those items defined as Heavy Equipment.

Equivalent Dwelling Unit or "EDU" means see "Equivalent Residential Unit."

Equivalent Residential Unit or "ERU" means (see ARTICLE 14 "Adequate Public Facilities Standards" of this Ordinance.)

Equivalent Residential Unit or "ERU" means for purposes of § 14.1 of this Ordinance, the demand for public facilities generated by a proposed development which is equivalent to the demand for public facilities generated by one residential dwelling unit. [ERU table found in Table 14-3]. - 14.1.2. DEFINITIONS FAÇADE – See "Building Façade".

Erect means to build, construct, attach, hang, place, suspend, affix and/or apply.

Erosion Control means see ARTICLE 9 of this Ordinance.

Evergreen Screen means a dense vegetative screen that grows to a minimum of 8 feet in height at maturity and retains foliage year round used for purposes of visual mitigation between zoning districts and/or uses.

Evergreen Tree means a tree which holds green leaves, either broadleaf or needle-shaped, throughout the year. (Source

Evergreen means plants that retain their foliage throughout the year.

Evidence means any map, table, chart, contract or other document or testimony prepared or certified that is offered by a person to establish a claim, condition or assertion.

Excavation means the removal of soil, rock or other matter from a land area.

Existing Capacity means the Capacity of the existing built and operational Public Facilities, as determined by the service provider.

Existing Demand means see "Public Facilities Standards" of this Ordinance.

Existing Demand means the demand for Public Facilities from existing (built) Development. - 14.1.2.
DEFINITIONS

Existing Manufactured Home Park Or Manufactured Home Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community. - 4.14.4

Exotic Animals means see Other Animals.

Exotic Species (Plant) means a species or higher taxon of plant not native or naturalized in North Carolina but appearing in the Federal Endangered and Threatened Species List or in the appendices to the International Treaty on Endangered and Threatened Species. (Source: NCGS § 106-202.12)

Extended Stay Lodging Facility means any building containing six or more units intended or designed to be used, rented, or hired out to be occupied, or which are occupied for sleeping purposes for guests, and which units contain kitchen facilities for food preparation including, but not limited to, such facilities as refrigerators, stoves and ovens. Extended Stay Lodging Facilities may contain lobbies, conference rooms, meeting rooms, child play areas, and/or restaurants.

Extractive Uses means surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining but excludes individual water well drilling.

F

Facade means the entire building walls, including wall faces, parapets, fascia, windows, doors, canopy, and visible roof structures of one complete elevation. - 121.05

Façade means the principle, vertical surface of a building which is set along the frontage line. The elevation of a facade is the vertical surface area and is subject to visual definition by building height, setbacks, and transition lines. - E.4.1

Facsimile Sign means an oversized, three-dimensional object, such as a chicken bucket, automobile (or automobile part), or human figure. - 121.05

Family Care Home means an adult care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. (Source: NCGS § 168-21)

Family means an individual, or two or more persons related by blood, marriage or law, or a group of not more than any five persons living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual, or two or persons related by blood, marriage or law, are a part of the family for this code. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

Farm, Bonafide means a farm whose purposes include the production of, and activities relating or incidental to the production of, crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market.

Farm Buildings means structures, other than residences and structures appurtenant thereto, for on-farm use (barns, sheds, poultry houses, etc.). (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Farm Operation means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. (Source: NCGS § 133-7)

Farm Product means fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, eggs, honey, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Farm Product, Value-Added means any product processed by a producer from a farm product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.

Farm Related Business means a business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services.

Farmers Market means a structure or place where agricultural produce is brought for the purposes of retail sales. (Note: A farmers market differs from a produce stand in that there may be more than one seller per parcel of land and the structure from which produce is sold at a farmers market need not be portable or capable of being dismantled or removed from the site.)

Feed Lot means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and either specifically designed as a confinement area in which animal waste may accumulate or where the concentration of animals is such that an established vegetative cover cannot be maintained. A building or lot is not a feedlot unless animals are confined for 45 or more days, which may or may not be consecutive, in a 12-month period. Pastures shall not be considered feedlots for purposes of this Ordinance. (Source: NCGS § 143-215.10B)

Fence means a barrier of man-made construction, regardless of the material used, including walls but not retaining walls. ("material" does not include vegetation.)

Fence Sign means a sign mounted on, attached to, or constructed as part of a fence or similar structure. - 121.05

Fence, Living means a hedge of vegetation used as a screening device or a fence with vegetation growing to it or on it which at the time of maturity would prevent an "open" effect and would block the normal line of sight.

Fence, Open means a fence constructed of material which does not interrupt the line of sight, such as split rail, pipe or chain-link fencing and shall not include a living fence.

Fenestration means the entryways and windows of a building. - E.4.1

Festoon Lighting means a string of outdoor lights suspended between two or more points. - 121.05

Fill means deposit of soil, rock, or other material placed in an area which created an obstruction or increases surface elevation.

Final Plat means a survey map of record which indicates the boundaries for streets, blocks, lots and other property divisions which is prepared pursuant to ARTICLE 6 of this Ordinance.

Final Site Plan or Final Plan means the map of a proposed development to be filed after approval by the decision-making authority and any accompanying material as described in this Ordinance.

Financial Institution means any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or State law, solicits, receives or accepts money or its equivalent on deposit and loans money as a regular business. (Source: NCGS § 116B-10)

Fire Flow Survey means a testing of fire hydrants to determine capacity by volume and pressure for fire fighting purposes.

Fire Protection Facilities means fire stations and major pieces of fire fighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by the Town of Harrisburg Fire Department or other duly authorized volunteer fire districts.

Flag Lot means see "Lot, Flag."

Flag means any fabric, banner or bunting containing distinctive colors, patterns, or symbols. - 121.05

Flag means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity. Flags are regulated in accordance with the standards of ARTICLE 12 "Sign Regulations".

Flea Markets means a flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets shall not include any of the following activities which occur at the same location four or fewer days in any calendar year: garage sales, produce stands, or fund raising activities done by a non-profit organization.

Flood Boundary and Floodway Map (FBFM) means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM). - 4.14.4

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A. - 4.14.4

Flood Insurance means the insurance coverage provided under the National Flood Insurance Program. - 4.14.4

Flood Insurance Rate Map (FIRM) means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. - 4.14.4

Flood Insurance Study (FIS) means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published. - 4.14.4

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. the overflow of inland or tidal waters; and/or
- B. the unusual and rapid accumulation of runoff of surface waters from any source. - 4.14.4

Flood Prone Area. See "Floodplain".

Flood Zone means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area. - 4.14.4

Floodplain Administrator means is the individual appointed to administer and enforce the floodplain management regulations. - 4.14.4

Floodplain Development Permit means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity. - 4.14.4

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans. - 4.14.4

Floodplain Management Regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage. - 4.14.4

Floodplain means any land area susceptible to being inundated by water from any source. - 4.14.4

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents. - 4.14.4

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. - 4.14.4

Floor Area means the sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. It shall exclude any basement floor, interior balconies and mezzanines, elevator shafts and stair wells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

Floor Area Ratio (FAR) means the ratio of the gross floor area of all structures on a parcel to the gross area of the parcel on which such structures are located.

Forestland means land that is a part of a forest unit that is actively engaged in the commercial growing of trees under a sound management program. Forestland includes wasteland that is a part of the forest unit, but the wasteland included in the unit shall be appraised under the use-value schedules as wasteland. A forest unit may consist of more than one tract of forestland, but at least one of the tracts must meet the requirements in NCGS 105-277.3(a)(3), and each tract must be under a sound management program.

FPOD means the Floodplain Protection Overlay District.

Freeboard means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation". - 4.14.4

Front means any public street frontage, not including alleys.

Front Setback means the minimum horizontal distance between any Building or Structure and the Front Lot Line.

Frontage means the distance in which a property line is common with a public or private street road right-of-way, or a recorded access easement. See section 6.6.5.3. for provisions regarding access easements.

Frontage means the length of property adjoining the street right-of-way of a single property, tract, or development area between the side property lines. - D-3. DEFINITIONS

Frontage Road means a way, road or street which is auxiliary to and located on the side of another highway, road or street for service to abutting property and adjacent areas and for the control of access to such other highway, road or street. (Source: NCGS § 136-89.49)

Frontage, Double means a lot which extends from one street frontage to another street.

Frontage, Full means frontage which meets the requirements of § 4.7 of this Ordinance.

Fuel Sales means a place where vehicular fuel, stored only in underground tanks, is offered for sale to the public or where charging stations are made available for the charging of vehicles.

Full Cut-Off means an outdoor light fixture shielded or constructed in such a manner that it does not emit light above the horizontal plane of the fixture.

Fully Shielded means "fully shielded" that fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted, as certified by photometric test report.

Functionally Dependent Facility means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities. - 4.14.4

Funeral Home means an establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

G

Gabion means a wire basket containing primarily stones deposited to provide protection against erosion.

Gable (Roof) means a "gable" maybe any one of three things: a triangular wall section at the ends of a pitched roof bounded by the two roof slopes and the ridge pole; the ends of a pitched roof building with a gable in the roof section; or an ornamental triangular architectural section. - E.4.1

Garage, Private means an accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of occupants in the building to which such garage is accessory, but not including the parking or temporary storage of delivery or truck motor vehicles having a capacity in excess of one ton.

Gas Station means buildings and/or surfaced area where motor vehicles may be refueled and/or serviced.

GC means the General Commercial zoning district.

GFA means gross floor area.

Glare means the effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

Government Facilities means a use category containing offices, storage, maintenance, and other facilities for the operation of local, state, or federal government

Uses in this use category include: Correctional Institution; **Government Building or Facility**; **Postal Service Facility**; and other uses meeting the definition of Government Facilities according to the Administrator.

Grade means a reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet (1829 millimeters) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202). The term "grade" also includes a reference plan representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 ft. (1829 mm) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Grade means the uppermost surface directly below a sign or immediately adjacent to its support. Where the uppermost surface is artificially raised for landscaping or other purposes, grade is measured from the level of the nearest Town or state street curb. - 121.05

Grade, Finished means the level of the soil after completion of site development.

Grade, Natural means the undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, etc.)

Green Roof means a vegetated roof design that is explicitly designed to absorb rainfall or snowmelt, typically to manage stormwater, mitigate the heat island effect, provide habitat for urban wildlife, or offer leisure and recreational space for building occupants.

Greenbelt means greenbelts run along the perimeter of a subdivision, Planned Unit Development Type, or TND, and serve to

- A. buffer a neighborhood from surrounding incompatible uses such as a highway corridor or industrial district, and/or
- B. provide an edge for the neighborhood. Greenbelts differ from the other types of open spaces in that the natural vegetation and wildlife is undisturbed, or the area is actively cultivated for crops or the raising of Livestock (excluding Concentrated Animal Feeding Operations).

Greenfield Development means development on undeveloped parcels undeveloped parcels not surrounded by existing development, or on large parcels surrounding partially developed areas or undeveloped areas.

Greenhouse means an enclosed detached accessory structure consisting primarily of light-transmitting materials and used exclusively for growing plants. (Source: North Carolina State Building Code, Vol. VII, § 202).

Greenway means a linear area maintained as open space in order to conserve natural and/or cultural resources, and to provide recreational opportunities, aesthetic and design benefits, and linkages between open space and recreational facilities and between these facilities and their users.

Gross Area or Gross Acreage means the area of a lot or parcel, including all proposed or dedicated streets, alleys, private accessways, roadway and/or alley easements. Such boundaries shall extend to the center line of an existing abutting street or alley right-of-way. In the case of an existing partial dedication or easement, the gross area shall not extend beyond what would be the centerline of the full dedication.

Gross Leasable Area (GLA) means the total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than six feet and six inches (6'6").

Ground Cover means a prostrate plant growing less than 2 feet in height at maturity that is used for

Ground Sign means a free-standing sign with its base or its supports mounted directly to the ground. - 121.05

Ground Subsidence means a process characterized by the downward displacement of surface material caused by phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by manmade phenomena such as underground mining.

Ground Water means subsurface water within and below the zone of continuous saturation.

Group Home means an adult care home which has two to nine developmentally disabled adult residents. Includes any "Group home for developmentally disabled adults" as defined by NCGS § 131D-2 or NCGS § 131D-20. See §5.17 of this Ordinance.

Group Living means a use category containing uses with residential occupancy of a dwelling by a means other than found in Household Living typically providing communal kitchen/dining facilities.

Uses in this use category include: Adult Care Homes, Assisted Living Residences, Family Care Home, Group Homes, Intermediate Care Facility, Nursing Home, Residential Child-Care Facilities, and other uses meeting the definition of Group Living according to the Administrator.

Group Residential Development means a development where more than one principal residential building is permitted on a lot or any development where there are three or more dwelling units in a building. A "Group Residential Development includes any (1) Apartment House/Multiple Dwelling, Quadriplex, Triplex, or Townhouse; and any Attached Dwelling (Duplex). or (2) any Mixed Use Dwelling.

Guest means any transient person who rents or occupies a room for sleeping purposes.

Gutter means a shallow channel, usually set along a curb or the pavement edge of a road or the edge of a building roof, for purposes of catching and carrying off water.

H

Habitable Room means any room meeting the requirements of the North Carolina One and Two Family Dwelling Code for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces. (Source: North Carolina State Building Code, Vol. VII, § 202).

Hazard Prone Area means an area which has not yet been designated by the State or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or other on-site naturally-occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the County.

Hazardous Waste Disposal Facility means any facility or any portion of a facility for disposal of hazardous waste on or in land in accordance with rules adopted under NCGS Chapter 130A, Article 9 and/or NCAC Title 15A, Chapter 13, Subchapter 13A. (Source: NCGS § 130A-290). See § 5.11 of this Ordinance.

Hazardous Waste Facility means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste (Source: NCGS § 130A-290). See § 5.11 of this Ordinance.

Hazardous Waste Management Facility means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste. - 4.14.4

Health Care Provider means without limitation any person who pursuant to the provisions of NCGS Chapter 90 is licensed, or is otherwise registered or certified to engage in the practice of or otherwise performs duties associated with any of the following: medicine, surgery, dentistry, pharmacy, optometry, midwifery, osteopathy, podiatry, chiropractic, radiology, nursing, physiotherapy, pathology, anesthesiology, anesthesia, laboratory analysis, rendering assistance to a physician, dental hygiene, psychiatry, psychology; or a hospital or a nursing home; or any other person who is legally responsible for the negligence of such person, hospital or nursing home; or any other person acting at the direction or under the supervision of any of the foregoing persons, hospital, or nursing home. (Source: NCGS § 90-21.11)

Health Club means an establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Health Service Facility means a hospital; psychiatric facility; rehabilitation facility; long term care facility; kidney disease treatment center, including freestanding hemodialysis units; intermediate care facility for the mentally retarded; home health agency office; chemical dependency treatment facility; diagnostic center; oncology treatment center; hospice, hospice inpatient facility, hospice residential care facility; and ambulatory surgical facility. (Source: NCGS § 131E-176)

Heavy Equipment means large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.

Heavy Industrial means a use category containing uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals; the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare.

Uses in this use category include establishments that manufacture or process: **Asphalt & Coal; Cement/Concrete (ready-mix) and Concrete Products; Chemicals; Clay & Brick; Concrete (dry mix); Food; Metals; Petroleum; Stucco and Synthetic Stone;** and other uses meeting the definition of Heavy Industrial according to the Administrator.

Other uses in this use category include: Salvage Yard; Sawmill; Slaughterhouse or Animal Processing.

Height means the vertical distance from the grade to the highest point of any portion of a structure, measured as set forth in § 4.7.5. of this Ordinance.

Height, Building means the vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. Height of a building in stories includes basements, except as specifically provided for in § 503.2.4 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 202)

Height, Story means the vertical distance from top to top of two successive finished floor surfaces. (Source: North Carolina State Building Code, Vol. 1, § 202)

Height, Wall means the vertical distance to the top measured from the foundation wall, or from a girder or other intermediate support of such wall. (Source: North Carolina State Building Code, Vol. 1, § 202)

Helipad means a facility without the logistical support provided by a heliport (see Heliport definition) where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling or storage of helicopters.

Heliport means an area providing for the take-off and landing of helicopters and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance, and repair of helicopters. "Heritage Tree" - any single tree that has been determined to be of value because of its species, size, age, or other professional criteria. An upper-story tree which is 30 inches or greater in diameter at breast height is considered as a heritage tree. Size ranges for understory trees are smaller, and vary based upon species. A tree that meets the indicated size but is dead or diseased, or has an abnormal form that is not characteristic of its species (for example the habit is one -sided, or the crown is significantly misshapen or missing) as determined by a certified arborist, shall not be considered to be a Heritage Tree. - 9.3.4.1

Heritage Tree means any single tree that is listed in the [North Carolina Champion Tree Database](#), the [National Register of Champion Trees](#), or any tree that would measure 80 percent of the points of a tree in terms of height, circumference, and crownsread, on the North Carolina Champion Tree Database. ~~An upper-story tree which is 30 inches or greater in diameter at breast height is considered as a heritage tree. Size ranges for understory trees are smaller, and vary based upon species.~~ A tree that meets the indicated size but is dead or diseased, or has an abnormal form that is not characteristic of its species (for example the habit is one-sided, or the crown is significantly misshapen or missing) as determined by a certified arborist, shall not be considered to be a heritage tree.

High Quality Water Zones means see Sedimentation Control Standards.

High Quality Waters means see Sedimentation Control Standards.

High School means a school which embraces a high school department above the elementary grades and which offers at least the minimum high school course of study prescribed by the State Board of Education. (Source: NCGS § 115C-75). For purposes of this code, the following terms shall have the following meanings:

High School Feeder Area. A grouping of schools consisting of one or more high schools and one or more middle and elementary schools, as determined by the School District.

Student Generation Rate. The figure to be multiplied by the number of proposed dwelling units, by type, in order to determine projected enrollment.

Highest Adjacent Grade (HAG) means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure. - 4.14.4

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

Highway means a general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.

Hill Crest means the highest point on a hill or slope as measured contiguously throughout the property. Any given property may have more than one hill crest.

Hillside Disturbance means any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

Historic Building means any building 50 years old or more with distinctive architectural features characteristic of the period of history during which it was originally constructed. - 121.05

Historic Structure means any structure that is:

- A. listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- B. certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- D. certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”. Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980. - 4.14.4

Holiday Decorations ~~means displays erected on a seasonal basis.~~ - 121.05

Home Occupation means any occupation or profession or business activity customarily conducted entirely within a dwelling unit and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and contains no mechanical equipment except for that which is customarily used for domestic, hobby, or household purposes. A home occupation is an accessory use to a dwelling unit. See § 5.12 of this Ordinance.

Home Owners Association means an association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants for maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, property or any other interest, is automatically a member as a condition of ownership, and each such member is subject to charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, property or other interest of the member.

Horse means any animal of the genus equus.

Horticulturist means a qualified professional who has studied the science or art of cultivating plants especially for ornamental use.

Horticultural Land means land that is a part of a horticultural unit that is actively engaged in the commercial production or growing of fruits or vegetables or nursery or floral products under a sound management program. Horticultural land includes woodland and wasteland that is a part of the horticultural unit, but the woodland and wasteland included in the unit shall be appraised under the use-value schedules as woodland or wasteland. A horticultural unit may consist of more than one tract of horticultural land, but at least one of the tracts must meet the requirements in G.S. 105-277.3(a)(2), and each tract must be under a sound management program. (Source: NCGS § 105-277.2).

Hospice Inpatient Facility means a freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in an inpatient setting. For purposes of this Article only, a hospital which has a contractual agreement with a licensed hospice to provide inpatient services to a hospice patient as defined in G.S. 131E-201(4) and provides those services in a licensed acute care bed is not a hospice inpatient facility and is not subject to the requirements in G.S. 131E-176(5)(ii) for hospice inpatient beds. (Source: NCGS § 131E-176, 131E-201)

Hospice means any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement. (Source: NCGS § 131E-176, 131E-201)

Hospice Residential Care Facility means a freestanding licensed hospice facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting. (Source: NCGS § 131E-176)

Hospital means a hospital licensed, accredited or approved under the laws of any state and a hospital operated by the United States government, a state or its subdivision, although not required to be licensed under state laws. (Source: NCGS § 130A-403) The term "hospital" also includes a public or private institution which is primarily engaged in providing to inpatients, by or under supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. The term also includes all facilities licensed pursuant to G.S. 131E-77 of the General Statutes. (Source: NCGS § 131E-176)

Hotel means any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Household Living means a use category containing residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units including kitchens.

Uses in this use category include: Duplex; Multi-family Dwelling - 3 or more dwelling units; Single-Family Attached; Single-Family Detached; Manufactured Home; Modular Home; and other uses meeting the definition of Household Living according to the Administrator.

Household Pets means those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g. parakeets, parrots), rodents (e.g. mice, rats), and reptiles (non-poisonous snakes, lizards).

HPOD means the Historic Preservation Overlay District.

Hud Code means the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq., as amended) and the regulations promulgated by the United States Department of Housing and Urban Development thereto (24 C.F.R. part 3282), commonly known as the "HUD Code".

Hydrology means the science of dealing with the properties, distribution, and circulation of water.

Hydroperiod means the period during which a soil area is saturated.

|

Illumination, Indirect means illumination which reflects light from an artificial light source intentionally directed upon a surface. This shall also include silhouettes of letters or symbols placed before a background of reflected light. - 121.05

Illumination, Internal means illumination provided from a source located inside or within the face of the sign. - 121.05

Impact Area means see Adequate Public Facilities of this Ordinance.

Impact Area means the area in which a proposed residential development is presumed to create a demand for Public Facilities and which area, therefore, will be evaluated to determine whether the Capacity of Public Facilities is adequate to accommodate the demand created by existing residential development, Committed Development and the proposed residential development pursuant to § 6.1 of this Ordinance. - 14.1.2. DEFINITIONS

Impervious Surface means includes all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), and similar hard-surfaced areas. Wooden slatted decks and the water area of a swimming pool are considered pervious. Source: 15A NCAC 2B.0202(13) (defining "built-upon area").

Improved Open Space means landscaped areas, turf areas, parks, golf course and recreation areas constructed on the parcel, but shall not include associated buildings.

Improvements means right-of-way pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, re-vegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Ordinance or the conditions of approval.

In Kind means for mitigation purposes, "in kind" means the restoration, replacement, or creation of a wetland or river stream system which provides functions, attributes, and characteristics closely approximating those of a specific wetland or river stream system that would be adversely affected by the proposed activities.

Individual Establishment or Business means a single establishment or business occupying one or more buildings designed to function as a single enterprise that does not share off-street parking, driveways, or other common facilities with an adjacent establishment or development. - 121.05

Industrial or Commercial Treatment Plant Septage means solid, semisolid or liquid residue generated during the treatment of sewage that contains any waste resulting from any process of industry, manufacture, trade, or business in a treatment works where the designed disposal is subsurface. Industrial or commercial treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Industrial or commercial treatment plant septage does not include ash generated during the firing of industrial or commercial treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. (Source: NCGS § 130A-290)

Industrial Park means a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible uses.

Industrial Process Wastewater means any water-carried waste resulting from any process of industry, manufacture, trade, or business. (Source: NCGS § 130A-334)

Industrial Uses means storage, processing, and shipping of agricultural or timber products; minerals extraction and production, storage, processing, shipping or conversion to energy; fabrication, assembly, servicing, manufacture, storage or warehousing of other products.

Industrial Waste means any liquid, solid, gaseous, or other waste substance or a combination thereof resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource. (Source: NCGS § 143-213)

Infill means the development of new housing or other buildings on scattered vacant sites surrounded by developed areas.

Infiltration Systems means as defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Inflatable Signs means three-dimensional objects, filled with air or gas, and located in a manner that attracts attention. - 121.05

Integral Signs means signs that are integrated into or on coin-operated machines, vending machine, gasoline pumps, or similar mechanical devices that are used for their intended purpose.. - 121.05

Integral Units means items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, and the like.

Intensity means the number of square feet of development per acre by land use type with respect to non-residential land uses.

Interior Lot means see "Lot, Interior."

Intermediate Care Facility for The Mentally Retarded means facilities licensed pursuant to Article 2 of Chapter 122C of the North Carolina General Statutes for the purpose of providing health and habilitative services based on the developmental model and principles of normalization for persons with mental retardation, autism, cerebral palsy, epilepsy or related conditions. (Source: NCGS § 131E-176)

Intersection means:

- **a**Any curve or bend of a street that fails to meet the minimum curve radius as established in the second table of Section C.4 of Appendix C; or
- **a**Any location where street names change (as reviewed and approved by the Administrator).

J

Junior High School means a school which embraces not more than the first year of high school with not more than the upper two elementary grades. (Source: NCGS § 115C-75)

Junk means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. (Source: Junkyard Control Act, NCGS § 136-143).

Junkyard means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning of "junk" as defined by subdivision (3) of NCGS § 136-143 which had been derived or created as a result of industrial activity shall be deemed to be a junkyard within the meaning of this definition. The term "Junkyard" includes any "Automobile Graveyard." An "Automobile Graveyard" is any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an "automobile graveyard" within the meaning of this definition. (Source: Junkyard Control Act, NCGS § 136- 143). See § 7.18 of this Ordinance.

L

Lagoon means a confined body of water to hold animal byproducts including bodily waste from animals or a mixture of waste with feed, bedding, litter or other agricultural materials. (Source: NCGS § 106-802, Swine Farm Siting Act)

Land Clearing & Inert Debris Landfill means a facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash. For purposes of this definition, "land clearing waste" means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material. (Source: 15A NCAC § 13B.0101)

Land Disturbing Activity means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highways and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. (Source: NCGS § 113A-52)

Land, Inaccessible **means:**

- **A**ny land where no zoning and/or building construction permits may be issued (such as dedicated easements and rights-of-way (except those existing to only protect underground utilities such as water or sewer lines), wetlands, bodies of water, stormwater detention or retention facilities, etc. as determined by the Administrator); or
- **L**and with a post-development slope greater than 3:1 which severely limits its usefulness as open space.

Landfill means a disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility. (Source: NCGS § 130A-290)

Landfill, Demolition means a landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other solid wastes approved by the Director of the North Carolina Division of Solid Waste Management or the Director's authorized representative. (Source: 15A NCAC § 13B.0101).

Landlocked Parcel means a parcel of land without access of record with the County Register of Deeds.

Landowner means any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase or contract to act as his agent or representative for purposes of submitting a proposed site specific development plan or a phased development plan under this section, in the manner allowed by ordinance. - 13.2.4

Landowner means any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site specific development plan or a phased development plan under this section, in the manner allowed by ordinance. (Source: NCGS § 160A-385.1)

Landscape Architect means a person who holds a current certificate entitling him or her to practice "landscape architecture" and to use the title "landscape architect" in North Carolina under the authority of NCGS, chapter 89A. (Source: NCGS § 89A-1).

Landscape Architect means a landscape architect licensed pursuant to the North Carolina General Statutes.

Landscape Contractor means a landscape contractor, or nurseryman, certified pursuant to the NC Landscape Contractors Registration Board.

Landscape Contractor means within the meaning of this Chapter any person, partnership, association or corporation which holds a certificate issued by the North Carolina Landscape Contractors' Registration Board. (Source: NCGS § 89D-1).

Landscape means an area set aside from structures and parking which is developed with natural materials (i.e. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

Landscaping means the process or product of site development including grading, installation of plant materials and seeding of turf or ground cover.

Lateral Sewer means a sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

Level 1 Solar Energy System means level 1 SESs include the following:

- Roof-mounted on any code-compliant structure.
- Ground-mounted on an area of up to 50% of the footprint of the primary structure on the parcel but no more than 1 acre.
- Covering permanent parking lot and other hardscape areas.
- Building integrated solar (i.e., shingle, hanging solar, canopy, etc.). - 5.32.2

Level 2 Solar Energy System means level 2 SESs are ground-mounted systems not included in Level 1 that meet the area restrictions listed below:

- Agricultural/Residential: SES ≤1/2 acre
- Residential Low Density: SES ≤1/2 acre
- Residential Medium Density: SES ≤1/2 acre
- Residential High Density: SES ≤1/2 acre
- General Commercial/Business: SES ≤10 acres
- Light Industrial: SES of any size
- Heavy Industrial: SES of any size
- Office-Institutional: SES ≤10 acres - 5.32.2

Level 3 Solar Energy System means level 3 SESs are systems that do not satisfy the parameters for a Level 1 or Level 2 Solar Energy System. - 5.32.2

Level of Service means level of Service indicates the capacity per unit of demand for each public facility. It is an indicator of the extent or degree of service provided by a facility based upon and related to the operational characteristics of the facility. - 14.1.2. DEFINITIONS

Library or Museum means a room or building for exhibiting, or an institution in charge of, a collection of books; artistic, historical or scientific objects.

Licensed Geologist means a person who is licensed as a geologist under the provisions of the North Carolina Geologists Licensing Act, NCGS, Chapter 89E.

Licensed Soil Scientist means a person who is licensed as a soil scientist under the North Carolina Soil Scientist Licensing Act, NCGS, Chapter 89F.

Light Industrial means a use category containing uses engaged in the manufacturing, assembly or processing of industrial, business or consumer goods; usually from basic finished inputs such as metal, stone, glass, plastic, or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Uses in this use category include establishments that manufacture or process: Abrasive Products; Apparel; Automobile Race Cars and Parts; Beverages & Tobacco; Brooms, Brushes, & Mops; Burial Caskets; Candles & Potpourri; Cloth; Computers, Electronics, & Appliances; Cut Stone & Stone Products (excluding quarrying), Distilleries, Equipment; Fabricated Metal Products; Farm Products (Raw Material); Fasteners, Buttons, Needles & Pins; Furniture & Related Products; Gasket, Packing & Sealing Devices; Glass/Glass Products; Jewelry & Silverware; Lime & Gypsum Products (excluding quarrying); Manufactured Homes; Mineral Wool/Fiberglass Insulation; Musical Instruments; Office Supplies (excluding Paper); Paper/Paper Products; Plastics & Rubber; Signs; Sporting & Athletic Goods; Toys, Dolls & Games; Transportation Equipment; Wood Products; and other uses meeting the definition of Light Industrial according to the Administrator.

Other uses in this use category include: Contractors Office/Shop; Dental Laboratories; Industrial Launderers; Micromanufacturing; Mining/Extraction Industries; Printing and Related Support Activities; Publishing Industries; Sawmills; Scientific Research & Development Services; Textile Mills; Vending Machine Operators; and Winery or Cidery.

Linear Park means any linear park as defined in the Cabarrus County Parks and Recreation Master Plan, at 4-8 and 4-7.

Link means ~~and refers to~~ that portion of a street defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links. However, alleys shall not be considered links.

Lintel means the horizontal beam forming the upper member of a door or window frame and supporting part of the structure above it. - E.4.1

Liquor Sales (ABC Store) means a store that sells or offers to sell alcoholic beverages, as defined in NCGS § 18B-101.

Livestock Dealer means any person who buys livestock (i) for his own account for purposes of resale, or (ii) for the account of others. (Source: NCGS § 106-418.8)

Livestock means "livestock" shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats, llamas, and swine (Source: Livestock Law, NCGS § 68-15) and domestic fowl (Source: NCGS § 68-25).

Loading and Unloading Spaces means a permanently maintained space on the same lot as the principal building accessible to a street or alley and not less than 10 feet in width, 20 feet in length, and fourteen 14 feet in height.

Loading Space means an off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

Local Road or Local Street means provides direct access to adjacent land and access to higher street classifications. All streets or roads not otherwise classified are local.

Lot Area means the area of a horizontal plane within the lot lines of a lot.

Lot Coverage means the percentage of the area of a lot which is occupied by all buildings or other covered structures using the roof outline for all outer dimensions.

Lot Depth (Length) means the length (or depth) of a lot shall be:

- A. If the front and rear lines are parallel, the shortest distance between such lines.
- B. If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
- C. If the lot is triangular, the shortest distance between the front lot line and the line parallel to the front lot line, not less than ten feet long lying wholly within the lot.

Lot Frontage means the distance for which a lot abuts on a street.

Lot Length means see Lot Depth.

Lot Line means any boundary or boundary line which provides the legally defined limits of a lot, parcel tract, or plot.

Lot Line, Front means in the case of an interior lot, a line separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two lot lines adjoining a street right-of-way. If said lot lines for a corner lot are of the same length, then both lot lines shall be considered a Front Lot Line for purposes of this Ordinance.

Lot Line, Rear means a lot line which is opposite and most distant from, the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than 10 feet.

Lot Line, Side means the boundary of a lot which is not a front lot line or a rear lot line.

Lot means a parcel of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two or more smaller lots or units. A "lot" includes any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

Lot Through means a lot having a part of opposite lot lines abutting two streets, and which is not a corner lot. (Also known as a "double frontage lot"). On such lot, both lot lines are front, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant front the lot line containing the non- access easement.

Lot Width means for rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required Minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured 30 feet behind the required minimum front yard line on a line parallel to the street or street chord.

Lot, Corner means a lot having frontage on two intersecting streets, or upon two sides of the same street, the adjacent sides of which street or streets contain an angle of not more than one hundred and thirty-five degrees (135). In the case of a curved corner, the corner of the lot shall be that point on the Lot Line adjoining the street or Right-of-Way nearest to the point of intersection of the said tangents.

Lot, Double Frontage (Through Lot) means an interior lot having frontage on two non-intersecting streets.

Lot, Flag means a lot having no frontage or access to a street or place except by a narrow strip of land.

Lot, Interior means a lot other than a corner lot or a through lot.

Lot, Key means a lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

Lowest Adjacent Grade (LAG) means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building. - 4.14.4

Lowest Floor means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. - 4.14.4

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Low Income Housing means housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed eighty percent (80%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

M

Maintenance means the replacing or repairing of a minor part or parts of a building or structure which have degraded by ordinary wear or tear or by the weather.

Major Site Plan means see § 3.7 of this Ordinance.

Major Subdivision means all land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

Major Thoroughfare means a Major Thoroughfare as designated on the Cabarrus-South Rowan MPO Thoroughfare Plan.

Mansard means a steeply pitched roof, pitched at an angle that resembles a building wall. - 121.05

Manufactured Home, Type II means a multi-section manufactured home greater than or equal to 17 feet in width. Width for MANUFACTURED HOMES - TYPE II shall be determined by mean width when all sections are in a final assembly arrangement.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". - 4.14.4
MANUFACTURED HOME, SINGLE SECTION – See MANUFACTURED HOME, TYPE I.

Manufactured Home means a structure, used or intended to be used as a Dwelling Unit, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. (Source: The Uniform Standards Code for Manufactured Homes Act," NCGS § 143- 145). For purposes of this Ordinance, a "manufactured home" does not include a structure which otherwise complies with this subsection, but which was built prior to June 15, 1976, which units shall be classified as "mobile homes."

Manufactured Home Park means any area, lot, parcel or tract held in common ownership, and on which individual portions of said area, lot, parcel or tract are leased for the placement of manufactured homes as a primary residence. A manufactured home land lease community does not include manufactured home subdivisions or property zoned for manufactured home subdivisions.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. - 4.14.4

Manufactured Home Space means the portion of land area allotted and/or designated to be allotted to any one manufactured home. The term "manufactured home space" shall include the term "mobile home space."

Manufactured Home Subdivision means a parcel or contiguous parcels of land subdivided into two or more lots configured for development of manufactured housing.

Manufactured Home, Multi-Section means a manufactured home assembled in two or more sections. Also, see MANUFACTURED HOME, TYPE II.

Manufactured Home, Type I means see "MANUFACTURED HOME, SINGLE SECTION." A manufactured home assembled in one section not exceeding 17 feet in width.

Manufactured Housing means see Manufactured Home.

Manufacturing, Heavy means an establishment and/or activity primarily engaged in manufacturing, production and/or assembly which involves specialized processes on the premises.

Manufacturing, Light means an establishment and/or activity primarily engaged in manufacturing, production and/or assembly which does not involve, on the premises, the use of heat, noise and/or odor generating/producing processes, which are detectable off-site.

Market Value means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values. - 4.14.4

Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee Sign means any sign attached to, in any manner, or made a part of a marquee.

Massage Business means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. (Source: NCGS § 14-202.10)

Massage Business means any establishment or business wherein massage is practiced including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. Massage Therapy offices shall be excluded from these provisions provided the applicant is a licensed therapist by the State of North Carolina. 5.20.2. DEFINITIONS

Massage means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device. (Source: NCGS § 14-202.10)

Massage means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device. - 5.20.2. DEFINITIONS

Massing means a unified composition of two-dimensional or three-dimensional shapes or volumes, especially one that has or gives the impression of weight, density, or bulk. - E.4.1

Material means relative to sexually oriented businesses, "material" shall mean and include, but not be limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, or electronically generated images or devices including computer software, or any combination thereof.

Materials Recovery Facility means any site used for the separation of recyclable materials from nonhazardous waste streams, or where commingled recyclable materials are sorted into distinct categories. For purposes of this definition, the phrase "recyclable materials" shall be defined as set forth in NCGS § 130A-290, which is incorporated herein by this reference.

Mean Sea Level means , for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used. - 4.14.4

Medical Clinic means an office occupied and used for the duties associated with a Health Care Provider or Chiropractor.

Medical Facilities means a use category containing uses providing medical or surgical care to patients. Some uses may offer overnight care.

Uses in this use category include: Acupuncture Clinic; Blood or Blood Plasma Center; Chiropractor; Drug, Alcohol or Psychiatric Treatment Center, Out-Patient; Hospital, Medical or Dental Office; and other uses meeting the definition of Medical Facilities according to the Administrator.

Mental Health Facility means any individual, association, group or other entity at one location whose primary purpose is to provide services for the care, treatment, habilitation, or rehabilitation of the mentally ill, the developmentally disabled, or substance abusers, and includes any "area facility," "licensable facility," "private facility," "residential facility," "State facility," "24-hour facility," Veterans Administration facility as defined in NCGS § 122C-3. (Source: NCGS § 122C-3).

Mezzanine means one or more intermediate levels between the floor and ceiling of a story, meeting the requirements of § 503.2.3 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Micromanufacturing means the retail or business-to-business production of artisan goods that are produced in small quantities using small hand tools or light machinery including, but not limited to, 3-D printers or computer numerical control routers.

Mine means an area of land and all private ways and roads appurtenant thereto, structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed or constructed on, under, or above the surface of such land by any person, used in, or to be used in, or resulting from (including the reclamation of mined areas or the storage of materials in mined areas), or to facilitate the work of exploring for, developing of, or extracting by any means or method in such area all minerals, inorganic and organic, from their natural deposits. The term "mine" also includes all mineral processing and milling facilities except those used in the processing of source materials as defined in the Atomic Energy Act of 1954, as amended. (Source: Mine Safety and Health Act of North Carolina, NCGS § 74-24.2) See § 7.30 of this Ordinance.

Mini-Warehouse means buildings which are composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant; but excluding the storage of explosive, corrosive or noxious materials, such as dust, fumes, or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties; and further excluding any other use otherwise permitted in the Zoning District in which the Mini Warehouse is located. See § 7.23 of this Ordinance.

Mining means defined as:

- A. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; or
- B. Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location. The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use. "Mining" does not include:

1. Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area;
2. Mining operations where the affected land does not exceed one acre in area;
3. Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land;
4. Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining;
5. Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area. (Source: The Mining Act of 1971, NCGS § 74-49)

Minor Thoroughfare means a Minor Thoroughfare as designated on the Cabarrus-South Rowan MPO Thoroughfare Plan.

Mitigation means the minimization of impacts to existing vegetation and wildlife habitat as a result of development in the resource area, and that lost vegetation and wildlife habitat are restored or recreated.

Mixed Use Development or Mixed-Use Project means a proposed development that includes primary non-residential and primary residential uses on the same development site

Mixed Use Dwelling means see "BUILDING, MIXED USE."

Mixed-Use, Horizontal means a development pattern that combines residential and commercial or civic uses in the same development or building, but not with one use above the other in the same building.

Mixed-Use, Vertical means a development pattern where the mix of uses is combined vertically in one or more buildings; for example, retail use on the ground floor with residential use on upper floor(s).

Mobile Home means a single-family dwelling, factory built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act (42 U.S.C. § 5401, 1978, as amended) or the State Building Code.

Moderate Income Housing means housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed one hundred percent (100%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

Modular Home means a dwelling unit constructed in accordance with the standards set forth in the State Building Code applicable to site built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of one or more sections transported to the site in a manner similar to a mobile home or manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

Monument Sign means a **Ground Sign** that is mounted generally flush with the surrounding **Grade**. It may not be attached to a pole or pylon, nor raised by mounting on a man-made **BERM**, wall, or similar **STRUCTURE**. Supporting elements may not exceed 24 inches in **HEIGHT** and are included in the measurement of **Sign HEIGHT**. - 121.05

Motel means a building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

Motor Home means a vehicular-designed unit built on, or permanently attached to, a self-propelled vehicle chassis, van, or chassis cab, which is an integral part of the complete vehicle, to provide temporary living quarters for recreational, camping, or travel use.

Motor Vehicle means see "VEHICLE, MOTOR."

Motor Vehicle Repair Shop means see "AUTOMOBILE REPAIR SHOP".

Motorsports Complex means a facility consisting of a racetrack, seating, concession areas, suites, and parking facilities, with accessory offices, residences, and/or retail facilities, and which is utilized primarily for the hosting of automobile racing events.

MU means the Mixed-Use zoning district.

Multi-Family Dwelling means a structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities.

Multiple Dwelling means see "APARTMENT HOUSE."

Municipal Solid Waste Management Facility means any publicly or privately owned solid waste management facility permitted by the Department that receives municipal solid waste for processing, treatment, or disposal. (Source: NCGS § 130A-290)

Municipal Street means a street or highway accepted by the Town and which is not a State Highway. (Source: 19A NCAC § 20.0404).

Municipality means an incorporated city or town.

Mural: a hand-produced or machined graphic applied or affixed to the exterior of a building wall through the application of paint, canvas, tile, metal panels, applied sheet graphic or another medium, so that the wall becomes the background surface or platform for the graphic. This includes painting, fresco or mosaic.

N

NAICS Manual means the North American Industry Classification System, 1997 edition (or most current version as amended), published by the Office of Improvement and Budget of the Executive Office of the President, which is hereby incorporated by this reference.

National Geodetic Vertical Datum (NGVD) means a fixed reference adopted as a standard geodetic datum for elevations determined by leveling. Established in 1929. Also referred to as National Geodetic Vertical Datum of 1929 and Sea Level Datum of 1929. The NGVD is usually preferred as the primary datum for engineering design. NGVD is derived from a general adjustment of the first order level nets of both the United States and Canada. It was formerly called "Sea Level Datum of 1929" or "mean sea level". Although the datum was derived from the average sea level over a period of many years at 26 tide stations along the Atlantic, Gulf of Mexico, and Pacific Coasts, it does not necessarily represent local mean sea level at any particular place.

Natural Erosion means see Sedimentation Control Standards.

Natural Hazard means a geologic, floodplain, or wildfire hazard as identified by a State or federal agency.

Natural Resource means existing natural elements relating to land, water, air, plant and animal life, including, but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

NC means the Neighborhood Commercial zoning district.

NCDOT means the North Carolina Department of Transportation.

Neighborhood Park means a public recreation facility ranging in size from 15 to 25 acres and which is improved with a combination of active recreation areas for family use such as field game areas (such as ball field), court game areas (such as tennis and basketball courts), crafts, playground apparatus, and passive recreation areas such as picnicking.

Net Area means the area of a lot or parcel, excluding all dedicated streets or alleys and roadway or alley easements.

Net Floor Area means the square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas or services areas.

New Construction means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures. - 4.14.4

No Practical Alternative Location means the applicant has prepared multiple designs or scenarios demonstrating that there is no practical alternative location for the required development feature that preserves the heritage tree and 75 percent or more of its critical root zone.

Node means ~~refers to~~ the terminus of a street or the intersection of two or more streets, except that intersections that use a roundabout shall not be counted as a node. ~~an identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar or related uses.~~

Non-Community Water System means see definition of "Public Water System."

Non-Conforming Sign means a legal use, structure, and/or development which existed prior to the adoption of this Ordinance or any amendment thereto, which does not presently conform to this Ordinance or its amendments.

Non-Conforming Use means a use of land that:

- A. legally existed before its current zoning or land use category designation; and
- B. has been maintained continuously since the time the applicable regulations governing the land changed; and
- C. because of subsequent changes, does not conform to the provisions of this Ordinance now governing such land.

See § 13.1 of this Ordinance.

Non-Encroachment Area means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report. - 4.14.4

Non-Point Source means a generalized discharge of waste which cannot be located as to a specific source into a water body.

Non-Profit means organizations which qualify for exemption from federal income taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, and for which an application for exemption thereto has been approved by the federal Internal Revenue Service.

Non-Conforming Building Or Structure means a Building or Structure that was lawfully developed, and legally existed prior to any change in, the applicable zoning district bulk regulations, but does not comply with one or more of the applicable district bulk regulations, either on the Effective Date of this Ordinance or as a result of any amendments to this Ordinance. See § 13.1 of this Ordinance.

Non-Conforming Sign means any sign that does not conform to the requirements of this ordinance.

Non-Living Materials means landscaping materials used to complement plants such as river rock, stone, bark, and similar materials.

Nuisance means any tree or shrub or part thereof that grows upon private or public property which 1) interferes with the use of any public area; 2) is infected with an infectious plant disease or insects; 3) is invasive and damaging to other plants; or 4) which endangers the life, health, or safety of persons or property.

Notice of Intent means a written notification to the Division of Environmental Management, Department of Natural Resources and Community Development, that an activity or discharge is intended to be covered by a general permit, as more particular defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Nursery means a place where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Director to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use. See §7.25 of this Ordinance.

Nursery School/Pre-School/Day Care means see "CHILD CARE."

Nursing Home means a facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A 'nursing home' provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. (Source: NCGS § 131E-101) See § 7.26 of this Ordinance.

O

Obstruction means a dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or material, in, along, across, or projecting into any drainway, channel, or watercourse, which might impede, retard or change the direction of the flow of water, either by itself or by catching and collecting debris carried by the water, or which is placed where the 100-year flood may carry the debris downstream.

Occupancy means the purpose for which a building, or part thereof, is used or intended to be used. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Occupant Load means the calculated minimum number of persons for which the means of egress of a building or portion thereof is designed, based on Table 1003.1 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

Occupied Residence means a dwelling actually inhabited by a person on a continuous basis as exemplified by a person living in his or her home.

Occupied Space means the total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by the State Building Code. (Source: North Carolina State Building Code, Vol. VII, § 202).

Office means ~~A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.~~ — a use category containing activities conducted in an office setting and generally focusing on business, professional, or financial services.

Uses in this use category include offices or agencies for services or professions such as: Accounting & Tax Preparation; Advertising & Marketing; Architectural, Engineering & Related Professions; Finance and Insurance; Broadcasting & Telecommunications; Debt Collection; Computer System Design; Data Processing and News Services; Employment/Personnel; Environmental Consulting; Industrial Design; Interior Design; Investigation & Security; Legal Services; Management & Marketing, Motion Picture & Sound Recording, Office Administrative Services; Other Business Support Services; Real Estate & Leasing; Travel Agent; and other uses meeting the definition of Office according to the Administrator.

Other uses in this use category include: Banks and Credit Unions; Credit Bureaus; Delivery/Courier Service; Janitorial Services; Management/Holding Company offices; Telemarketing/Telephone Call Centers,

Off-Site means any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the applicant for subdivision or development approval.

Off-Site Stormwater Systems means stormwater management systems that are located outside the boundaries of the specific project in question, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Off-Street Parking Space means the space required to park one vehicle, exclusive of access drives, and not on a public right-of-way.

O-I means the Office and Institutional zoning district.

One-Hundred-Year (100-Year) Floodplain means the low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers. It shall also mean that a flood of this magnitude may have a one percent change of occurring in any given year.

One-Year, 24-Hour Storm means the surface runoff resulting from a 24-hour rainfall intensity expected to be equaled or exceeded, on average, once in 12 months with duration of 24 hours.

On-Site means with regard to mitigation, "on-site" means restoration or replacement of a wetland or river stream at or very near the site where a wetland or river stream has been or will be degraded by regulated activity.

On-Site Stormwater Systems means the systems necessary to control stormwater within an individual development project and located within the project boundaries. (Source: 15A NCAC 2H.1002).

Open Dump means a solid waste disposal site which is not a sanitary landfill. (Source: NCGS § 130A-290)

Open Mining means the mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

Open Space means any space or area

- A. characterized by great natural scenic beauty or
- B. whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources.

The term "open space land" includes any undeveloped or predominantly undeveloped land in an urban area that has value for one or more of the following purposes:

- A. park and recreational purposes,
- B. conservation of land and other natural resources, or
- C. historic or scenic purposes.

The term "open space uses" means any use of open space land for

- A. park and recreational purposes,
- B. conservation of land and other natural resources, or
- C. historic or scenic purposes. (Source: NCGS § 160A-407)

Open Space, Active means any park and recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreation and support facilities that can be provided anywhere for the convenience of the user. Active open space areas include, but are not limited to, playgrounds, bicycle trails, walking/exercise trails, baseball or softball fields, football or soccer fields, basketball courts, swimming pools, clubhouses, equestrian facilities, and tennis courts.

Open Space, Passive means Areas in and located due to the presence of a particular natural or environmental setting and which may include conservation lands providing for both active and passive types of resource- based outdoor recreation activities that are less formalized or program-oriented than activity-based recreation. Passive open space means and refers to activities requiring a natural condition that cannot easily be duplicated by man and includes, but is not limited to, boating, fishing, nature trails and nature study areas.

Open Space Standards means see Parks and Open Space Standards.

Open Space, Common means open space within or related to a development, not a part of individually owned lots or dedicated for general public use, but designed and intended for the common ownership, use and enjoyment of the residents of the development.

Ordinance means unless otherwise specified, refers to this Unified Development Ordinance.

Other Animals means those animals not defined elsewhere in this Appendix as household pets or agricultural animals.

Outdoor Advertising (Billboard) Signs means a permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. **This definition does not include any sign that displays only noncommercial messages.** - 121.05

Outdoor Cultural Events means entertainment, educational and cultural events generally involving the outdoor assembly of 50 or more people.

Outdoor Event, Temporary means a temporary commercial amusement activity such as a carnival, circus, rodeo or auction.

Outdoor Light Fixtures means "outdoor light fixture" means outdoor artificial illuminating devices, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting.

Outdoor Recreational Facility means any plot or tract of land on which there is located an outdoor swimming pool, tennis court, or golf course that is open to either the general public or to the members and guests of any organization having 50 or more members.

Outdoor Storage, Non-Vehicular means an establishment that provides for outdoor storage of machinery and equipment, not including vehicles.

Outside Sidewalk Line means the line generally parallel to the right-of-way line and lying along the edge of the sidewalk section nearest the street right-of-way line. - D-3. DEFINITIONS

Overburden means the earth, rock, and other materials that lie above the natural deposit of minerals.

Overnight Accommodations means a use category containing uses with bedroom and bathroom units arranged for short-term stays of less than 30 days for rent or lease.

Uses in this use category include: **Bed & Breakfast Inn; Hotel, Motel & Extended Stay Lodging; Short-Term Rental;** and other uses meeting the definition of Overnight Accommodations according to the Administrator.

Owner means any person, agent, firm or corporation having a legal or equitable interest in the property. (Source: North Carolina State Building Code, Vol. 1, § 202). Palladian Windows A window encompassing an arch above the primary window structure; or an arch window set above a primary window structure. See example below. - E.4.1

P

Panel means the primary surface of a sign that displays copy. - 121.05

Parapet means a low protective railing or wall along the edge of a roof or balcony. - E.4.1

Parcel means an area of land defined by a legal description and recorded with the County Register of Deeds.

Parent means a person that directly, or indirectly through one or more intermediaries, controls another person.

Park, Community means the community park is easily accessible to a single, or several neighborhoods, depending on local needs a population distribution at the time the park is developed. When possible, the park may be developed adjacent to a high or middle school. The community park provides recreational opportunities for the entire family and contains areas suited for intense recreational purposes such as a recreation center building, athletic fields, swimming, tennis, and walking/jogging. The park may also possess areas of natural quality for outdoor recreation such as viewing, sitting and picnicking.

Park, District means a district park provides more diverse recreational opportunities than a regional park, only on a much smaller scale. The district park emphasizes passive recreational opportunities similar to a regional park, yet also includes limited active recreational facilities. A district park is easily accessible by the population it serves and is within a 20 mile service radius. The park contains a minimum of 5 acres per 1,000 population. A district park is typically at least 200 acres in size.

Park, Linear means a linear park is an area developed for one or more varying modes of recreational travel such as hiking, biking, horseback riding and canoeing. Often times the linear park will be developed to connect recreational facilities, as well as schools and residential neighborhoods. The acreage and service area of a linear park is variable and subject to existing natural and man-made features, the existence of public right-of-way and the public demand for this type of park. In some cases, a linear park is developed within a large land area designated for protection and management of the natural environment, with the recreation use a secondary objective.

Park, Neighborhood means the neighborhood park is designed to serve a population of up to 5,000, but in many instances, even more are served. The park requires 2.5 acres per 1,000 population served and is typically at about 15-25 acres. The neighborhood park is typically characterized by recreational activities for each member of the family, such as field games, court games, crafts, playground apparatus, picnicking and space for quiet/passive activities. The service radius for a neighborhood park is 1/2 to one mile and is easily accessible to the neighborhood population through safe walking and biking access. Parking may or may not be required. Where feasible the activity areas are equally divided between quiet/passive activities and active play. This type of park may be developed as a school/park or community center facility.

Park, Regional means a regional park is a park within a fifty-mile service radius, which serves several communities or a multi-county region. Approximately 10 acres per 1,000 population served and generally 1,000 acres is required for developing a regional park. The regional park is an area of natural ornamental quality that provides diverse and unique natural resources for nature-oriented outdoor recreation including nature viewing and study, wildlife habitat conservation, hiking, camping, canoeing and fishing. Generally 80% of the land is reserved for conservation and natural resource management, with less than 20 % developed for recreation. The recreation areas consist of play areas and open fields/meadows for informal use.

Parking, Commercial means a use category that provides parking as a primary use, for which a fee may or may not be charged.

Uses in this use category include: Parking Lot or Structure, Commercial; Parking Lot or Structure, Off-Site; Truck, Tractor Trailer, or Bus Storage; and other uses meeting the definition of Commercial Parking according to the Administrator.

Parking Garage means an attached or detached building which is used for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS § 160A-551)

Parking Lot means any lot, parcel, area or place for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS § 160A-551)

Parking Lot Exterior means the perimeter planting area of a parking lot.

Parking Lot Interior means the paved area of a parking lot where spaces, drive aisles, landscape islands, and landscape medians are provided.

Parking Lot Yard Means a planting yard comprised of a strip, or strips of land containing landscaping materials located around and within a parking lot and having a varying width, as specified in this Article.

Parking Space means a space, enclosed or unenclosed, exclusive of driveways or aisles, for the temporary parking of one vehicle, which has adequate access to permit ingress and egress of a motor vehicle to a street.

Parking Structure means a facility, partially or fully above ground, accessory to another facility or a primary use, at which a fee may be charged for the temporary storage of passenger vehicles.

Parks and Open Areas means a use category containing uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

Uses in this use category include: Botanical Gardens/Nature Preserve; Campground, private; Country Club; Game Preserve; Golf Course, public or private; Miniature Golf Course; Park - Public, neighborhood; Park - Public, other than neighborhood; Zoo, public or private; and other uses meeting the definition of Parks and Open Areas according to the Administrator.

Partially Shielded means "partially shielded" means that fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal, as certified by photometric test report.

Passenger Terminal means a use category containing facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail, or bus service.

Uses in this use category include: Air Transportation & Support Facility; Charter Bus Service; Limousine Service; Taxi Service/Taxi Stand; Truck Transportation, Terminal & Support Facility, and other uses meeting the definition of Passenger Terminal according to the Administrator.

Path, Multi-Use means a pathway, which may be paved or unpaved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within the highway right-of-way or within an independent tract, or easement. Multi-use path activities may include walking, hiking, jogging, horseback riding, bicycling, and roller skating.

Pavement means the paved portion of a street, including paved shoulders and on-street parking areas, but not including sidewalks and driveways. (Source: 19A NCAC § 20.0404).

Pawnshop means the location at which, or premises in which, a pawnbroker, as defined in NCGS § 91A-2, regularly conducts business. (Source: Pawnbrokers Modernization Act of 1989, NCGS § 91A-2)

Pedestrian Path means an improvement located within a public right-of-way or private area which is designed primarily for the use of pedestrians and/or bicyclists.

Pedestrian Right means of-WAY - A right-of-way or easement dedicated for public pedestrian access.

Pediment means an arch or triangle shape architectural feature, usually placed above windows or doors. These features may be seen further embellished with molding details or carvings of wood. - E.4.1

Pennant means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Pennant means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. - 121.05

Performer means any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

Permeable Pavement means a pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded course aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air. Examples of permeable pavement systems include Grasspave2®, Gravelpave2®, Turfstone®, and UNI Eco-stone®. (See Watershed Management Institute, Inc. and U.S. Environmental Protection Agency, Office of Water, Operation, Maintenance & Management of Stormwater Management (Aug. 1997), at 2-32; Booth & Leavitt, Field Evaluation of Permeable Pavement Systems for Improved Stormwater Management, 65 J. Am. Planning Ass'n 314 (Summer 1999), at 314-325.

Person means any individual or group of individuals, partnership, general or limited, firm, association, whether incorporated or unincorporated, corporation, company, firm, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or any governmental or quasi- governmental entity, or other legal entity. The term "Person" includes both for profit and not-for-profit entities.

Personal Service Establishment means a business that provides personal services directly to customers at the site of the business, or which receives goods from or returns good to the customer which have been treated or processed at another location. "Personal service establishment" includes, but is not limited to: travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, branch offices of financial institutions, photocopying services, postal substations, package delivery drop-off and pick-up stations, shoe repair shops, interior design studios, domestic pet grooming and care services, and art, music, dance and martial arts schools.

Pet Shop means a person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale. (Source: NCGS § 19A-23)

Petitioner means an applicant.

Pharmacy means any place where prescription drugs are dispensed or compounded. (Source: NCGS § 90-85.3)

Phased Development Plan means a plan which has been submitted to a Town by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the Town to be a site specific development plan. (Source: NCGS § 160A- 385.1)

Phased Development Plan means a plan which has been submitted to a Town by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the Town to be a site specific development plan. - 13.2.4

Phased Subdivision Application or Phased Site Plan Application means an application for subdivision or site plan approval in which the applicant proposes not to immediately subdivide or develop the property but to develop the property in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, non-residential development projects, planned unit developments, mixed-use projects, and residential developments. A phased subdivision application or phased site plan application must be filed as part of an application for a specific plan or Master Preliminary Plan.

Physician means an individual licensed to practice medicine pursuant to Article 1 of Chapter 90, NCGS.

PID means the Public Interest Development zoning district.

Pilaster means a supporting column or pillar with a capital and base. - E.4.1

Pilings means foundational structures placed into the earth to secure buildings and other structures.

Place of Public Assembly means a fairground, auditorium, stadium, church, theater or any other place where people assemble. (Source: NCGS § 130A-334)

Planned Capacity means see Adequate Public Facilities Standards of this Ordinance.

Planned Capacity means the Capacity to be added by Planned Capital Improvements included in adopted capital improvement plans. Projects must be definitively scheduled to be considered as planned capacity with the effective date of that capacity the expected completion of the improvement. - 14.1.2.
DEFINITIONS

Planned Capital Improvement means see Adequate Public Facilities Standards of this Ordinance.

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

Planned Unit Development (PUD) means an area of land zoned and improved as a development for which the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process and developed in accordance with the provisions of section 4.9 of this Ordinance.

Planning Board means the Harrisburg Planning and Zoning Board. Also referred to as the "Board."

Plant means any member of the plant kingdom, including seeds, roots and other parts or their propagules. (Source: NCGS § 106-202.12)

Planting Yards means the required installation of landscaping and/or screening material between zoning districts and certain individual uses.

Plat means the legal map of a subdivision.

Point Source means any discernible, confined, and discrete conveyance, including, but specifically not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal-feeding operation from which wastes are or may be discharged to the waters of the State. (Source: NCGS § 143- 213)

Portable On-Site Storage means a portable on-site storage unit is any container designed for the storage of personal property that is typically transported by commercial vehicles and is typically rented to owners or occupants of real property for their temporary use only. A portable on-site storage unit is not a building or structure.

Portable Sign means any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure, or on the ground. Portable signs also include signs on wheels or on portable structures such as trailers, tent signs, A-frame or T-shaped signs, and normal advertising placed on motor vehicles that are not used regularly and are placed in such a manner as to attract attention. - 121.05

Porte-Cocheres means a porch roof projecting over a driveway at the entrance to a building. - E.4.1

Positive Drainage means clear, unobstructed flow of stormwater away from any building.

Post-Firm means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map. - 4.14.4

Practicable Alternative means alternative to proposed project which is available and capable of being executed after taking into consideration cost, existing technology, and logistics in light of overall project purposed, and having less impacts to wetlands or river streams. It may involve using an alternative site in the general region that is available to the developer and may feasibly be used to accomplish the project.

Pre-Firm means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map. - 4.14.4

Preliminary Plat means the preliminary drawing or drawings, described in Chapter 5 of this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the platting authority for approval.

Pretreatment Facility means any treatment works installed for the purpose of treating, equalizing, neutralizing or stabilizing waste from any source prior to discharge to any disposal system subject to effluent standards or limitations. (Source: NCGS § 143-213)

Pretreatment Standards means effluent standards or limitations applicable to waste discharged from a pretreatment facility. (Source: NCGS § 143-213)

Primary Color means one to three base colors chosen to dominate a color scheme. - E.4.1

Principal Building or Structure means the building or structure in which is conducted the principal use of the zoning lot on which it is located. This shall include any buildings which are attached to the principal structure by a covered structure. Zoning lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Principal Use means the main or primary use of a parcel of land.

Principally Above Ground means that at least 51% of the actual cash value of the structure is above ground. - 4.14.4

Private means anything not owned or operated by the federal government, state government, or any political subdivision.

Private Clubs means an organization that maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member's guest, and is either incorporated as a nonprofit corporation in accordance with Chapter 55A of the General Statutes or is exempt from federal income tax under the Internal Revenue Code as defined in G.S. 105-130.2(1). (Source: NCGS § 130A-247)

Private Use means one which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received, and where no business or commercial activity is associated with such use or building.

Private Utilities means includes power, telephone, natural gas, cable television and private water supply service.

Produce Stand means a temporary open air stand or place for the seasonal selling of agricultural produce. A produce stand is portable and capable of being dismantled or removed from the sales site. (See also Farmers Market.)

Professional Engineer means a person who has been duly registered and licensed as a professional engineer by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

Professional Office means an office of a member of a recognized profession maintained for the conduct of that profession and not including storage or sale of merchandise as a primary use.

Projecting Sign means a sign which projects from a structure into a vehicular or pedestrian access way, more than one foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the building. - 121.05

Property Line means see "Lot Line."

Property Line, Common means a line dividing one lot from another. (Source: North Carolina State Building Code, Vol. 1, § 202)

Property means all real property subject to zoning regulations and restrictions and zoning boundaries by the Town. 13.2.4

Protected Plant means a species or higher taxon of plant adopted by the Board to protect, conserve, and/or enhance the plant species and includes those the Board has designated as endangered, threatened, or of special concern. (Source: NCGS § 106-202.12)

Public Assembly means a use category containing establishments where people assemble for religious, philosophical, fellowship, or cultural purposes.

Uses in this use category include: Auditorium; Civic, Social, or Fraternal Organization; Convention Center/Visitors Bureau; Private Club; Recreational Sports Club (Hunting Clubs, Fishing Clubs, etc.); Religious Institution; and other uses meeting the definition of Public Assembly according to the Administrator.

Public Assembly, Indoors means buildings or indoor facilities for the purpose of, but not necessarily limited to banquet halls, auditoria, private clubs and lodges, conference centers, and theaters, including kitchen for the preparation of food to be consumed at the premises.

Public Assembly, Outdoor means see "Commercial Amusement, Outdoor."

Public Facilities means capital Improvements including Water Facilities, Wastewater Facilities, Fire Protection Facilities, Public Schools, and Streets. - 14.1.2. DEFINITIONS

Public Hearing means a public meeting for which public notice has been given and an opportunity for public testimony is provided.

Public Land for Dedication and Ownership means parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the Town Board and dedicated for the public's use or benefit.

Public Realm means any publicly owned streets, pathways, sidewalks, hardscape, parks, publicly accessible open spaces, and any civic and institutional buildings and facilities where the public has access.

Public means anything owned or operated by the federal government, state government, or any political subdivision.

Public-Use Heliport means a heliport or helipad that has been designed for use by the public and is available for such, whether owned or operated by a governmental agency or a private entity, provided that such entity has agreed, in writing, to that use of its property.

Public Meeting means a meeting of a Board, Planning and Zoning Board, Town Board or their representatives where the public may attend.

Public Notice means notice to the public of a public hearing or meeting as required by state or local law.

Public or Community Wastewater System means a single system of wastewater collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or a public utility. (Source: NCGS § 130A-334)

Public Right means of-WAY - Any area on or adjoining a street, road, highway, alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

Public Safety and/or Nuisance means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin. - 4.14.4

Public School or Public School Facility means any education facility under the jurisdiction of a local board of education or local school district, whether termed an elementary school, middle school, junior high school, high school or union school. (Source: NCGS § 115C-205). Includes charter schools.

Public Space means a legal open space on the premises, accessible to a public way or street, such as yards, courts or open spaces permanently devoted to public use, which abuts the premises and is permanently maintained accessible to the fire department and free of all encumbrances that might interfere with its use by the fire department. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Public Transportation means transportation of passengers whether or not for hire by any means of conveyance, including but not limited to a street railway, elevated railway or guideway, subway, motor vehicle or motor bus, either publicly or privately owned and operated, carpool or vanpool, holding itself out to the general public for the transportation of persons within the territorial jurisdiction of the authority, including charter service. (Source: North Carolina Public Transportation Authorities Act, § 160A-576; Regional Public Transportation Authority Act, NCGS § 160A-601)

Public Transportation System means without limitation, a combination of real and personal property, structures, improvements, buildings, equipment, vehicle parking or other facilities, and rights-of-way, or any combination thereof, used or useful for the purposes of public transportation. (Source: North Carolina Public Transportation Authorities Act, § 160A-576; Regional Public Transportation Authority Act, NCGS § 160A-601)

Public Use means a use which is owned by, and operated for, the public by a public entity.

Public Water System means a system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or which regularly serves 25 or more individuals. The term includes:

- A. Any collection, treatment, storage or distribution facility under control of the operator of the system and used primarily in connection with the system; and
- B. Any collection or pretreatment storage facility not under the control of the operator of the system which is used primarily in connection with the system.

A public water system is either a "community water system" or a "noncommunity water system" as follows:

- A. "Community water system" means a public water system which serves 15 or more service connections or which regularly serves at least 25 year-round residents.
- B. "Noncommunity water system" means a public water system which is not a community water system. (Source: NCGS § 130A-313) The term "public water system" also includes a system for the provision of piped water for human consumption as defined in NCGS 130A-313(10). (Source: NCGS § 90A-20.1)

Pylon (or Pole) Sign means a ground mounted sign attached to one or more posts, whose base is greater than 24 inches above grade. - 121.05

Q

Quadruplex means a building containing four attached dwellings in one building in which each unit has two open space exposures and shares one or two walls with an adjoining unit or units.

Qualified Landscape Architect means a person with at least a four year degree in the field of landscape architecture from an accredited university offering such a degree.

Quarry means see "MINE." See § 7.30 of this Ordinance.

R

Racetrack, Automobile means a facility consisting of a paved roadway used primarily for the sport of automobile racing. A race track may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions (test tracks, “shakedown” tracks or other similar facilities), but which does not include seating, concession areas, or retail facilities for the general public.

RCRA means the Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, 90 Stat. 2795, 42 U.S.C. § 6901 et seq., as amended.

RE means the Rural Estate zoning district.

Real Property means lands, structures, franchises, and interest in lands, and any and all things usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms of years, and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real estate. (Source: Parking Authority Law, NCGS § 160A-551) The term “real property” also includes a building, structure, real estate, land, tenement, leasehold, interest in real estate cooperatives, condominium, and hereditament, corporeal and incorporeal, or any interest therein. (Source: NCGS § 41A-3)

Rear Setback means the minimum horizontal distance between any building and the rear property line.

Rear Yard means see “Yard, Rear.”

Receiving Area means an area designated by this Ordinance as appropriate for development beyond the target density through the transfer of development rights.

Reclamation means the reasonable rehabilitation of the affected land for useful purposes, and the protection of the natural resources of the surrounding area. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific instance, the basic objective will be to establish on a continuing basis the vegetative cover, soil stability, water conditions and safety conditions appropriate to the area. (Source: The Mining Act of 1971, NCGS § 74-49)

Reclamation Plan means the operator's written proposal as required and approved by the Department for reclamation of the affected land, which shall include but not be limited to:

- A. Proposed practices to protect adjacent surface resources;
- B. Specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and proposed method of accomplishment;
- C. Manner and type of revegetation or other surface treatment of the affected areas;
- D. Method of prevention or elimination of conditions that will be hazardous to animal or fish life in or adjacent to the area;
- E. Method of compliance with State air and water pollution laws;
- F. Method of rehabilitation of settling ponds;
- G. Method of control of contaminants and disposal of mining refuse;
- H. Method of restoration or establishment of stream channels and stream banks to a condition minimizing erosion, siltation, and other pollution;
- I. I/ Maps and other supporting documents as may be reasonably required by the Department; and
- J. A time schedule that meets the requirements of G.S. 74-53. (Source: The Mining Act of 1971, NCGS § 74-49)

Recombination Plat means a document that combines two or more parcels or portions of a parcel into one parcel or where boundary lines are adjusted. A recombination plat does not permit the creation of additional lots beyond what was existing prior to the proposed recombination.

Recorded/Record means document(s) being placed in the indexed or coded files and book(s) of the County Clerk and Register of Deeds.

Recreational Vehicle (RV) means a vehicle, which is:

- A. A Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. C Designed to be self—propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use. - 4.14.4

Recreational Vehicle means a vehicular or portable unit mounted on a chassis and wheels, and which is primarily designed to provide temporary living quarters and either has its own motive power or is mounted on, or drawn by, a motor vehicle. Examples are: travel trailers, truck campers, camping trailers, and motor homes. For purposes of measuring length, the trailer hitch and/or trailer tongue shall be excluded.

Redevelopment means for purposes of § 6.9, only, redevelopment means any rebuilding activity which has no net increase in built-upon area or which provides equal or greater stormwater control than the previous development, in accordance with the provisions of 15A NCAC 2H.100. (Source: 15A NCAC 2H.1002).

Reference Level means is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO. - 4.14.4

Refuse means all waste soil, rock, mineral, scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of substances mined and shall include all waste materials deposited on or in the permit area from other sources. (Source: The Mining Act of 1971, NCGS § 74-49)

Registered Land Surveyor means a person who, by reason of his special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as herein defined, as attested by his registration as a registered land surveyor by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

Regulation means as used in this Ordinance, means an applicable provision of this Ordinance or any other requirement promulgated under this Ordinance.

Regulatory Flood Elevation means the elevation which is two feet above the calculated water-surface elevation of the base flood.

Regulatory Flood Protection Elevation means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade. - 4.14.4

Religious Institution means a facility used primarily for religious assembly or worship and related religious activities.

Remedy A Violation means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development. - 4.14.4

Renderer means the business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, fallow deer, red deer, horses, mules, or other equines. (Source: § 106-549.15)

Required Setback means the distance required by ARTICLE 4 of this Ordinance between the building or other structure and the lot line or, for unsubdivided properties, the property line.

Research Facility means any place, laboratory, or institution at which scientific tests, experiments, or investigations are carried out, conducted, or attempted. (Source: NCGS § 19A-23)

Reservation means reservation of land does not involve any transfer of property rights. It constitutes an obligation to keep property free from development for a stated period of time.

Resident Plant or Resident Species means a native species or higher taxon of plant growing in North Carolina. (Source: NCGS § 106-202.12)

Residential Child-Care Facility means a staffed premise with paid or volunteer staff where children receive continuing full- time foster care. Residential child-care facility includes child-caring institutions, group homes, and children's camps which provide foster care. (Source: NCGS § 131D-10.2)

Residential Driveway means a driveway providing vehicular access to property used for residential purposes. This included driveways for single family, duplex and triplex uses. - D-3. DEFINITIONS

Residential Use means includes all uses listed as residential in the Use Matrix.

Resort means a building or group of buildings containing two or more guest rooms, other than a boarding house, hotel or motel, and including outdoor recreational activities such as, but not limited to, horseback riding, golf course, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for the primary use of its guests, but not including bars and restaurants which cater primarily to other than guests of the guest ranch/resort.

Resource Extraction means a use category containing uses that undertake the on-site extraction of surface or sub-surface mineral products or other natural resources.

Uses in this use category include: ~~including but not necessarily limited to borrow pit; mining operation; quarries; oil and gas extraction; burrow pits, sand and gravel operation; oil and gas extraction, and mining operations and other uses meeting the definition of Resource Extraction according to the Administrator.~~

Restaurant means a use category containing uses ~~An establishment~~ serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas.

Uses in this use category include: Baked Goods or Snack Shop; Catering Establishment; Coffee Shop; Ice Cream Shop; Restaurant, Full Service (dine-in only); Restaurant, Limited Service (delivery, carryout, drive-thru); and other uses meeting the definition of Restaurant according to the Administrator.

Re-Subdivision means the changing of an existing parcel created by a plat and recorded with the Register of Deeds.

Retail means the sale of any tangible personal property in any quantity or quantities for any use or purpose on the part of the purchaser other than for resale. (Source: North Carolina Sales and Use Tax Act, NCGS § 105-164.3).

Retail Repair, Sales, And Service means a use category containing establishments or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public. Refer to the definitions for repair-oriented, sales-oriented, and service-oriented uses.

Uses in this use category include: Art Dealer; Art Supply Store; Book, Periodical & Music Store; Carpet & Upholstery Cleaning Service; Cemetery Monument Dealer; Clothing & Clothing Accessories Store; Clothing Alterations/Repair Service; Footwear Repair; Consignment/Used Merchandise Store, Convenience Store (without gas sales); Electronic and Appliance Repair; Electronics & Appliance Rental; Electronics, Camera & Appliance Stores; Florist; Formal Wear & Costume Rental; Funeral Home & Services; Furniture Store; Party Supply/Sporting Goods Rental; General Merchandise Stores; Gift, Novelty & Souvenir Store; Grocery/Food Store; Hair, Nail & Skin Care Service, Hobby, Toy & Game Store; Jewelry, Luggage and Leather Goods Store; Liquor Sales (ABC store); Musical Instrument & Supplies Store; Personal and Household Goods Repair; Photocopy Services; Sports and Recreation Instruction; Shopping Center; and other uses meeting the definition of Retail Repair, Sales, And Service according to the Administrator.

Retailer means every person engaged in the business of making sales of tangible personal property at retail, or peddling the same or soliciting or taking orders for sales, whether for immediate or future delivery, for storage, use or consumption. (Adapted from: North Carolina Sales and Use Tax Act, NCGS § 105-164.3)

Retaining Wall means a manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

Revision means "revision" means the changing and/or rescinding of zoning and other land use approvals following notice and an opportunity for objection. The status of the land use approvals, including zoning and/or subdivision approval(s) may be that which applied previously to the property or may be a new and/or different zoning or other land use status.

Rezoning means an amendment to the Official Zoning Map as established and maintained according to § 4.4 and APPENDIX B to this Ordinance.

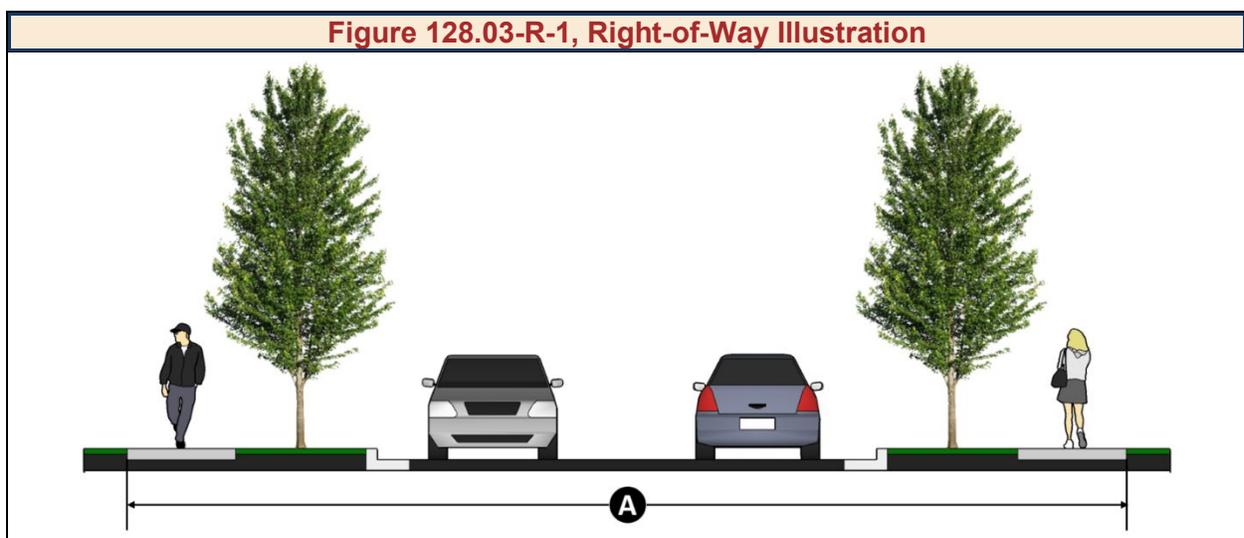
RH means the Residential High zoning district.

Rhythm means movement, characterized by a pattern repetition or alternation of formal elements or motifs in the same or modified form. - E.4.1

Ridge means for purposes of any regulation or provision of this Ordinance applicable to mining, overburden removed from its natural position and deposited elsewhere in the shape of a long, narrow elevation. (Source: The Mining Act of 1971, NCGS § 74-49)

Right-Of-Way means

- A. A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes as depicted with the letter "A" in Figure 128.03-R-1, *Right-of-Way Illustration*, below;
- B. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian. For purposes of this OrdinanceUDO, the "Right-of-Way" for streets shall mean and refer to the boundaries of any right-of-way certified and/or registered by the NCDOT pursuant to NCGS § 136-19.4, a right-of-way recorded by the Town for roads or streets, or a right-of-way reserved in a recorded subdivision plat. If no such documentation exists, or if such documentation cannot be located, the "Right-of-Way" shall mean and refer to the edge of the paved surface of the street.



Right means of-way - The land within legally defined property boundaries whose title rests with the Town or state and is designated or intended for use as a public street or road way. - D-3. DEFINITIONS

Riparian Ecosystem means living organisms (plants and animals) and habitat that occur in association with any spring, lake, watercourse, river, stream, creek, or other body of water, either surface or subsurface.

River means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes. (Source: NCGS § 113A-33)

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. - 4.14.4

RL means the Residential Low zoning district.

RM means the Residential Medium zoning district.

Road means a public or private highway, hard-surface road, dirt road, or railroad. (Source: NCGS § 113A-33)

Roadside Stand means an accessory structure for the seasonal retail sale of grown or produced food products on the lot.

Roadway means the improved portion of a street within a right-of-way and/or easement.

Roof Line means the highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

Roof Sign means any sign erected, constructed, and/or painted wholly or partially on or above the roof of a building. - 121.05

Rowhouse means see "Townhouse."

S

Safety Services means any of the following uses or activities classified under NAICS 922 (Justice, Public Order, and Safety Activities); NAICS 92212 (Police Protection), NAICS 92216 (Fire Protection), or NAICS 56162 (Security Systems Services); but not including NAICS 9221 (Justice, Public Order, and Safety Activities); 92211(Courts); 92213 (Legal Counsel and Prosecution); 92214 (Correctional Institutions); or 92215 (Parole Offices and Probation Offices, including Emergency Medical Services). "Safety Services" does not include any warehouse or facility devoted to the maintenance of police or fire equipment, or any gun range or shooting range.

Salvage Yard means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery. - 4.14.4

Sanitary Landfill means a facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under this Article. (Source: NCGS § 130A-290)

Satellite Dish Antennae or Satellite Dish means a parabolic antenna designed to receive electromagnetic transmissions from a satellite. - 5.21.2

Sawmill means an operation or facility which has, as its predominant purpose, the sawing or planing of logs or trees into rough slabs. A "sawmill" is sometimes referred to as a "planing mill." See § 7.35 of this Ordinance.

Sawmill, Accessory means a Sawmill which is operated as an incident to a construction site or another industrial or retail operation which is or will be established as a Primary Use on the same site. See § 7.35 of this Ordinance.

Scenic Easement means a perpetual easement in land which

- A. is held for the benefit of the people of North Carolina,
- B. is specifically enforceable by its holder or beneficiary, and
- C. limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon. The object of such limitations and obligations is the maintenance or enhancement of the natural beauty of the land in question or of the areas affected by it. (Source: NCGS § 113A-33). A "scenic easement" also includes a perpetual easement in land which
 1. is held for the benefit of the people of North Carolina,
 2. is specifically enforceable by its holder or beneficiary, and
 3. limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of land and activities conducted thereon, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it. (Source: North Carolina Trails System Act, NCGS § 113A-85)

Screen means vegetation, fence, wall, berm or a combination of any or all of these which partially or completely blocks the view of and provides spatial separation of a portion or all of a site from an adjacent property or right-of-way.

School District means any school district as defined in NCGS § 115C-69.

School means an institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academies, or Business, Technical, Trade schools. Includes public, private, charter and community schools.

School Project means any one or more buildings, structures, improvements, additions, extensions, enlargements or other facilities for use primarily as a dormitory or other housing facility, including housing facilities for student nurses, a dining hall and other food preparation and food service facilities, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, laundry facility, and maintenance, storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution for higher education, or any combination of the foregoing, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of an institution for higher education or a particular facility, building or structure thereof in the manner for which its use is intended but shall not include such items as books, fuel, supplies or other items the costs of which are customarily deemed to result in a current operating charge, and shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination. (Source: Higher Educational Facilities Finance Act, NCGS § 115E-3)

School, Boarding means an elementary school, middle-school, junior high school, or high school which provides lodging or dwelling for students or faculty on the same property.

School, Technical or Trade means a school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty. Includes technical and cosmetology schools. (See NAICS 611).

Scrap and Salvage Services means an establishment primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms, such as automotive wrecking yards, metal salvage yards, or paper salvage yards.

Screening means shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or bufferyard. (See Landscape Standards).

Seasonal High Water Table means the highest level that groundwater, at atmospheric pressure, reaches in the soil in most years (see 15A NCAC 2H.1002, which is hereby incorporated by this reference).

Sediment and Erosion Control Devices means sediment fences, sediment traps, or other devices necessary to reduce sedimentation as required by this section.

Sediment means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin. (Source: the "Sedimentation Pollution Control Act of 1973, NCGS § 113A-52)

Sedimentation Act means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant thereto.

Sedimentation means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land disturbing activity or into a lake or natural watercourse.

Seismic Effects means direct and indirect effects caused by an earthquake or man-made phenomena.

Self-Service Storage means a use category containing facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Uses in this use category include: Boat Storage; Mini-Warehousing/Self-Storage Leasing; and other uses meeting the definition of Self-Service Storage according to the Administrator.

Sending Area means an area designated by this Ordinance as a sending area appropriate for the conveyance of transferable development rights from the area.

Senior High School means a school which embraces the tenth, eleventh and twelfth grades. (Source: NCGS § 115C-75)

Sensitive Areas means critical Areas, slopes exceeding 3:1 (pre-development), critical wildlife habitat, stream corridors, wetlands, ridge lines, and areas defined as visually vulnerable pursuant to the Environmental and Open Space Element of the Comprehensive Plan.

Septage Management Firm means a person engaged in the business of pumping, transporting, storing, treating or disposing septage. The term does not include public or community wastewater systems that treat or dispose septage. (Source: NCGS § 130A-290)

Septage means solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a wastewater system. The term septage includes the following:

- A. Domestic septage, which is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works receiving only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works receiving either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.
- B. Domestic treatment plant septage, which is solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works where the designed disposal is subsurface. Domestic treatment plant septage includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from domestic treatment plant septage. Domestic treatment plant septage does not include ash generated during the firing of domestic treatment plant septage in an incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

- C. Grease septage, which is material pumped from grease interceptors, separators, traps, or other appurtenances used for the purpose of removing cooking oils, fats, grease, and food debris from the waste flow generated from food handling, preparation, and cleanup.
- D. Industrial or commercial septage, which is material pumped from septic tanks or other devices used in the collection, pretreatment, or treatment of any water- carried waste resulting from any process of industry, manufacture, trade, or business where the design disposal of the wastewater is subsurface. Domestic septage mixed with any industrial or commercial septage is considered industrial or commercial septage. (Source: NCGS § 130A-290)

Septic Tank System means a subsurface wastewater system consisting of a settling tank and a subsurface disposal field. (Source: NCGS § 130A-334)

Service Lines means electric, gas, communication, water, sewer, irrigation and drainage lines providing local distribution or collection service.

Service Station means a building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.

Service Yard and/or Entrance means an area and/or entrance to a structure, which is used for pickup and delivery, especially in conjunction with retail and wholesale outlets

Setback Line means a line measured from the property line or future right-of-way line of a street, as applicable.

Setback means the distance from the street (in the case of a Front Setback) or property line to the nearest part of the applicable Building, Structure, measured perpendicular to the street or property line, in front of which no structure may be erected. Setback A line prescribed for the full width of the facade above which the façade sets back. The location of a recess line is determined by the desired height to width ratio of the fronting space, or by a desired compatibility with existing buildings. - E.4.1

Sewage Disposal System means any plant, system, facility, or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage (including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources), or any integral part thereof, including but not limited to septic tank systems or other on-site collection or disposal facilities or systems, treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2)

Sewage means water-carried human waste discharged, transmitted, and collected from residences, buildings, industrial establishments, or other places into a unified sewerage system or an arrangement for sewage disposal or a group of such sewerage arrangements or systems, together with such ground, surface, storm, or other water as may be present. (Source: NCGS § 143-213) The term "sewage" also means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with flood handling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater. (Source: NCGS § 130A-334)

Sewer System means pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting wastes to a point of ultimate disposal. (Source: NCGS § 143-213) The term "sewer system" shall also include both sewers and sewage disposal systems and all property, rights, easements and franchises relating thereto. (Source: NCGS § 162A-2)

Sewers means mains, pipes and laterals for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system, including pumping stations where deemed necessary by the authority. (Source: NCGS § 162A-2)

Sexually-Oriented Business means a use category containing ~~Any~~ businesses or enterprises that have as one of their principal business purposes or as a significant portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in NCGS § 14-202.10. A "Sexually-Oriented Business" includes any Adult Establishment. (Source: NCGS § 160D-902). ~~See §7.36 of this Ordinance.~~

Uses in this use category include: Adult Bookstore; Adult Establishment; Adult Live Entertainment Business; Adult Mini-Motion Picture Theater; Adult Motion Picture Theater; and other uses meeting the definition of Sexually-Oriented Business according to the Administrator.

Sexually Oriented Devices means any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device. (Source: NCGS § 14-202.10)

Sexually Oriented Devices means without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

SHEILD ~~means—Refers to~~ a “shielded fixture” which is an outdoor light fixture that is “shielded” or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

Shopping Center means a group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit. Any single store exceeding 25,000 gross square feet is subject to the restrictions of a superstore.

Short-Term Rental means a residential dwelling or any part of such dwelling that is offered, advertised, or provided to short-term rental tenants (excluding family members), for a fee or any form of compensation, for intervals of 29 days or less during a calendar year. This term does not include a hotel or motel, resort, boarding house, or similar use defined elsewhere in this UDO.

Short-Term Rental Host means any person who is the owner of record of residential property, or any person who is a lessee of residential property pursuant to a written agreement for the lease of such property, who offers a residential dwelling or portion of such dwelling as a short term rental.

Short-Term Rental, Host Occupied means a short term rental that is the primary residence of the short-term rental host.

Short-Term Rental, Non-Host Occupied means a short-term rental that is not the primary residence of the short-term rental host.

Short-Term Rental Tenant means any person (excluding family members of the property owner of the short-term rental) who rents a short-term rental for a fee or any form of compensation, for intervals of 29 days or less during a calendar year.

Shoulder means the earthen soil, clay, or gravel or turf section of pavement support extending from the outer pavement edge to the bottom of a side ditch including shoulder sections which are paved. (Source: 19A NCAC § 20.0404).

Shrub, Large means an upright plant growing to a mature height of more than 8 feet for use as natural ornamentation or screening.

Shrub, Medium means an upright plant growing to a mature height of 4 to 8 feet. SHRUB, SMALL

Side Clearance means the distance measured along the street right-of-way line from the nearest side property corner to the nearest edge of the driveway approach. - D-3. DEFINITIONS

Side Setback means the minimum horizontal distance between any building and the side property line.

Sidewalk means an area on public or private property where pedestrians walk or stand, generally parallel to the edge of the street, roadway or face of curb. D-3. DEFINITIONS Sidewalk section - That portion of a driveway between the outside sidewalk line and the driveway apron. D-3. DEFINITIONS

Sidewalk means the portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

Sign means any display of any combination of letters, words, numbers, symbols, emblems, objects, or pictures made visible to attract attention or make something known, whether the display is made on, attached to, or constructed as part of a building, structure, vehicle, or object. - 121.05

Significant Adverse Impact means impacts from activities that result in or contribute to any of the following consequences:

- A. Alteration of the wetland or river stream environment, including alteration which results from activities such as grading of slopes and banks, creation of impervious surfaces, removal of native vegetation, placement of fill within a wetland or river stream or associated riparian ecosystem;
- B. Disturbance or taking of wildlife, aquatic life, or other natural resources or habitats;
- C. Alteration of base flood elevations;
- D. Alteration of existing hydrologic or aquatic systems;
- E. Degradation of aesthetic, scenic or cultural values associated with the ecosystem;
- F. Degradation of environmental quality, including water quality, plant and wildlife communities, and ecosystem functions and stability.

Significant Stands Of Trees Or Shrubs means a massing or group of trees or shrubs which are (1) in good condition and are established on the site, or (2) which may be among the earliest grown species of the area, or (3) which have been identified by the community with a particular area.

Siltation means sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land disturbing activity; and which has been deposited, or is in suspension in water.

Single-Family Residential Complex means a group of single-family dwellings designed for individual separate ownership with unified management that provides common services and outdoor recreational facilities, but not including public bars, public restaurants or any commercial activity in connection therewith.

Single-Family Residential Dwelling means a separately owned residence for use by one family as a housekeeping unit with space for eating, living, and permanent provisions for cooking and sanitation. See NCGS § 87-15.5).

Site Evaluation means an investigation to determine if a site meets all federal and State standards as evidenced by the Waste Management Facility Site Evaluation Report on file with the Soil and Water Conservation District office or a comparable report certified by a professional engineer or a comparable report certified by a technical specialist approved by the North Carolina Soil and Water Conservation Commission. (Source: NCGS § 106- 802, Swine Farm Siting Act)

Site Plan means a development plan of one or more lots on which is shown

- A. the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plains, wetlands and waterways;
- B. the location of all existing and proposed buildings, drives, parking spaces, walkways, means or ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices;
- C. the location of building pads for all residential and non-residential buildings; and
- D. and location and extent of all external buffers from surrounding areas.

Site Specific Development Plan (SSDP) means a plan which has been submitted to a Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals: A planned unit development plan, a subdivision plat, a preliminary or general development plan, a conditional or special use permit, a conditional or special use district zoning plan, or any other land-use approval designation as may be utilized by a Town. Unless otherwise expressly provided by the Town, such a plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site specific development plan under this section that would trigger a vested right shall be finally determined by the Town pursuant to Article 13 of this Ordinance, and the document that triggers such vesting shall be so identified at the time of its approval. A variance shall not constitute a site specific development plan, and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site specific development plan. (Source: NCGS § 160A-385.1)

Site Specific Development Plan means a plan which has been submitted to a Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals: a Planned Unit Development plan, a TND Greenfield plan, a subdivision plat, a conditional or special use permit, a conditional use district zoning plan, or any other land-use approval designation as may be utilized by the Town. Such plans include the information set required by § 13.2.8. A variance shall not constitute a site specific development plan. Neither a Sketch Plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site specific development plan. - 13.2.4

Sketch Plan means a sketch preparatory to the preliminary plat or site plan (or final plat or site plan in the case of minor subdivisions or conditional use permits) to enable the subdivider to save time and expense in reaching general agreement with the platting authority as to the form of the plat and the objectives of this Ordinance.

Slaughterhouse means a building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage and/or sale of the product on the premises.

Slope means a vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

Sludge means any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects. (Source: NCGS § 130A-290)

Social Service means a use category containing uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems; transient housing related to social service programs; and housing for individuals legally confined.

Uses in this use category include: Correctional Institution, Domestic Abuse or Homeless Shelter; Drug, Alcohol or Psychiatric Treatment Center, In-Patient; Halfway House; Social Assistance (excluding child care centers); Soup Kitchen; and other uses meeting the definition of Social Service according to the Administrator.

Soil Survey means the Soil Survey of Cabarrus County, North Carolina, published by the Soil Conservation Survey of the U.S. Department of Agriculture, dated September 1988, which document is hereby incorporated by this reference.

Solar Energy System (SES) means the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. A system fits into one of three system types: Level 1 SES, Level 2 SES, and Level 3 SES. - 5.32.2

Solid Masonry means load-bearing or nonload-bearing construction using masonry units where the net cross-sectional area of cored brick in any plane parallel to the surface containing the cores shall be not less than 75 percent of its gross cross-sectional area. No part of any hole shall be less than 3/4 inch (19.1 mm) from any edge of the brick. Solid masonry units shall conform to ASTM C 55, C 62, C 73, C 145 or C 216. (Source: North Carolina State Building Code, Vol. VII, § 202).

Solid Waste Disposal Facility means a facility for the purpose of treating, burning, compacting, composting, storing or disposing of solid waste. (Source: NCGS § 159C-3)

Solid Waste Disposal Facility means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35). - 4.14.4

Solid Waste Disposal Site means any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method. (Source: NCGS § 130A-290)

Solid Waste Disposal Site means as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method. - 4.14.4

Solid Waste Management Facility means land, personnel and equipment used in the management of solid waste. (Source: NCGS § 130A-290)

Solid Waste means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:

- A. Fecal waste from fowls and animals other than humans. B. Solid or dissolved material in
 1. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters.
 2. Irrigation return flows.
 3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92- 500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
- B. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
- C. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).
- D. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article. (Source: NCGS § 130A-290)

Sound Management Program means a program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement. (Source: NCGS § 105-277.2).

Spacing means the closest distance between two driveways, measured along the right-of-way line from edge of drive to edge of drive. - D-3. DEFINITIONS

Special Concern Species means any species of plant in North Carolina which requires monitoring but which may be collected and sold under regulations adopted under the provisions of this Article. (Source: NCGS § 106- 202.12)

Special Flood Hazard Area (SFHA) means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance. - 4.14.4

Specific Plan means a document encompassing a specific geographic area of the Governing Agency which is prepared for the purpose of specifically implementing the Comprehensive Plan by

- A. refining the policies of the Comprehensive Plan to a specific geographic area; and
- B. containing specific recommendation as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service required for public facilities; physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams and other appropriate materials showing existing and future conditions.

Specified Anatomical Areas means a. Less than completely and opaquely covered: 1. human genitals, pubic region, 2. buttock, or 3. female breast below a point immediately above the top of the areola; or B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Source: NCGS § 14-202.10)

Specified Anatomical Areas means

- A. less than completely and opaquely covered
 - 1. human genitals, pubic region,
 - 2. buttock, or
 - 3. female breast below a point immediately above the top of the areola; or
- B. human male genitals in a discernibly turgid state, even if complete and opaquely covered. - 5.20.2. DEFINITIONS

Specified Sexual Activities means:

- A. Human Genitals in A State of Sexual Stimulation or Arousal;
- B. Acts of Human Masturbation, Sexual Intercourse or Sodomy; Or
- C. Fondling or Other Erotic Touchings Of Human Genitals, Pubic Regions, Buttocks or Female Breasts. (Source: Ncgs § 14 means 202.10)

Specified Sexual Activities means human genitals in a state of sexual stimulation, or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touchings of human genitals, pubic regions, buttocks, or female breasts. - 5.20.2. DEFINITIONS

Spinner means a wind activated, propeller-type device, which may or may not be attached to advertising copy. - 121.05

Spoil Bank means a deposit of excavated overburden or refuse. (Source: The Mining Act of 1971, NCGS § 74-49)

Square means open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscape consisting of paved walks, lawns, trees, and monuments or public art.

Stable, Commercial means a stable of horses, mules, or ponies which are let, hired, used or boarded on a commercial basis and for compensation. This facility may offer equestrian lessons and may include a show arena and viewing stands. See § 7.37 of this Ordinance.

Stable, Private means a detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale. STAFF – Unless otherwise indicated, the staff of the Planning Department.

Start of Construction means includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvements was within 180 days of the permit date. The actual start means the first placement of a permanently-constructed structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Start of Construction means that it includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building. - 4.14.4

State Highway means street or highway on the State Highway System.

State Highway System means the system of streets and highways as described in NCGS § 136-44.1. (Source: 19A NCAC § 20.0404).

Storm Drainage Facilities means the system of inlets, conduits, channels, dikes and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

Stormwater Collection System means as defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Stormwater means the flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt. (Source: NCGS § 143-213)

Stormwater Runoff means the direct runoff of water resulting from precipitation in any form. (Source: 15A NCAC § 4A.0005).

Story Above Grade means any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:

- A. More than 6 feet (1829 mm) above grade plane;
- B. More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter; or
- C. More than 12 feet (3658 mm) above the finished ground level at any point. (Source: North Carolina State Building Code, Vol. VII, § 202).

Story means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the surface of such floor and the ceiling or roof above it.

Stream means a watercourse that collects surface runoff from an area of one square mile or greater. This does not include flooding due to tidal or storm surge on estuarine or ocean waters. (Source: NCGS § 143-215.52).

Streamer means a string or strip of miniature or full-size pennants or flags which may or may not be suspended between two points. - 121.05

Street Frontage means the distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.

Street Line means a lot line dividing a lot from a street. (Source: North Carolina State Building Code, Vol. 1, § 202).

Street means any public thoroughfare, street, avenue, or boulevard which has been dedicated or deeded to the public for public use. (Source: North Carolina State Building Code, Vol. 1, § 201.3). Includes any Road.

Street Tree means a tree planted along a public street or roadway behind or within the right-of-way.

Street Yard means a planting yard comprised of a strip of land containing landscaping materials located along and parallel to a public street, or streets and having a varying minimum width, as specified in this Article.

Strip Development means a form of development characterized by the following:

- A. the primary uses are commercial or retail in nature;
- B. the development site takes direct access from an Arterial or Collector Road;
- C. the site contains parking located above ground level and lying between the accessed roadway and the primary buildings; and
- D. the site is characterized by substantial frontage along the road or roads from which it takes primary or secondary access, or by numerous access points along a roadway serving primarily retail and/or commercial uses.

Structural Alteration means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or exterior walls.

Structure means anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the Building Code, including an edifice or building of any kind. Structures do not include ditches and their appurtenances, poles, lines, cables, or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences. Includes both permanent and temporary structures. "Structure" - a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground - 4.14.4

Structure, Main or Principal means see "Building, Main or Principal."

Structure, Permanent means anything constructed or erected within a required location on the ground or which is attached to something having location on the ground, including a fence or free-standing wall.

Structure, Temporary means a moveable structure not designed for human occupancy or for the protection of goods or chattel, and not forming an enclosure, and placed on a parcel of land for a period of time equal to one year or less.

Stub-Out (Stub-Street) means a portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

Subdivide or "Subdivide Land" means the act or process of creating a Subdivision.

Subdivider means any Person who

- A. having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who

- B. directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who
- C. engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision, and who is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development whether immediate or future, and all divisions of land involving the dedication of a new street or change in existing street.s; ~~provided, however, that the following shall not be included within this definition:~~

- A. ~~the combination or re-combination of portions of previously platted subdivided or recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;~~
- B. ~~the division of land into parcels greater than 10 acres where no street right of way dedication is involved;~~
- C. ~~the public acquisition, by purchase, of strips of land for the widening or the opening of streets; and~~
- D. ~~the division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right of way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance. (Source: NCGS § 160A-376). See ARTICLE 5 of this Ordinance.~~

Subdivision Entrance Sign: A monument sign located along the entry to a subdivision from a collector or arterial street.

Subdivision, Major means a subdivision that is not a minor subdivision.

Subdivision, Minor means a subdivision involving no new public street right-of-way dedications (except widening of existing, platted street rights-of-way).

Subgrade means the foundation layer of a street.

Subsidiary means a person who is directly, or indirectly through one or more intermediaries, controlled by another person.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged-condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial Damage means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. - 4.14.4

Substantial Improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- A. any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. - 4.14.4

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Superstore means a retail structure or group of structures have a total of in excess of twenty-five thousand (25,000) square feet of Gross Floor Area.

Surface, Impervious means see Impervious Surface.

Surveyor means a land surveyor registered by the State of North Carolina.

Swale means an elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primary drainage channels and allow some of the storm water to infiltrate into the ground surface.

Swimming Pool, Private means a pool established or maintained on any premises by an individual for use by his/her family or guests of his/her household.

Swine Farm means a tract of land devoted to raising 250 or more animals of the porcine species. (Source: NCGS § 106-802, Swine Farm Siting Act)

Swine House means a building that shelters porcine animals on a continuous basis. (Source: NCGS § 106-802, Swine Farm Siting Act)

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Television, Radio and Film Station means a facility for the production of films and/or the production and broadcast of television and radio programs including but not necessarily limited to: offices, dressing rooms, studios, sound stages, file rooms, and set stage, but not including transmitting facilities.

Temporary means unless otherwise specified, for a period of time less than or equal to one year.

Temporary Sign means a sign ~~advertising a special event and~~ not intended for display on a permanent basis. - 121.05

Temporary Use means see Use, Temporary.

Ten-Year Storm means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 10 years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions. (Source: 15A NCAC 2H.1002; Sedimentation Control Standards).

Thoroughfare means a Major or Minor Thoroughfare or an arterial or collector street as identified on the Thoroughfare Plan.

Thoroughfare Plan means the document entitled Cabarrus - South Rowan Urban Area Transportation Plan prepared by the Statewide Planning Branch, Division of Highways, North Carolina Department of Transportation and dated October 1997 (or newer edition as amended), which document is hereby incorporated by this reference.

Threatened Species means any resident species of plant which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, or one that is designated as threatened by the Federal Fish and Wildlife Service. (Source: NCGS § 106-202.12)

Through Lot means see "Lot, Through."

Time Share means a "time share" as defined in NCGS 93A-41(9).

Tire Collection Site means a site used for the storage of scrap tires. (Source: NCGS § 130A-309.53)

Tire Processing Site means a site actively used to produce or manufacture usable materials, including fuel, from scrap tires. (Source: NCGS § 130A-309.53)

Total Mounted Height means the sum of the heights of the light pole, the lamp, and the base.

Total Permissible Dwelling Units Or Square Footage means the total density or intensity of a project computed pursuant to Section 4.7 of this Ordinance.

Tower means any ground-mounted, pole, spire, structure or combination thereof, including supporting lines, cables, wires, braces and masts, to which a telecommunications antenna is attached or affixed. - 5.21.2

Tower, Lattice means three- or -four-legged steel girded structures typically supporting multiple communications users and services generally ranging from 60 to 200 feet in height. - 5.21.2

Tower, Monopole means single pole design, approximately three feet in diameter at the base narrowing to approximately one and a half feet at the top, generally ranging from 25 to 150 feet in height. - 5.21.2

Town Council means town of Harrisburg Town Council. Also referred to as the "Council" unless otherwise noted.

Town means the Town of Harrisburg, North Carolina. - 13.2.4

Townhouse means a single-family dwelling unit constructed in a series, group or row of attached units separated by property lines and with a yard on at least two sides. (Source: North Carolina State Building Code, Vol. 1, §201.2 and Vol. VII, § 202). The term "townhouse" also includes a single-family dwelling constructed in a series or group of attached units with property lines separating each unit. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Toxic Waste means that waste, or combinations of wastes, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformities, in such organisms or their offspring. (Source: NCGS § 143-213)

Tract means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

Trail means any paved greenway, unpaved greenway, or wildlife/botanical greenway dedicated to public use. The term "trail" includes:

- A. Park trail. A trail designated and managed as a unit of the North Carolina State Parks System under NCGS Chapter 113, Article 2C.
- B. Designated trail. A trail designated by the Secretary pursuant to this Article as a component of the State trails system and that is managed by another governmental agency or by a corporation listed with the Secretary of State.
- C. A State Scenic Trail, State Recreation Trail, Or State Connecting Trail Under NCGS 113A-86 when the intended primary use of the trail is to serve as a park trail or designated trail.
- D. Any other trail that is open to the public and that the owner, lessee, occupant, or person otherwise in control of the land on which the trail is located allows to be used as a trail without compensation, including a trail that is not designated by the Secretary as a component of the State trails system (Source: North Carolina Trails System Act , NCGS § 113A-85)

Transfer Station, Hazardous means a facility used for storage of non-hazardous waste for a period of less than 90 days.

Transient means housing or accommodations which are typically occupied by residents for periods of two weeks or less, including, but not limited to, hotels, motels and travel lodges.

Transit Facility means all real and personal property necessary or useful in rendering transit service by means of rail, bus, water and any other mode of travel including, without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service.

Transit Station means any Structure or Transit Facility that is primarily used, as part of a Transit System, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

Transit System means the property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls, and skyways.

Transit Terminal means a commercial or public facility for the loading and unloading of passengers, luggage, and packages, including sales of fares, and which may include accessory restaurants, indoor commercial amusements, and retail sales, but not including airports.

Transmission Lines means electric lines (115 KV and over) and appurtenant facilities, or pipelines/conveyors (10 inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

Travel Trailer means a vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight feet (8') in width and/or forty feet (40') in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

Treatment Works means any plant, septic tank disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfill, or other works not specifically mentioned herein, installed for the purpose of treating, equalizing, neutralizing, stabilizing or disposing of waste. (Source: NCGS § 143-213).

Tree, Ornamental means a small to medium tree, growing to a mature height of 15 to 40 feet and characterized by specific aesthetic qualities, such as colorful flowering, interesting bark or brilliant fall foliage.

Tree, Shade means a large tree growing to a height of 40 feet or more at maturity, usually deciduous, and characterized by its ability to provide canopy cover shade.

Tree Protection Area means the temporarily fenced in area around a preserved tree's critical root zone.

Triplex means a building which contains three dwelling units, each of which has direct access to the outside or to a common hall.

Truck and Multi-Modal Terminal means a facility for truck loading and unloading and cargo storage.

Truck Camper means a portable unit consisting of a roof, floor and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.

Truck Parking Area means an area for the parking of trucks which are often left with either their motors running and/or their refrigerator unit motors operating.

T-Shaped Sign means a portable sign comprised of one or more panels or faces joined at the bottom to a perpendicular base on which the sign stands. - 121.05

Twenty-Five Year Storm means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

U

Unattended Clothing Container means any box, bin, dumpster, trailer, or any other receptacle that is intended for the use as a collection point for donated clothing or other household materials at times when no employee or representative of the sponsoring company or organization is present to accept donations.

Uncovered means the removal of ground cover from, on, or above the soil surface.

Underground Pressurized Irrigation System means a watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that one hundred percent (100%) irrigation water coverage is provided.

Underlying District Or Underlying Zoning District means a standard zoning district classification which is combined with an overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions.

Unique Or Special Areas Parks means any unique or special area as defined in the Cabarrus County Parks and Recreation Master Plan, at 4-8.

Unsuitable Or Unstable Slope means an area susceptible to a landslide, a mudflow, a rockfall or accelerated creep of slope-forming materials.

Upzoning means the reclassification of land from a Residential to a Non-residential Zoning District, or to a Zoning District which permits greater density or intensity than the current zoning classification of the property.

Use Matrix means the schedule of permitted uses, conditional uses and accessory uses within each zoning district set forth in Table 4.6-1 of this Ordinance.

Use means the purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

Use Permits means approval, with appropriate stipulations, by the Governing Agency after public hearing of a use, structure, condition or manner of operation in conjunction with an otherwise permitted use which, by ordinance, requires the property owner or applicant to obtain such a permit.

Use, Approved means any use that is or may be lawfully established in a particular district or districts, provided that it conforms with all requirements of these regulations for the district in which such use is located.

Use, Quasi-Public means uses which are considered to be dedicated to public service or to culture. These uses include, for the purposes of this Code, public, schools, hospitals, universities and churches.

Use, Temporary means a use that is established for one year or less, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure. See § 7.39 of this Ordinance.

Use, Variance means a variance as to the permissible use of land, including a variance that in effect grants a development permit. A use variance is not permitted under North Carolina law.

Used Oil Recycling Facility means any facility that recycles more than 10,000 gallons of used oil annually. (Source: NCGS § 130A-290)

Utilities means a use category containing major or minor infrastructure that serves a site, a development, or the Town at-large. Major Utilities include public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity and possibly having on-site personnel. Minor Utilities include public or private infrastructure serving a limited area with no on-site personnel. ~~Services and facilities provided by public agencies and public monopolies such as electrical and gas service, water (domestic and irrigation), sewage disposal, drainage systems, and solid waste disposal.~~

Major Utilities in this use category include: Electric or Gas Generation Plant; Solar Energy System; Water Tower; Wireless Telecommunications Tower; and other uses meeting the definition of Major Utilities according to the Administrator.

Minor Utilities in this use category include: Electrical Substation; Neighborhood-Serving Cable, Telephone, Gas or Electric Facility; On-Site Stormwater Retention or Detention Facility; Sustainable Energy System; Utility Service; Water or Wastewater Pump Station or Lift Station; and other uses meeting the definition of Major Utilities according to the Administrator.

Utility Extension means the extension of a water or sewer line that falls under the ownership and maintenance of the Town of Harrisburg.

Utility Facilities means buildings, structures, or land used by a utility, railroad, or governmental agency for uses such as, but not necessarily limited to, water or sewage treatment plants or pumping stations, substations, telephone exchanges, and resource recovery facilities, but not including land, buildings, or structures used solely for storage and maintenance of equipment and materials.

Utility Pole means pole used to support essential services such as power, telephone, or cable TV lines; or used to support street or pedestrian way lighting, typically located in public rights-of-way.

Utility Service Yards means buildings, structures or land used by a utility, railroad, or governmental agency solely for the purpose of storing and maintaining equipment and materials.

V

Valance means a short apron which is designed and installed as part of a canopy/awning and is usually, but not necessarily vertical.

Valance means a short apron designed and installed as part of a canopy/awning and is usually, but not necessarily vertical. - 121.05

Variance means a grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

Variance means is a grant of relief from the requirements of this ordinance. - 4.14.4

Vegetative Buffer means an area of natural or established vegetation directly adjacent to surface waters through which stormwater runoff flows in a diffuse manner to protect surface waters from degradation, as more defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Vegetative Filter means an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner, so that runoff does not become channelized, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Vegetative Ground Cover means wood bark, shredded or chipped wood (installed over an adequate mat of fabric weed barrier), sod, or live plants.

Vehicle means any self-propelled device in, upon, or by which any person or property may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Vehicle Sales and Service a use category containing establishments related to direct sales of and service to passenger vehicles, light, medium, and heavy trucks and equipment, and other motor vehicles such as motorcycles, boats, and recreational vehicles.

Uses in this use category include: Automobile Repair, Major; Automobile Repair, Minor; Automotive Parts, Tires, and Accessories Sales; Automobile Sales, Rental & Leasing; Automobile Sales, New & Used; Car Wash; Truck Stop or Travel Plaza; and other uses meeting the definition of Vehicle Sales and Service according to the Administrator.

Vehicle Use Area means an unenclosed area used by three or more vehicles of any type, moving or at rest, including, but not limited to, parking lots, loading and unloading areas, stacking lanes, access and circulation drives, driveways, and parking aisles.

Vehicle Sign means a sign attached to a vehicle. A vehicle sign is considered a Portable Sign. 121.05

Vehicle, Abandoned or Junk means a vehicle or any major portion thereof which is incapable of movement under its own power and will remain without major repair or reconstruction.

Vehicle, Commercial means any motor vehicle with a manufacturer's chassis rating greater than one ton.

Vehicle, Motor means a device, in, upon or by which any person or property is or may be transported or drawn upon a road of highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles. For the purpose of these regulations "motor vehicles" are divided into two divisions: First Division: Those motor vehicles which are designed for the carrying of not more than 10 persons. Second Division: Those motor vehicles which are designed for carrying more than 10 persons, those designed or used for living quarters, and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second, and those motor vehicles of the first division used and registered as school buses. All trucks shall be classified as motor vehicles of the second division.

Vehicular Canopy – A Roofed, Open, Drive means through structure designed to provide temporary shelter for vehicles and their occupants while making use of a business' services.

Vehicle Use Area means any open or unenclosed area used by three or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, stacking lanes, access and circulation drives, driveways, parking aisles, and parking garages.

Very Low Income Housing means dwelling units reserved for occupancy or ownership by persons or households whose annual gross income does not exceed fifty percent (50%) of the area median household gross income for households of the same size in the Charlotte metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

Vested Right means the right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan for a specified time, regardless of changes in this Ordinance. (Source: NCGS § 160A-385.1)

Vested Right means the right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan. - 13.2.4

Veterinarian means a facility or establishment rendering surgical and medical treatment to animals, which may include overnight accommodations for purposes of recovery or boarding. For the purpose of these regulations, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a residence. Crematory facilities shall not be allowed in a veterinarian establishment.

Vines means a woody plant that spreads as it grows over the ground, walls or trellises.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided. - 4.14.4

W

Wall Pack means a type of light fixture typically flush-mounted on a vertical wall surface.

Wall Sign means a sign affixed on and parallel to the exterior wall of any building and projecting up to 12 inches from the wall. Signs mounted on porticoes are considered wall signs. - 121.05

Wall, Exterior means a wall, bearing or nonbearing, which is used as an enclosing wall for a building, other than a party wall or fire wall. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

Warehousing and Distribution, General means an establishment offering indoor or open-air storage and distribution and handling of materials and equipment, such as vehicle storage, monument or stone yards, grain elevators, or open storage yards.

Warehousing and Storage means a use category containing ~~B~~buildings used for the rental of space to the public for the storage of merchandise, commodities or personal property and where access is under the control of the building management, but excluding the warehousing and storage of explosive, corrosive noxious materials, such as dust, fumes or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties.

Uses in this use category include: Electronic Shopping & Mail-Order House; Farm Products, Warehousing and Storage; Lumber, Warehousing and Storage; General & Refrigerated Warehousing and Storage; and other uses meeting the definition of Warehousing and Storage according to the Administrator.

Waste Related Use means a use category containing establishments that receive solid or liquid wastes from others for treatment or transfer to another location and uses that manufacture or produce goods or energy from the large-scale composting of organic material.

Uses in this use category include: Landfill, Demolition; Solid Waste Collection and/or Disposal (Hazardous or Non-Hazardous); Salvage/ Yard; and other uses meeting the definition of Waste-Related Use according to the Administrator.

Wastewater Collection System means a unified system of pipes, conduits, pumping stations, force mains, and appurtenances other than interceptor sewers, for collecting and transmitting water-carried human wastes and other wastewater from residences, industrial establishments or any other buildings, and owned by a local government unit. (Source: NCGS § 159G-3).

Wastewater Facilities means structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal systems, and on-site septic systems.

Wastewater means any sewage or industrial process wastewater discharged, transmitted, or collected from a residence, place of business, place of public assembly, or other places into a wastewater system. (Source: NCGS § 130A-334).

Wastewater System means a system of wastewater collection, treatment, and disposal in single or multiple components, including a privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system, any other similar system, and any chemical toilet used only for human waste. (Source: NCGS § 130A-334).

Water Dependent Structures means as defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Water Facilities means systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, storage facilities, and transmission and distribution mains.

Water Pollution Control Facility means any structure, equipment or other facility for, including any increment in the cost of any structure, equipment or facility attributable to, the purpose of treating, neutralizing or reducing liquid industrial waste and other water pollution, including collecting, testing, neutralizing, stabilizing, cooling, segregating, holding, recycling, or disposing of liquid industrial waste and other water pollution, including necessary collector, interceptor, and outfall lines and pumping stations, which shall have been certified by the agency exercising jurisdiction to be in furtherance of the purpose of abating or controlling water pollution. (Source: NCGS § 159C-3).

Water Pollution Control System means a system for the collection, treatment, or disposal of waste for which a permit is required under rules adopted by either the North Carolina Environmental Management Commission or the Commission for Health Services. (Source: NCGS § 90A-46).

Water Pollution means the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of the waters of the State, including, but specifically not limited to, alterations resulting from the concentration or increase of natural pollutants caused by man-related activities. (Source: NCGS § 143-213).

Water Supply System means a public water supply system consisting of facilities and works for supplying, treating and distributing potable water including, but not limited to, impoundments, reservoirs, wells, intakes, water filtration plants and other treatment facilities, tanks and other storage facilities, transmission mains, distribution piping, pipes connecting the system to other public water supply systems, pumping equipment and all other necessary appurtenances, equipment and structures. (Source: NCGS § 159G-3).

Water Surface Elevation (WSE) means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. - 4.14.4

Water System Improvements Or Sewer System Improvements means such repairs, replacements, additions, extensions and betterments of and to a water system or a sewer system as are deemed necessary by the authority to place or to maintain such system in proper condition for its safe, efficient and economic operation or to meet requirements for service in areas which may be served by the authority and for which no existing service is being rendered. (Source: NCGS § 162A-2).

Water System means all plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water or the control and drainage of stormwater runoff and any integral part thereof, including but not limited to water supply systems, water distribution systems, structural and natural stormwater and drainage systems of all types, sources of water supply including lakes, reservoirs and wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves, and all necessary appurtenances and equipment and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2).

Water Treatment Facility means any facility or facilities used or available for use in the collection, treatment, testing, storage, pumping, or distribution of water for a public water system. (Source: NCGS § 90A-20.1).

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. - 4.14.4

Watercourse means any lake, river, stream, creek, or other body of water or channel having banks and bed through which water flows at least periodically.

Waters means any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of the Town. (Source: NCGS § 143-212).

Watershed Commission means the Cabarrus County Watershed Improvement Commission.

Watershed means a natural area of drainage, including all tributaries contributing to the supply of at least one major waterway within the State, the specific limits of each separate watershed to be designated by the North Carolina Environmental Management Commission. (Source: NCGS § 143-213).

Wet Detention Pond means as defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

Wetland means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands shall be designated in accordance with the Corps of Engineers Wetlands Delineation Manual (United States Department of Commerce, National Technical Information Service, January 1987). Copies of the Wetland Delineation Manual may be obtained by contacting the National Technical Information Service.

Wholesale Trade means a use category of containing establishments involved in the sale, lease, or rent of products to industrial, institutional or commercial enterprises only. The uses emphasize on-site sales or order-taking and often include display areas. The business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.

Uses in this use category include: Alcoholic Beverage Supply, Auction House (General Merchandise), Building Material Supply (with no outdoor storage), Building Material Supply (with outdoor storage), Catering Services, Clothing, Piece Goods & Shoe Supply, Coal & Ore Supply (with outdoor storage), Electronic Equipment and Parts Supply, Equipment Rental & Leasing (with indoor storage), Equipment Rental & Leasing (with outdoor storage), Farm Supply Product Sales (with indoor storage), Farm Supply Product Sales (with outdoor storage), Florist & Nursery Supply (with indoor storage), Florist & Nursery Supply (with outdoor storage), Hardware, Plumbing & Heating Supply, Jewelry Supply, Lawn & Garden Supply (with no outdoor storage or display), Lawn & Garden Supply (with outdoor storage or display), Lumber & Construction Materials (w/ indoor storage), Lumber & Construction Materials (with outdoor storage), Metal & Pipe Supply (with indoor storage), Metal & Pipe Supply (with outdoor storage), Music & Musical Instrument Supply, Nurseries, Paint, Varnish & Paint Supplies, Paper/Paper Product Supply, Pharmaceutical and Drug Supply, Professional & Commercial Equipment Supply, Tobacco/Tobacco Product Sales, and other uses meeting the definition of Wholesale Trade according to the Administrator.

Wind-Driven Sign means consists of one or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subject to pressure by wind or breeze and by that movement attract attention and function as a sign (see definition of SIGN).

Window Sign means a sign applied to the building glass area and located so that the copy is visible from off-premise. - 121.05

Winery/Cidery means an establishment engaged in the production and distribution of wine, cider, and other fermented fruit beverages. The establishment may include uses permitted in the district in accordance with state and local laws.

Winery/Cidery-Micro means an establishment engaged in the production and distribution of wine, cider, and other fermented fruit beverages with a capacity not to exceed 1000 gallons per year. The establishment may include areas for demonstration, education, tasting, and other uses permitted in the district, in accordance with state and local laws.

Wireless Telecommunication Services (WTS) means licensed or unlicensed wireless telecommunication services including cellular, digital cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), commercial or private paging services, or similar services marketed or provided to the general public. This definition does not include services by non-commercial entities in the amateur radio service, public safety radio service, or licenses assigned non-profit organizations such as the Red Cross, Civil Air Patrol, or other military affiliated radio services that are licenses by the Federal Communications Commissions. 5.21.2

Woodland means all forest areas, both timber and cut-over land, and all second-growth stands on areas that have at one time been cultivated. (Source: NCGS § 113-57).

X

Xeriscape means landscaping with native plants that utilizes the existing environmental conditions to the best advantage, conserving water and protecting the native environment.

Y

Yard means an open unoccupied space, other than a Court, unobstructed from the ground to the sky, on the Lot on which a Building is situated. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII. § 202).

Yard Setback means the minimum horizontal distance between any building and the property line.

Yard, Front means a yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

Yard, Rear means a yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard.

Yard, Required means the minimum open space as specified by the regulations of this Ordinance for front, rear and side yards, as distinguished from any yard area in excess of the minimum required. See "Buildable Area."

Yard, Side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the flag pole portion of the lot exceeds the front yard setback. Where a lot has sufficient land area, the side yard may exceed the minimum side setback as specified in § 4.7 of this Ordinance. (See Figure in definition of "required setback.") An interior side yard is defined as the side yard adjacent to a common lot line.

Z

Zero Lot Line means the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zoning Clearance means the issuance of a permit or authorization by the Zoning Inspector indicating that a proposed building, structure or use of land meets all of the standards, criteria, procedures and requirements contained in this Ordinance.

Zoning District means any portion of the area of the Town in which the same Zoning regulations apply.

Zoning Inspector means the Administrator or his duty authorized representative.